



United States District Court Southern District of Florida

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Notice of Orders or Judgments

Date: 09/08/05

To: Julie Braman Kane (aty)
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Re: Case Number: 0:04-cv-60573

Document Number: 1326

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Number of pages including cover sheet:

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 04-60573-CIV-MORENO

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

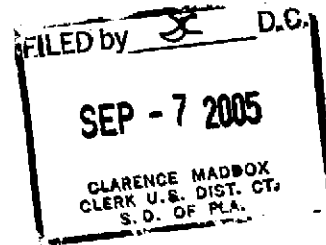
vs.

MUTUAL BENEFITS CORP., *et al.*,

Defendants,

VIATICAL BENEFACTORS, LLC, *et al.*,

Relief Defendants.



**ORDER DIRECTING UNION PLANTERS BANK TO RELEASE INTEREST IN
PREMIUM ESCROW ACCOUNTS AND AUTHORIZING RECEIVER TO USE THE
INTEREST TO FUND RECEIVERSHIP OPERATIONS**

THIS CAUSE came before the Court upon the Receiver's Motion for Clarification of Order Appointing Receiver Regarding Use of Funds in "Premium Escrow Accounts" (D.E. No. 857), filed on April 6, 2005; the Receiver's Motion to Approve Procedure for Disposition of Policies, Distribution of Proceeds of Policies, and Treatment of Premium Funds (D.E. No. 902), filed on April 22, 2005; Traded Life Policies Limited's Motion to Preclude Receiver's Use of Union Planters' Premium Escrow Accounts for Purposes other than Paying Premium on Union Planters' Policies (D.E. No. 875), filed on April 13, 2005; Life Settlement Holding A.G's Cross-Motion to Preclude Receiver from Using Funds in Union Planters Premium Escrow Accounts for Purposes Other than Paying Premiums on Union Planters' Policies (D.E. No. 895), filed on April 19, 2005.

THE COURT has considered the motions, the responses, the objections, the replies, the

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interested parties' representations in open court, and the pertinent portions of the record, and is otherwise fully advised in the premises.

According to the Eighth Report of the Receiver, \$2.07 million is currently available to fund receivership operations. As of the date of the Report, over the past 15 months the Court has authorized \$2.06 million in fees for the Receiver and other professional that have not been paid. Given that Receivership operations require roughly \$200,000 per month for rent, payroll, and other costs, the Receivership is in dire financial condition. Without an immediate influx of funds, the Receivership will not be able to continue servicing policies and preserving assets for the eventual benefit of investors and other creditors. Accordingly, it is

ADJUDGED that Union Planters Bank shall release the accrued interest in the premium escrow accounts to the Receiver. Likewise, Union Planters Bank is directed to release future interest income in the premium escrow accounts to the Receiver. The Receiver is authorized to use the interest to fund continuing Receivership operations and to pay a reasonable portion of the fees already awarded to the Receiver and other professionals.

The Court will address the treatment of all policies and proceeds in a separate order.

DONE AND ORDERED in Chambers at Miami, Florida, this 6th day of September, 2005.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

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