

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-60573-CIV-MORENO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MUTUAL BENEFITS CORP., et al.,

Defendants,

VIATICAL BENEFACTORS, LLC, et al.,

Relief Defendants.

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**RECEIVER'S MOTION TO APPROVE PROPOSED CLAIMS PROCESS**

Roberto Martínez, as the court-appointed receiver ("Receiver") of Mutual Benefits Corp. ("MBC"), Viatical Benefactors, LLC ("VBLLC"), Viatical Services, Inc. ("VSI"), and Anthony Livoti, Jr. and Anthony Livoti, Jr., P.A. solely in their capacity as trustee (collectively the "Receivership Entities"), moves this Court to approve and adopt a process for use in the determination of any and all claims asserted against the Receivership Entities by investors and other creditors. This motion only seeks authority for the process to be used, and for the Claim Form to be sent out; it does not ask the Court to resolve at this point what types of claims will be recognized or how the assets held and/or collected by the Receiver should be distributed.

**BACKGROUND**

On May 3, 2004 the Securities and Exchange Commission ("SEC") filed an action seeking the entry of a temporary restraining order, a preliminary injunction, a permanent injunction and other relief with respect to the Receivership Entities (DE#1) as a result of violations of federal securities laws by MBC and its former principals. On May 4, 2004, the Court entered a Temporary Restraining Order and Other Emergency Relief (DE#25), and entered an Order Appointing Receiver (DE#26). On February 14, 2005 this Court entered its Order Granting Motion for Preliminary Injunction (DE#711), sustaining the Report and Recommendation of Magistrate Judge Barry L. Garber dated November 10, 2004 (DE#522), as supplemented on November 16, 2004 (DE#529).

The Receivership Entities were in the viatical settlement business. The Receivership Entities solicited funds from investors to be invested in viaticated insurance policies. These are insurance policies where the insured has agreed to assign the ownership and beneficial interests in his or her insurance policy in exchange for a cash payment. The investors are then assigned an interest in such policy, with the return on the investment realized upon the death of the insured and the maturity of the policy. As has been detailed in the Court's Order Granting Preliminary Injunctions and in Magistrate Judge Garber's Report and Recommendation, as well as in several Receiver's Reports previously filed with the Court, the SEC's complaint, and a class action filed against a number of parties, the Receivership Entities were utilized to conduct improper, fraudulent and criminal activities, the result of which is that: (1) most policies administered through the Receivership Entities did not mature and are not maturing at the times anticipated by investors; and (2) there were insufficient funds set aside to pay the premium obligations and continue to maintain such policies to maturity. For example, in the Order Granting Motion for Preliminary Injunction, this Court

“specifically found sufficient evidence of fraud by the defendants, which resulted in a benefit to the relief defendants. Specifically the Court finds credible evidence that the announced life expectancies were the product of fraud.” (DE#711 at p.2)

Consequently, it is clear that investors have suffered and are going to suffer substantial losses, and that the Receivership Entities’ assets will be insufficient to make the investors whole. The ultimate purpose of the receivership proceeding is to preserve and recover such assets as are available to the Receivership Entities, with the ultimate goal of distributing those assets to the investors/creditors who have suffered losses. Since the Receiver was appointed, he has recovered and/or assisted in the recovery of approximately \$26,000,000 through the prosecution and resolution of litigation claims against various parties who were responsible for the Receivership Entities’ losses and other asset recoveries. (This figure does not include the proceeds of the sales of policies undertaken in the disposition process or the significant amounts the Receiver will obtain through the liquidation of interests in policies owned by the Receivership Entities.)

On September 14, 2005, this Court entered its Order on Disposition of Policies and Proceeds (DE#1339) (the “Disposition Order”), and entered a subsequent Order Clarifying Disposition Order and Approving Form of Notice (DE#1474) (the “Clarification Order”). These Orders collectively directed that investors be provided an opportunity to vote on whether to keep, sell or surrender the policy(s) in which they had an interest, and authorized the manner by which the Receiver was to solicit investors’ votes. The decision as to how to dispose of each policy was determined by the vote of the majority of the interests in a policy.

As a result of the Disposition Order and Clarification Order, there are now three basic groups of investors – (1) those whose policies had a majority vote to sell their policy (the “Selling Investors”), (2) those whose policies had a majority vote to keep their policy (the “Keeping

Investors”), and (3) those whose policies have matured since the inception of the Receivership and the death benefits been distributed (the “Matured Policy Investors”). The Receiver has been engaged in an ongoing effort to sell the policies designated by Selling Investors to be sold, and has realized approximately \$25,000,000 in gross proceeds from the sale of two portfolios of policies so far, as previously approved by this Court. Additional policies remain to be sold. The Receiver has also been engaged in the ongoing maintenance and preservation of policies for the Keeping Investors, who became responsible for the payment of administrative fees to VSI and the payment of their pro rata share of the premium obligations associated with their policies.<sup>1</sup>

In order to achieve the ultimate goal of the Receivership, the Receiver now proposes that the Court approve and adopt a claims process as set forth below.

#### **PROPOSED CLAIMS PROCESS**

##### **A. The Basis for Investor Claims.**

The vast majority of the claims which the Receiver expects to be asserted against the Receivership Entities are claims by defrauded investors in the viatical settlements. The Receiver proposes that the Claim Form sent out to all investors should include, for each investor, pre-printed information on the total amount of their initial investment(s). The Receivership Entities’ own records will enable the Receiver to pre-print Claim Forms that contain the amount of the investor’s total initial investment(s). By sending out pre-printed Claim Forms with this information on it (as opposed to having the investor fill in the information from their own records), the process will be less burdensome for the investor and less time-consuming and less costly for the Receivership. If the

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<sup>1</sup> There is also a fourth, more limited category of investors. A limited number of investors could not effectively participate in the disposition process, because the policies they had interests in were the subject of litigation or were otherwise determined to be unsellable. These investors have invested a certain amount with the Receivership Entities, but have been unable to mitigate their damages by electing to either sell their policy or keep their policy.

investor disputes the information provided on the Claim Form or disputes the basis for their claim, the Claim Form allows them to so state and to provide supporting documentation. This type of claims process has been recognized as providing sufficient protection to the due process rights of creditors. *See, e.g., SEC v. TLC Investments and Trade Co.*, 147 F. Supp. 2d 1031, 1037 (C.D. Cal. 2001) (“Regarding the pay out of claims to investors, the Receiver will initially contact the investors with a suggestion as to the amount of their claim, based on the Receiver’s reconstruction of the TLC entities’ records. If an investor disagrees with that amount, he or she can inform the Receiver and ask for reevaluation.”).

Although the Court need not resolve the issue at this stage, the Receiver plans to take the position at the conclusion of the claims process that the most equitable and reasonable basis for determining investors’ claims is the amount of their initial investment. The basis for investor claims, in the Receiver’s view, should not include the amount the investor expected to make in investment return, the lost time value of their delayed investment return or other expectancy-type damage claims. It is generally recognized that an investor in a fraudulent scheme is entitled to the return of their investment, but is not entitled to realize a profit from such scheme. *See, e.g., CFTC v. Equity Financial Group, LLC*, 2005 WL 2143975, at \*22-\*23 (D.N.J. Sept. 2, 2005) (adopting Receiver’s recommendation that “claims be recognized only for actual dollar amounts invested,” and agreeing that “recognizing profits or other earnings in claims for distributions would be to the detriment of later investors and would therefore be inequitable”).

In addition, the logistics of attempting to determine expectancy-type damages claims on an individualized basis for over 30,000 investors with over 50,000 investment interests would be extremely burdensome, unrealistic, and ultimately somewhat arbitrary. Even if the business of the Receivership Entities had been conducted lawfully, the investors had no guaranty that an investment

in any particular viaticated policy would mature at the time projected in the life expectancy estimate; the true opportunity cost, on an individual basis, is thus impossible to accurately quantify. Accordingly, in order to treat all investors fairly and equally, the Receiver believes that both Selling Investors' and Keeping Investors' claims should be allowed for the total amount of their initial investment (and no additional amounts).

**B. Investors With Matured Policies.**

Policies that have already matured present an issue that the Court should be aware of. The Matured Policy Investors have already received a distribution of their pro rata interest in the death benefit of the policy and as a result have already realized the return on their investment. As a result, the Receiver does not propose to send Claim Forms to the Matured Policy Investors. In some instances, investors on such matured policies may have already expended their own funds for VSI administrative fees or premium payments prior to the maturity of the policy, or the Receiver may have recouped from the gross death benefit on the policy the premium payments advanced by the Receiver subsequent to the disposition of such policy and prior to the maturity of the policy. The Receiver does not intend to send claim forms to such investors either. In the Disposition Process, the investors were given an opportunity to vote on how to mitigate their losses by selling the policy, keeping the policy or allowing the policy to lapse. By opting to mitigate their losses by voting to keep the policy, the investor agreed to take on the administrative expense and shared premium burden for the policy going forward, so such expenses should not be seen as part of the investor's losses from the Receivership Entities' fraudulent conduct.

**C. Ongoing Policy Maturities.**

Additional policies will inevitably mature between the time when the Claim Forms are sent out and the date when the Receivership Estate is ultimately distributed. This could lead to a problem

of “double dipping” by certain investors in the claims process. Certain investors will have their policies mature before the distribution of the Receivership Estate, but will also have a recognized claim submitted in the claims process. This would lead to inequitable, preferential treatment of such investors if they were to receive both the death benefit on their investment and a pro rata share of the Receivership Estate distribution. Assuming the Court agrees, as the Receiver proposes above, that Matured Policy Investors should not have a claim in the claims process, then such investors should only receive their death benefit distribution. To avoid this “double dipping” problem, the Receiver proposes, beginning from the time this Court authorizes the claims process to begin, to require investors whose policies mature to release their claims in the claims process as a condition of receiving their share of the death benefits. Like the already existing pool of Matured Policy Investors, the future Matured Policy Investors will be realizing the return on their investment, but would not simultaneously be entitled to a pro rata share of the Receivership Estate.

**D. Non-Investor/Creditor Claims.**

Although the great majority of the claims that will be asserted against the Receivership Entities will be from investors, there are other parties who may wish to assert claims as well. The non-investor claims could include trade creditors such as landlords, vendors and suppliers, as well as former employees, pre-receivership professionals, brokers, and other potential claimants. The amounts available for distribution in this Receivership will be far short of the amounts that would be required to fully compensate the defrauded investors, and so the Receiver will likely seek subordination or rejection of non-investor claims at the conclusion of the claims process. However, whether or not these claims are ultimately recognized, the Receiver submits that these non-investor claimants should be given the opportunity to file Claim Forms. Such claims would require supporting documentation or other information supporting the amount of the claim asserted (*e.g.*,

invoices for goods supplied or services rendered for which payment were not received due to the institution of the Receivership).

In addition, even if such claims are recognized by the Court, there are legal limitations on which “pools” of assets currently held by the Receiver may be looked to in connection with such claims. Most significantly, the funds currently maintained by the Receiver that resulted from the disgorgement and penalties paid by the Defendants in the SEC Action are limited to distribution solely to the victim investors (and not creditors). *See, e.g.*, 15 U.S.C. § 7246. Similarly, funds obtained through the Investors Class Action, and now maintained by the Receiver, were realized as the result of claims brought solely on behalf of defrauded investors.

**E. Issues to be Resolved at a Later Date.**

The authorization the Receiver seeks at this point is only to begin the claims process, a timeline for the process, and for approval of the Claim Form to be used. The Court does not need to resolve at this stage what amount will be the allowed claim or whether other types of claims beyond “dollars invested” will be allowed. Those decisions can be made after all claims have been returned, and all of the types of claims asserted can be reviewed. The mere sending out of the Claim Form does not mean that the claim will ultimately be recognized – a caution made on the Claim Form.

**F. The Process for Resolving Claims.**

The Receiver proposes that, after the Court approves the text and format for the Claim Form, the Receiver’s claims administrator will send the Claim Form (in English and in Spanish) out to all known investors (other than Matured Policy Investors) and all known creditors within 20 days of the entry of the Order Approving Claims Process. The Receiver proposes to send the Claim Form out by e-mail to all investors who have previously provided an e-mail address as an accepted means of communication with them. The Receiver will send the Claim Form to all other investors and other



creditors, both domestic and foreign, by U.S. Mail. The Receiver believes it is prohibitively expensive to send the Claim Form by Federal Express or DHL or similar service. However, for investors in Central and Latin American countries, the Receiver will use Ocasa Logistics Solutions, a commercial service that the Receiver used in the disposition process in this case, and that is generally able to deliver mail more quickly and more reliably in certain Central and Latin American countries where investors have complained of long delays in receiving mailings.

The recipients of the Claim Form would then be given a period of 90 days to return the Claim Form, which would also set the Claims Bar Date. Because the Claim Form will have pre-printed information, it should take investors less time to respond to the Claim Form than in the ordinary case where a "fill-in-the-blank" type of form is used. The Receiver will also be including a pre-addressed return envelope in which to return the Claim Form (though, for cost reasons, it will not be pre-stamped or pre-paid). The recipients will also have the option of returning the Claim Form by e-mail to a dedicated e-mail address. The Receiver will also publish a generic copy of the Claim Form on the Receiver's website. The Receiver would also publish notice of the Claims Bar Date in South Florida newspapers or other South Florida publications.

As Claim Forms are returned, the Receiver will attempt informally to resolve any objections the Receiver might raise based on "information-type" issues. For example, some investors may return Claim Forms signed by someone other than the investor of record (*e.g.*, where the investor has died); others may return Claim Forms with an amount for their initial investment that differs from the Receiver's records. The Receiver would try to resolve such issues informally by telephone, e-mail or correspondence without raising a formal objection with the Court.

Where the Receiver and the claimant cannot reach agreement, or where the Receiver has substantive objections to the nature of the claim (*e.g.*, claims for "lost profits"), the Receiver will

prepare an Omnibus Claims Objection Notice. The Omnibus Claims Objection Notice will list all of the claims to which the Receiver objects by category, the basis for the Receiver's objections, and the amount (if any) that the Receiver has approved for the claim and recommends to the Court for approval. The Omnibus Claims Objection Notice will be served within 30 days after the Claims Bar Date on all of the claimants where the Receiver objects to the claim using the same means used to send the original Claim Form. (As over 50,000 Claim Forms will be sent out, the process of sorting through them, determining what claims have been made, and reviewing any documents submitted, will take some time.) This Omnibus Claims Objection Notice will also be posted prominently on the Receiver's website (so that claimants do not even need to wait to receive it by mail or otherwise).

The Omnibus Claims Objection Notice will advise the claimant that, if they wish to challenge the Receiver's objection, they have 30 days to send a letter or an e-mail to the Receiver setting forth any arguments they wish to make. At the end of the 30 days, the Receiver will make an omnibus filing listing all of the unresolved objections and attaching all of the communications received. (The claimants could be asked to send their letters directly to the Court for filing, but it seems more efficient to have them collected by the Receiver and all filed at the same time.) Any claimant who does not respond to the Omnibus Claims Objection Notice should be deemed to have waived their challenge to the Receiver's objection and consented to the amount of the claim set out by the Receiver.<sup>2</sup> For the claimants who timely submit responses to the Receiver's objections, the Court (or the Magistrate Judge or a Special Master if the Court so chooses) will resolve any remaining disputes at a hearing or through another process to be determined. The nature and number of the objections

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<sup>2</sup> The Receiver is aware of concerns certain foreign investors have about delays in receiving mail in their countries, but is also concerned about allowing the process to be overly protracted. Since the Omnibus Claims Objection Notice will be posted on the Receiver's website, investors will not need to wait for it to arrive by mail. And, if the Receiver continues to receive letters or e-mails from foreign investors after the 30-day period indicating that they wish to challenge the objection, the Receiver will make supplemental filings of the letters with the Court.

that remain unresolved will affect what is the most efficient and fair way to resolve the objections. For example, if the objections ultimately boil down to substantive objections over a small number of types of claims for damages (e.g. "lost profits"), the Court may be able to resolve them through an ordinary hearing with oral argument.

The proposed timeline for the claims process after the Court enters an Order approving the process would thus be as follows:

Action	Timeframe
Claims Administrator sends out Claim Forms to all known investors and creditors	w/in 20 days of Order
As Claim Forms are returned, Receiver attempts to informally resolve as many disputed claims as possible	Ongoing
Claims Bar date ( <i>i.e.</i> the date by which all Claim Forms must be returned)	90 days thereafter
Receiver serves an Omnibus Claims Objection Notice on all claimants with disputed claims listing the claims that remain disputed, the basis for the Receiver's objection, and the amount the Receiver recommends for the claim	w/in 30 days thereafter
Claimants who do not agree to the amount recommended by the Receiver so advise the Receiver (and those who do not respond waive their objections and consent to amount recommended by the Receiver); the Receiver files a report at the end of time period to advise Court of all unresolved objections and files all objection communications received	w/in 30 days thereafter
Hearing on unresolved objections	t/b/d by Court

**CONCLUSION**

The Receiver respectfully requests that the Court approve the proposed claims process as set forth in this Motion and in the attached proposed Order. The Receiver also requests that the Court approve the form of the attached proposed Claim Form for use in that process.

Respectfully submitted,

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- and -

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served via CM/ECF and by electronic mail in accordance with the attached Receiver's Service List on March 7, 2008.

s/ Curtis B. Miner  
Curtis B. Miner

# **Attachment**

**PROPOSED ORDER**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-60573 CIV-MORENO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MUTUAL BENEFITS CORP., *et al.*,

Defendants,

VIATICAL BENEFACTORS, LLC, *et al.*,

Relief Defendants.

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**ORDER AUTHORIZING CLAIMS PROCESS**

THIS CAUSE is before the Court on the Receiver's Motion to Approve Proposed Claims Process. This Court, having reviewed the filings, and being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED that:

1. The Receiver is authorized and instructed to initiate a claims process in this Receivership action. The timeline for such claims process shall be as follows: .

a. The Receiver shall cause the Claim Forms to be sent out to all known investors or other creditors of the Receivership no later than 20 days from the date of this order, that is, by \_\_\_\_\_, 2008.

b. Any investor or creditor wishing to assert a claim against the Receivership shall complete and return such a Claim Form no later than 90 days thereafter, that is, by

\_\_\_\_\_, 2008. That same date shall serve as the Claims Bar Date in this Receivership.

2. The Claim Forms shall be sent in English and in Spanish form as follows: (a) by e-mail to all investors who have previously provided the Receiver with an e-mail address as an accepted means of communication, and (b) by U.S. mail to all other investors, both domestic and foreign, and all known creditors or potential creditors, with the exception of investors in Central or Latin America for which a commercial mail delivery service, such as Ocase Logistics Solutions, will be used.

3. As Claim Forms are returned, the Receiver shall, wherever practicable, attempt to resolve objections with the investors and other claimants informally by telephone, e-mail or correspondence, so as to reduce the number of formal objections that are ultimately presented to the Court.

4. Within 30 days after the Claims Bar Date, that is, by \_\_\_\_\_, 2008, the Receiver shall serve an Omnibus Claims Objection Notice, by the same means used to deliver the Claim Forms, on all investors and claimants with whom the Receiver has unresolved objections. The Omnibus Claims Objection Notice shall list all of the claims to which the Receiver continues to object (and has not been able to resolve informally), the basis for the Receiver's objection, and the amount (if any) that the Receiver has approved for the claim and recommends to the Court for approval. The Receiver shall also post the Omnibus Claims Objection Notice prominently on the Receiver's website ([www.mbcreceiver.com](http://www.mbcreceiver.com)).

5. The investors and claimants with whom the Receiver has unresolved objections and who are served with the Omnibus Claims Objection Notice shall have 30 days, that is, until \_\_\_\_\_, 2008, in which to respond to the Receiver's objections by sending a letter, e-



mail or other communication to the Receiver so indicating and setting forth their position. Any investor or claimant who does not respond to the Omnibus Claims Objection Notice shall be deemed to have waived their challenge to the objection and consented to the amount of their claim proposed by the Receiver. The Receiver shall assemble and categorize all responses received and shall make an omnibus filing of them at the conclusion of the 30-day period.

6. The Receiver shall immediately post a copy of this Order and the Claim Form on the Receiver's website. The Receiver shall also immediately place notice of this claims process and the Claims Bar Date in South Florida newspapers.

7. The form of the Claim Form attached to the Receiver's Motion to Approve Proposed Claims Process is approved.

8. The Court reserves ruling on what type of claims made by investors and other creditors will or will not be recognized until a hearing to take place after the conclusion of this claims process. That hearing will take place on \_\_\_\_\_, 2008 at \_\_\_\_\_ am/pm.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida on this \_\_\_\_ day of March, 2008.

\_\_\_\_\_  
JUDGE FEDERICO MORENO  
UNITED STATES DISTRICT JUDGE

Copies to: All Counsel of Record

# **EXHIBIT A**

Must be received  
on or before  
\_\_\_\_\_, 2008

The Garden City Group, Inc.  
As Administrator for MBC Receiver  
P.O. Box 9000 #6231  
Merrick, NY 11566-9000  
E-Mail: mbclaims@gardencitygroup.com

**MBC RECEIVERSHIP CLAIM FORM**

Name of Investor or Creditor Street Address City, State Zip Code	MBC POLICY # \$ AMOUNT OF INVESTMENT	BAR CODE CLAIM CODE
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You are being sent this Claim Form because you are (1) an investor who invested in a viatical settlement with Mutual Benefits Corporation ("MBC"), (2) a creditor who may claim to be owed money by MBC, Viatical Benefactors, LLC ("VBLLC") or Viatical Services, Inc. ("VSI"), or (3) some other person who may claim to have been damaged by the actions of MBC, VBLLC or VSI. This Claim Form is your opportunity to tell the Court-Appointed Receiver and the Court the amount and type of damages that you claim to have suffered. The Court has not made any decisions yet as to what types of claims will be allowed or not allowed. Once the Claim Forms are returned, the Receiver (or other parties) may object to some of the claims received. You will be notified if the Receiver objects to your claim. The Court will hold a hearing on [insert date and time and location] to resolve the objections and determine what types of claims will be allowed. Information on this process will be posted on the Receiver's website at [www.mbcreceiver.com](http://www.mbcreceiver.com).

If you are an investor, above you will find printed the dollar amount that you initially invested in the referenced viatical settlement with MBC (the "Policy") based on the Receiver's records. If you made more than one investment with MBC, you will receive a separate Claim Form for each Policy in which you invested. You may claim the full amount of your investment as damages if you wish, and the Receiver will recommend this amount as the basis for your claim to the Court. It is important to understand that this does not mean that you will actually *receive* that amount though, as the amounts available for distribution by the Receiver are likely to be much less than the amounts of all of the claims allowed. Please check the first box below if you agree that the amount printed above is the amount that you invested in the Policy and the amount you wish to claim. If you disagree that the amount printed above is right or if you want to claim damages different from that amount, please check the second box below.

If you are a creditor, above you fill find printed the dollar amount that, according to the Receiver's records, you were owed by MBC, VBLLC or VSI as of May 4, 2004. If the Receiver does not have records showing what, if any, amount you were owed, there will be no amount printed above. Please check the first box below if you agree that the amount printed above is the amount that you are owed. If you disagree that the amount printed above is right or if you want to claim damages different from the amount, please check the second box below.

A pre-addressed envelope has been enclosed for you to return this Claim Form. It does not include postage, so you must put your own postage on it. You may also return this form by e-mail by sending it to [mbclaims@gardencitygroup.com](mailto:mbclaims@gardencitygroup.com).

If you have any questions about this Claim Form, you can call VSI/MBC Customer Service at (954) 582-0220.

I agree that the amount listed above is correct, and I would like to claim this amount as my damages.

I disagree with the amount listed above and would like to claim a different amount as my damages. (If you check this box, please describe the damages you claim in the space below or on a separate page(s) and submit any documents you have to support your claim with this Form.)

I do not want to make a claim for damages.

Amount of Claim: \$ \_\_\_\_\_

Description of Claim (Please print clearly):

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**THIS FORM MUST BE SENT TO THE GARDEN CITY GROUP, INC. SO THAT IT IS RECEIVED BY \_\_\_\_ P.M. PREVAILING EASTERN TIME ON \_\_\_\_\_, 2008. IF YOU FAIL TO COMPLETE AND RETURN THIS FORM BY THAT DATE, YOU MAY LOSE YOUR RIGHT TO ASSERT A CLAIM.**