

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,**

Plaintiff,

v.

MILLENNIUM BANK, et al.,

Defendants,

and

UNITED T OF S, LLC, et al.,

Relief Defendants.

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Civil Action No. 7:09-cv-00050-O

ORDER

Before the Court is the Receiver’s Motion to Approve Amended Distribution List (ECF No. 199), filed January 30, 2013.

The Court issued its Order granting Receiver’s Request for Interim Distribution on January 30, 2013. *See* Order, Jan. 30, 2013, ECF No. 198. In his initial request, the Receiver requested that the Court approve a distribution to 462 investors (the “Allowed Net Losing Investor Claims”) who lost their principal investment in the Millennium Entities. *See* Mot. Approve. Am. Distribution List 2, ECF No. 199. Since the filing of the Receiver’s Request for Interim Distribution, over 130 additional investors have contacted the Receiver with new claims or to dispute the amount listed on the Net Losing Investor Distribution List. *Id.* The Receiver has reviewed the additional investors’ claims and the Millennium Entities’ records and determined that 103 additional Net Losing Investors

should be added to the distribution list. *Id.* at 2–3. This brings the total number of Allowed Net Losing Investor Claims to 565. *Id.*

The Receiver presently has \$2,995,341.72 available for distribution to net losing investors. *See Report & Req. Distribution 9, ECF No. 196; Mot. Approve Am. Distribution List 3, ECF No. 199.* The net losing investors have a collective principal loss balance of \$101,133,828.88. *Mot. Approve Am. Distribution List 3, ECF No. 199.* The Receiver proposes and requests this Court’s permission to make an initial interim distribution of \$2,262,679.22 on Allowed Net Losing Investor Claims on a pro rata basis. *Id.* This represents 2.24% of the total allowed claims, meaning each investor would receive 2.24% of his or her allowed claim at this time and perhaps more in the future after the pending litigation is concluded. *Id.* Having considered the motion, the Court finds it is well-taken and should be and is hereby **GRANTED**.

Accordingly, it is **ORDERED** that the Court’s January 30, 2013 Order Granting the Receiver’s Request for Interim Distribution is hereby **VACATED**.

It is further **ORDERED** that the Receiver is authorized to make a first interim distribution to the net losing investors in the amounts set forth in the Receiver’s Amended Net Losing Investor Distribution List, attached as Exhibit B to the Receiver’s Motion to Approve Amended Distribution List (ECF No. 199-2).

SO ORDERED on this **31st day of January, 2013**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE