

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 04-60573-CIV-MORENO/GARBER

SECURITIES & EXCHANGE COMMISSION,

Plaintiff,

v.

MUTUAL BENEFITS CORP., *et al.*,

Defendants,

VIATICAL BENEFACTORS, L.L.C., *et al.*,

Relief Defendants.

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**UNION PLANTERS' SEVENTEENTH REPORT REGARDING  
DISBURSEMENT OF PRE-CLOSING ESCROW FUNDS**

Union Planters Bank, N.A. ("Union Planters"), by and through undersigned counsel and pursuant to the Court's May 6, 2005 Order Regarding Disbursement of Pre-Closing Escrow Funds, hereby files its Seventeenth Report Regarding Disbursement of Pre-Closing Escrow Funds.

**SUMMARY OF THE DISBURSEMENT PROCESS**

The following is a summary of the disbursement process as of Union Planters' Sixteenth Report Regarding Disbursement of Pre-Closing Escrow Funds, filed on December 4, 2006.

**A. Initial Disbursement Forms**

To date, the disbursing agent, the Garden City Group ("GCG"), the Receiver, and Union Planters have mailed Initial Disbursement Forms to all pre-closing investors, except for approximately 6 pre-closing investors whose names and/or addresses are unknown or appear incomplete. GCG, the Receiver, and Union Planters are currently working together to locate

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these pre-closing investors and contact the approximately 48 pre-closing investors that have yet to respond to a disbursement form.

**B. Pre-Closing Funds Approved for Disbursement Between December 4, 2006 and January 2, 2007**

Between December 4, 2006 and January 2, 2007, Union Planters and the Receiver approved and disbursed pre-closing funds to 5 pre-closing investors, totaling \$615,145.48.

**C. Total Funds Disbursed**

As of approximately January 2, 2007, \$98,950,491.35<sup>1</sup> of pre-closing funds have been disbursed to pre-closing investors.

**D. Total Disputed Claims**

As of January 2, 2007, GCG has identified approximately 7<sup>2</sup> disbursement forms that dispute the amount of funds to be returned to them. GCG will provide the Receiver and Union Planters with copies of those disputed claim forms. Union Planters awaits further instruction from the Court and the Receiver as to how disputed claims will be addressed, although the Receiver and Union Planters are working together to identify the disputes that can be resolved without intervention from the Court. Indeed, counsel for Union Planters and the Receiver have resolved and expect to continue to resolve a number of these disputes.

**E. Non-Responsive Pre-Closing Investors, Pre-Closing Investors Submitting Incomplete Disbursement Forms, and Pre-Closing Investors Incorrectly Submitting Disputed Disbursement Forms**

GCG has, upon request, continued to disseminate additional disbursement forms on a case-by-case basis to pre-closing investors that have either not responded to previous

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<sup>1</sup> This amount includes \$28,496,948.63 of pre-closing funds disbursed to Mutual Benefits Japan, Traded Life Policies, and Life Settlement Holding in May, 2005.

<sup>2</sup> The Receiver and Union Planters are currently in the process of researching, reviewing, and resolving various issues in connection with the disbursement of a handful of additional pre-closing investors' funds.

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disbursement forms, submitted incomplete disbursement forms, or incorrectly submitted disputed disbursement forms.

**F. Union Planters' Eighteenth Report Regarding Disbursement of Pre-Closing Escrow Funds**

In Compliance with the Court's May 6, 2005 Order Regarding Disbursement of Pre-Closing Escrow Funds, Union Planters will file a Eighteenth Report Regarding Disbursement of Pre-Closing Escrow Funds on or about February 2, 2007.

Respectfully submitted,

/s/ Jacqueline Becerra  
HILARIE BASS  
Florida Bar No. 334243  
JACQUELINE BECERRA  
Florida Bar No. 25135  
GREENBERG TRAUIG, P.A.  
1221 Brickell Avenue  
Miami, FL 33131  
Tel: (305) 579-0500  
Fax: (305) 579-0717

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of January, 2007, I electronically filed the foregoing documents with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically notices of Electronic Filing.

/s/ Jacqueline Becerra

Jacqueline Becerra

**SERVICE LIST**

|   |  |   |
|---|--|---|
| <p>Alise Meredith Johnson, Esq.<br/>Linda Schmidt, Esq.<br/>Securities &amp; Exchange Commission<br/>801 Brickell Avenue, Suite 1800<br/>Miami, FL 33131<br/>Fax: (305) 536-4154<br/>E-mail: <a href="mailto:johnsona@sec.gov">johnsona@sec.gov</a><br/><a href="mailto:schmidtls@sec.gov">schmidtls@sec.gov</a><br/><a href="mailto:almontea@sec.gov">almontea@sec.gov</a><br/><i>Counsel for Securities &amp; Exchange Commission</i></p> | <p>Marc Cooper, Esq.<br/>Curtis Miner, Esq.<br/>Colson Hicks Eidson<br/>255 Aragon Avenue<br/>Coral Gables, FL 33131<br/>Fax: (305) 476-7444<br/>E-mail: <a href="mailto:marc@colson.com">marc@colson.com</a><br/><a href="mailto:curt@colson.com">curt@colson.com</a><br/><i>Co-counsel for Receiver</i></p>  | <p>Carmen Contreras Martinez, Esq.<br/>Kozyak Tropin &amp; Throckmorton<br/>2525 Ponce de Leon, Suite 900<br/>Coral Gables, Florida 33134<br/>Fax: (305) 372-3508<br/>E-mail: <a href="mailto:lmi@kttlaw.com">lmi@kttlaw.com</a><br/><i>Co-counsel for Receiver</i></p>   |
| <p>Michael A. Hanzman, Esq.<br/>Kenvin Love, Esq.<br/>Hanzman Criden Chaykin &amp; Rolnick<br/>Commercebank Center<br/>220 Alhambra Circle, Suite 400<br/>Coral Gables, FL 33134<br/>Fax: (305) 357-9050<br/>E-mail: <a href="mailto:mhanzman@hanzmancriden.com">mhanzman@hanzmancriden.com</a><br/><a href="mailto:klove@hanzmancriden.com">klove@hanzmancriden.com</a><br/><i>Counsel for Scheck Investments LP, et al.</i></p>           | <p>Victor M. Diaz, Jr., Esq.<br/>Podhurst Orseck Josefsberg et al.<br/>City National Bank Building<br/>25 West Flagler St., Suite 800<br/>Miami, FL 33130<br/>Fax:(305) 358-2382<br/>E-mail: <a href="mailto:vdiaz@podhurst.com">vdiaz@podhurst.com</a><br/><i>Counsel for Scheck Investments LP, et al.</i></p>   | <p>Faith E. Gay, Esq.<br/>White &amp; Case LLP<br/>4900 Wachovia Financial Center<br/>200 So. Biscayne Blvd.<br/>Miami, FL 33131-2352<br/>Fax: (305) 358-5744<br/>E-mail: <a href="mailto:fgay@whitecase.com">fgay@whitecase.com</a><br/><i>Counsel for Camden Consulting, Inc.</i></p>   |
| <p>J. Randolph Liebler, Esq.<br/>Liebler, Gonzalez &amp; Porouondo, P.A.<br/>44 West Flagler Street, 25<sup>th</sup> Floor<br/>Miami, Florida 33130<br/>Fax: (305) 379-9626<br/>E-mail: <a href="mailto:jrl@lgplaw.com">jrl@lgplaw.com</a><br/><i>Counsel for Bank of America</i></p>   | <p>J. David Hopkins, Esq.<br/>Lord, Bissell &amp; Brook LLP<br/>Suite 1900, The Proscenium<br/>1170 Peachtree Street, N.E.<br/>Atlanta, Georgia 30309<br/>Fax: (404) 872-5547<br/>E-mail: <a href="mailto:dhopkins@lordbissell.com">dhopkins@lordbissell.com</a><br/><i>Counsel for Traded Life Policies Ltd.</i></p>  | <p>Hilarie Bass, Esq.<br/>Jacqueline Becerra, Esq.<br/>Greenberg Traurig P.A.<br/>1221 Brickell Avenue<br/>Miami, Florida 33131<br/>Fax: (305) 579-0717<br/>E-mail: <a href="mailto:becerraj@gtlaw.com">becerraj@gtlaw.com</a><br/><a href="mailto:bassh@gtlaw.com">bassh@gtlaw.com</a><br/><i>Counsel for Union Planters Bank, N.A</i></p>                         |
| <p>John Hogan, Esq.<br/>Holland &amp; Knight LLP<br/>701 Brickell Ave., 30<sup>th</sup> Floor<br/>Miami, Florida 33131<br/>Fax: (305) 789-7799<br/>E-mail: <a href="mailto:john.hogan@hklaw.com">john.hogan@hklaw.com</a><br/><i>Counsel for Joel Steinger &amp; Kensington Consulting</i></p>  | <p>Edward M. Mullins, Esq.<br/>Daniella Friedman, Esq.<br/>Astigarraga Davis Mullins<br/>&amp; Grossman, P.A.<br/>701 Brickell Ave., 16<sup>th</sup> Floor<br/>Miami, FL 33131<br/>Fax: (305) 372-8202<br/>E-mail: <a href="mailto:emullins@astidavis.com">emullins@astidavis.com</a><br/><a href="mailto:dfriedman@astidavis.com">dfriedman@astidavis.com</a><br/><i>Co-counsel for Life Settlement Holding, A.G.</i></p> | <p>David Levine, Esq.<br/>Jeffrey Schneider, Esq.<br/>Tew Cardenas LLP<br/>The Four Seasons Tower, 15<sup>th</sup> Floor<br/>1441 Brickell Avenue<br/>Miami, FL 33131<br/>Fax: (305) 536-1116<br/>E-mail: <a href="mailto:jcs@tevwlaw.com">jcs@tevwlaw.com</a><br/><a href="mailto:dml@tevwlaw.com">dml@tevwlaw.com</a><br/><i>Counsel Patricia Cook, et al</i></p> |
| <p>J. Raul Cosio, Esq.<br/>Holland &amp; Knight<br/>701 Brickell Avenue, Suite 3000<br/>Miami, FL 33131<br/>Fax: (305) 789-7799<br/>E-mail: <a href="mailto:raul.cosio@hklaw.com">raul.cosio@hklaw.com</a><br/><i>Counsel for Northern Trust Bank of Florida</i></p>  | <p>Mayra Calzadilla, Esq.<br/>Steel Hector &amp; Davis<br/>200 S. Biscayne Blvd, Suite 4000<br/>Miami, FL 33131<br/>Fax:(305) 577-7001<br/>E-mail: <a href="mailto:mcalzadilla@steelhector.com">mcalzadilla@steelhector.com</a><br/><i>Counsel for Transamerica Occidental Life</i></p>  | <p>George Kindness<br/>AMSCOT MEDICAL LAB, INC.<br/>11258 Cornell Park Drive, Suite 600<br/>Cincinnati, OH 45242</p>  |

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|--|---|--|
| Joseph P. D' Ambrosio, Esq.<br>Miller, Kagan, Rodriguez and Silver, P.A.<br>One Boca Place<br>2255 Glades Road, Suite 236W<br>Boca Raton, FL 33431<br>Fax: (561) 989-8857<br>E-mail: <a href="mailto:dambrosiolaw@bellsouth.net">dambrosiolaw@bellsouth.net</a><br><i>Counsel for Insurers</i>           | Christopher J. Klein<br>Baur & Klein, P.A.<br>100 N. Biscayne Blvd. 21st Floor<br>Miami, FL 33132<br>Fax: (305) 371-4380<br>E-mail: <a href="mailto:cklein@worldwidelaw.com">cklein@worldwidelaw.com</a><br><i>Co-counsel for Life Settlement Holding, A.G.</i>   | Amy S. Rubin, Esq.<br>Michael J. Pike, Esq.<br>Ruden, McClosky, Smith, Schuster & Russell<br>222 Lakeview Avenue, Suite 800<br>West Palm Beach, FL 33401<br>Fax: (561) 514-3447<br>E-mail: <a href="mailto:amy.rubin@ruden.com">amy.rubin@ruden.com</a><br><a href="mailto:michael.pike@ruden.com">michael.pike@ruden.com</a><br><i>Counsel for Primerica Life Insurance Co.</i> |
| Richard Ben-Veniste, Esq.<br>Mayer Brown Rowe & Maw<br>1909 K. Street, N.W.<br>Washington, DC 20006<br>Fax: (202) 263-5333<br>E-mail: <a href="mailto:rben-veniste@mayerbrownrowe.com">rben-veniste@mayerbrownrowe.com</a><br><i>Counsel for Joel Steinger &amp; Kensington Consulting</i>               | Charles H. Lichtman, Esq.<br>Berger Singerman, Suite 1000<br>350 East Las Olas Blvd.<br>Fort Lauderdale, FL 33301<br>Fax: (954) 523-2672<br>E-mail: <a href="mailto:clichtman@bergersingerman.com">clichtman@bergersingerman.com</a><br><i>Counsel for Mutual Benefits Japan Co.</i>  | Scott Cosgrove, Esq.<br>Akerman Senterfitt<br>SunTrust International Center<br>One S.E. 3 <sup>rd</sup> Avenue, 28 <sup>th</sup> Floor<br>Miami, Florida 33131-1704<br>Fax: (305) 374-5095<br>E-mail: <a href="mailto:swakshlag@akerman.com">swakshlag@akerman.com</a><br><i>Counsel for RBC Centura Bank</i>  |
| Gary Timin, Esq.<br>Steel Hector & Davis, LLP<br>215 South Monroe Street, Suite 601<br>Tallahassee, FL 32301-1804<br>Fax: (850) 222-8410<br>E-mail : <a href="mailto:gtimin@steelhector.com">gtimin@steelhector.com</a>  | Bruce A. Zimet Esq.<br>100 S.E.3rd Avenue, Suite 2612<br>Ft. Lauderdale, FL 33394<br>Fax: (954) 760-4421<br>E-mail: <a href="mailto:bazimetlaw@aol.com">bazimetlaw@aol.com</a><br><i>Counsel for Leslie Steinger</i>  | William L. Petros, Esq.<br>William L. Petros, P.A.<br>4090 Laguna Street, 2 <sup>nd</sup> Floor<br>Coral Gables, FL 33146<br>Fax:(305) 446-2799<br>E-mail: <a href="mailto:wlpetros@aol.com">wlpetros@aol.com</a><br><i>Counsel for William Mills</i>  |
| Miguel Diaz de la Portilla, Esq.<br>Duane Morris, LLP<br>200 So. Biscayne Blvd. , Suite 3400<br>Miami, FL 33131<br>Fax: (305) 960-2201<br>E-mail: <a href="mailto:mdpportilla@duanemorris.com">mdpportilla@duanemorris.com</a><br><i>Counsel for Dr. Christine Walsh, et al. (the "Investors Group")</i> | John H. Genovese, Esq.<br>Paul J. Battista, Esq.<br>David C. Cimo, Esq.<br>Brett M. Amron, Esq.<br>Genovese Jablove & Battista<br>100 Southeast Second Street, 36 <sup>th</sup> Floor<br>Miami, FL 33131<br>Fax: (305) 349-2300<br>E-mail: <a href="mailto:Jgenovese@GJB-law.com">Jgenovese@GJB-law.com</a><br><a href="mailto:pbattista@GJB-law.com">pbattista@GJB-law.com</a><br><a href="mailto:Bamron@GJB-law.com">Bamron@GJB-law.com</a> | William Berger, Esq.<br>Chad J. Tamaroff, Esq.<br>Greenspoon Marder, et al.<br>100 West Cypress Creek Road, Suite 700<br>Ft. Lauderdale, FL 33309<br>Fax: (954) 771-9264<br><i>Counsel for First American Title Insurance Company</i>  |
| Carla M. Barrow, Esq.<br>Pardo Gainsburg & Barrow, LLP<br>One Biscayne Tower<br>2 South Biscayne Boulevard, Suite 2475<br>Miami, FL 33131  | Wendy L. Furman, Esq.<br>Pett Furman & Jacobson, P.L.<br>2101 NW Corporate Boulevard, Suite 316<br>Boca Raton, FL 33431   | Eric M. Ellsley, Esq.<br>Krupnick Campbell Malone, et al.<br>700 SE 3 <sup>rd</sup> Avenue, Suite 100<br>Ft. Lauderdale, FL 33316  |
| Kenneth R. Jones, Jr. Esq.<br>William B. Hawkins, III, Esq.<br>The Jones Law Firm, PLC<br>150 Fourth Avenue North, Suite 1820<br>Nashville, TN 17219   | Brian J. Stack, Esq.<br>Stack Fernandez, et al.<br>1200 Brickell Avenue, Suite 950<br>Miami, FL 33131   | James J. Blosser, Esq.<br>Justin J. Sayfie, Esq.<br>Blosser & Sayfie<br>450 East Las Olas Boulevard<br>Ft. Lauderdale, FL 33301  |
| Anthony M. Livoti, Jr. Esq.<br>721 NE 3 <sup>rd</sup> Avenue<br>Ft. Lauderdale, FL 33304   | Marc Nurik, Esq.<br>Ruden McClosky, et al.<br>P.O. Box 1900<br>Ft. Lauderdale, FL 33302   | Roma W. Theus, II, Esq.<br>Edwards & Angell, LLP<br>350 East Las Olas Boulevard<br>Suite 1150<br>Ft. Lauderdale, FL 33301<br><i>Counsel for the Law Firm of Brinkley McNerney, et al.</i>  |
| Stephen C. Baker, Esq.<br>Jason P. Gosselin, Esq.<br>John C. Dempsey, Esq.<br>Drinker Biddle & Reath, LLP<br>One Logan Square<br>18 <sup>th</sup> & Cherry Street<br>Philadelphia, P.A.  | Clifford A. Wolff, Esq.<br>CLIFFORD A. WOLFF, P.A.<br>P.O. Box 11421<br>Ft. Lauderdale, FL 33339<br><i>Local Counsel of Girard Pisauro, Jr.</i>   | Martin P. Schrama, Esq.<br>Craig S. Hilliard, Esq.<br>STARK & STARK<br>P.O. Box 5315<br>Princeton, NJ 08543<br><i>Attorneys for Girard Pisauro, Jr.</i>  |

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|--|---|--|
| <p>Amy K. Brenner<br/>14475 Shadow Hills Drive<br/>Reno, NV 89521-7210<br/><i>Pro se for David Brenner</i></p>   | <p>George Mahfood, Esq.<br/>FERRELL SCHULTZ CARTER<br/>&amp; FERTEL<br/>201 S. Biscayne Blvd., 34<sup>th</sup> Floor<br/>Miami, FL 33131<br/><i>Attorneys for Joel Steinger, Leslie<br/>Steinger, Peter Lombardi, P/JL<br/>Consulting &amp; Kensington<br/>Consulting</i></p> | <p>William Zei, Esq.<br/>Jennifer S. Mason, Esq.<br/>PETERSON BERNARD, P.A.<br/>P.O. Drawer 14126<br/>Ft. Lauderdale, FL 33302<br/><i>Attorneys for Livoti and Livoti, P.A.</i></p>                        |
| <p>Carlos A. Velasquez, Esq.<br/>101 North Pine Island Road<br/>Suite 201<br/>Plantation, FL 33324<br/><i>Attorney for the Class</i></p>   | <p>Peter M. Hoogerwoerd, Esq.<br/>LAW OFFICE OF DAVID M.<br/>GOLDSTEIN, P.A.<br/>200 S. Biscayne Boulevard, #1880<br/>Miami, FL 33131<br/><i>Attorneys for Keith Robinson,<br/>Salvatore Imparato, Howard<br/>Mandel &amp; David Traina</i></p>                               | <p>Steven G. Schwartz, Esq.<br/>SCHWARTZ &amp; HORWITZ, P.A.<br/>3301 N.W. Boca Raton Boulevard<br/>Suite 200<br/>Boca Raton, FL 33431<br/><i>Attorneys for the Class</i></p>                              |
| <p>Edward Montoya, Esq.<br/>MONTOKA &amp; FLAVELL, P.A.<br/>14400 N.W. 77<sup>th</sup> Court<br/>Suite 101<br/>Miami Lakes, FL 33016<br/><i>Attorneys for the Class</i></p>  | <p>Arthur Shingler, III, Esq.<br/>SCOTT &amp; SCOTT, LLC<br/>401 B Street, Suite 307<br/>San Diego, CA 92101<br/><i>Attorneys for the Class</i></p>   | <p>Paul V. DeBianchi, Esq.<br/>2601 East Oakland Park Boulevard<br/>Suite 602<br/>Ft. Lauderdale, FL 33306-1617<br/><i>Attorney for Anthony Lamarca</i></p>  |
| <p>Andrew S. Berman, Esq.<br/>YOUNG, BERMAN, KARPFF<br/>&amp; GONZALEZ, P.A.<br/>17071 West Dixie Highway<br/>North Miami Beach, FL 33160<br/><i>Attorneys for Clark C. Mitchell</i></p>                                       | <p>Miguel M. De la O, Esq.<br/>DE LA O &amp; MARKO<br/>3001 S.W. Third Avenue<br/>Miami, FL 33129<br/><i>Attorney for Miguel Escobar</i></p>  | <p>Daniel S. Mandel, Esq.<br/>MANDEL, WEISMAN, ET AL.<br/>2101 Corporate Boulevard, Suite 300<br/>Boca Raton, FL 33431<br/><i>Attorneys for American Express<br/>Tax &amp; Business Services, Inc.</i></p> |
| <p>Joseph A. Patella, Esq.<br/>Lynn Fischman Uniman, Esq.<br/>ANDREWS KURTH LLP<br/>450 Lexington Avenue<br/>New York, NY 10017<br/><i>Attorneys for American Express<br/>Tax &amp; Business Services, Inc</i></p>             | <p>Harry Schafer, Esq.<br/>Rick Critchlow, Esq.<br/>KENNY NACHWALTER, P.A.<br/>201 S. Biscayne Boulevard<br/>1100 Miami Center<br/>Miami, FL 33131-4327<br/><i>Attorneys for Citibank</i></p>   | <p>Lawrence R. Heller, Esq.<br/>GILBRIDE, HELLER &amp; BROWN<br/>2 S. Biscayne Boulevard, #1500<br/>Miami, FL 33131<br/><i>Attorneys for Jack Russo</i></p>  |
| <p>Richard H. McDuff, Esq.<br/>JOHNSON, ANSELMO, MURDOCH,<br/>BURKE, PIPER<br/>&amp; McDUFF, P.A.<br/>2455 E. Sunrise Blvd., 10<sup>th</sup> Floor<br/>Ft. Lauderdale, FL 33304<br/><i>Attorneys for Mark C. Pettyjohn</i></p> | <p>Dale T. Golden, Esq.<br/>MARSHALL DENNEHEY<br/>201 E. Kennedy Blvd., #1100<br/>Tampa, FL 33602<br/><i>Attorneys for Brinkley, McNeerney, et al.</i></p>  | <p>Kevin Feazell, Esq.<br/>CORS &amp; BASSETT<br/>537 E. Pete Rose Way, #400<br/>Cincinnati, OH 45202<br/><i>Attorneys for Kindess &amp; Amscot<br/>Medical Labs</i></p>                                   |