

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CIVIL DOCKET FOR CASE: # 3:09-CV-00106**

U.S. COMMODITY FUTURES TRADING  
COMMISISON,

PLAINTIFF,

VS.

BARKI, LLC,  
BRUCE C. KRAMER,

DEFENDANTS,

VS.

RELIEF DEFENDANTS  
RHONDA A. KRAMER,  
FOREST GLEN FARM, LLC.

**FIFTH  
MOTION OF RECEIVER FOR  
COMPENSATION TO EDWARD P.  
BOWERS and MIDDLESWARTH,  
BOWERS & COMPANY,  
ACCOUNTANTS FOR THE  
RECEIVER**

The motion of Joseph W. Grier, III, Receiver for Barki, LLC and Bruce C. Kramer Defendants and Relief Defendants, Rhonda A. Kramer and Forest Glen Farm, LLC, (hereafter "Defendants"), to authorize compensation and reimbursement of expenses from March 15, 2010 through May 13, 2010, to Edward P. Bowers and Middleswarth, Bowers & Company, as accountants for the Receiver, respectfully represents as follows:

1. This court appointed Joseph W. Grier, III as Receiver by Order entered on March 24, 2009, (the "Receivership Order").

2. Pursuant to paragraph 29(i) of the Receivership Order, the Receiver is authorized to "choose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of his duties and responsibilities."

3. The Receiver has retained Edward P. Bowers and Middleswarth, Bowers & Company (hereafter "Bowers"), whose address is 219-A Wilmot Drive, Gastonia NC 28054, as accountants for the Receiver.

4. Paragraph 33 of the Receivership Order provides in part that:

The Receiver and all personnel hired by the Receiver as herein authorized, including counsel to the Receiver, are entitled to reasonable compensation for the

performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by or in the possession or control of, or which may be received by the Defendants or Relief Defendants. The Receiver shall file with the Court and serve on the parties, periodic requests for the payment of such reasonable compensation; with the first such request filed no more than sixty (60) days after the date of this Order.

5. Attached hereto as Exhibit A is a statement itemizing the fees and expenses incurred in connection with the Accountant's work for the period of March 15, 2010 through May 13, 2010. The undersigned contends that Bowers has spent the following time in performing the services referred to herein as accountants for the Receiver, and it is informed and believes that its services rendered herein as accountants for the Receiver are reasonably worth the sum as set forth below and that it should be allowed and paid said sum as fees and as a cost of this estate:

<b>Professional</b>	<b>Hours</b>	<b>Per Hour</b>	<b>Amount</b>
EPB Edward P. Bowers (EPB)	09.20	185.	\$ 1,702.00
James Middleswarth (JRM)	02.20	185.	\$ 407.00
LCL Laurie C. LeGrand	16.20	160.	\$ 2,592.00
MTB Michael T. Bowers	05.50	100.	<u>\$ 550.00</u>
Total Fees:			\$ 5,251.00

Expenses: \$122.83

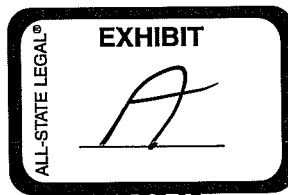
Total Fees & Expenses: **\$ 5,373.83**

WHEREFORE, the undersigned requests that the court approve compensation of \$5,251.00 and expenses in the amount of \$122.83, to it as accountants for the Receiver and authorize the payment of said sum from the funds of the Receivership, when such funds become available.

Dated this 28<sup>th</sup> day of May, 2010.

/s/ Joseph W. Grier, III  
Joseph W. Grier, III  
State Bar No. 7764

For Accountants:  
Edward P. Bowers and  
Middleswarth, Bowers & Company



**USER TIME SUMMARY**

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	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
EPB	Edward P. Bowers Partner	9.20	185.00	1,702.00
JRM	James Middleswarth Partner	2.20	185.00	407.00
LCL	Laurie C. LeGrand Associate	16.20	160.00	2,592.00
MTB	Michael T. Bowers Accountant	5.50	100.00	<u>550.00</u>
		Total Fees		<u>5,251.00</u>
Expenses:				
	Vendor charges for tax return processing			<u>122.83</u>
	Total Expenses			<u>122.83</u>
		Total Fees and Expenses		<u>5,373.83</u>

Grier/Barki

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FOR PROFESSIONAL SERVICES RENDERED:	HOURS	AMOUNT
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03/15/10	Michael T. Bowers .85 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on investor activity worksheet and verify amounts and columns	85.00
03/16/10	Laurie C. LeGrand 4.25 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review cash activity on individual statements of tax information	680.00
03/16/10	Michael T. Bowers .25 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on investor package for mailing	25.00
03/16/10	Michael T. Bowers .50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on investor package	50.00
03/17/10	Laurie C. LeGrand 2.95 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review cash activity on individual account tax statements and FOREX.	472.00
03/17/10	Michael T. Bowers 1.00 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on investor package mailing	100.00
03/17/10	Michael T. Bowers 2.40 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on investor package	240.00
03/22/10	Edward P. Bowers .10 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier re: report of accountant	18.50
03/22/10	Edward P. Bowers 3.25 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Preparation of report of accountant	601.25
03/23/10	Laurie C. LeGrand .45 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Read final report and verify amounts	72.00
03/24/10	Edward P. Bowers .50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Revise and email report of accountant	92.50
03/24/10	Laurie C. LeGrand .10 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Read statement and final proof same	16.00
03/29/10	Edward P. Bowers .50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call from investor re: tax question (.10) Email to investor re: tax question (.15) Email re: Kramer taxes. Review and respond(.25)	92.50

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FOR PROFESSIONAL SERVICES RENDERED:	HOURS	AMOUNT
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03/29/10	Edward P. Bowers .25 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier re: Puckett claim and tax refunds.	46.25
04/13/10	Michael T. Bowers .50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Scan investor package summary for Cobb and Shuster	50.00
04/23/10	Laurie C. LeGrand 3.20 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Research on Puckett tax return on allocation of interest or possible deduction from the payment of interest to the trustee	512.00
04/26/10	Laurie C. LeGrand 5.25 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Tax research on allocation of tax liability between estate and Puckett. Prepare memo to EPB	840.00
04/28/10	Edward P. Bowers .35 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review Puckett tax issues with LCL and call with J Grier to discuss tax issues.	64.75
05/06/10	James R. Middleswarth .85 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Telephone call with E Bowers to discuss facts, research applicable case law, and review cases re: receivership filing requirements	157.25
05/07/10	James R. Middleswarth .50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Prepare memo re research findings on receivership filing requirements	92.50
05/10/10	Edward P. Bowers .50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Case law research and IRS code search re: receivership filing requirements	92.50
05/11/10	Edward P. Bowers 2.50 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued research on settlement funds and partnership filing requirements.	462.50
05/11/10	James R. Middleswarth .75 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Telephone call with E Bowers re qualified settlement funds, court cases, and order on receivership	138.75
05/12/10	James R. Middleswarth .10 CASE ADMINISTRATION AND BUSINESS OPERATIONS; Telephone call with E Bowers re private letter	18.50

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FOR PROFESSIONAL SERVICES RENDERED:

HOURS

AMOUNT  
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05/13/10	rulings concerning qualified settlement funds Edward P. Bowers	1.25	231.25
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work and research re: tax filings		

TOTAL FEES: -----  
5251.00

02/22/10	Tax Return Processing Fees Charged by Vendor		29.09
02/22/10	Tax Return Processing Fees Charged by Vendor		15.09
02/22/10	Tax Return Processing Fees Charged by Vendor		16.16
02/22/10	Tax Return Processing Fees Charged by Vendor		16.16
03/19/10	Tax Return Processing Fees Charged by Vendor		30.17
03/19/10	Tax Return Processing Fees Charged by Vendor		16.16

TOTAL EXPENSES: -----  
122.83

AMOUNT DUE: -----  
5373.83