

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. COMMODITY FUTURES TRADING)
COMMISSION,)
)
Plaintiff,)
)
vs.) 3:09-cv-106
)
BARKI, LLC;)
BRUCE C. KRAMER,)
)
Defendants,)
)
and)
)
RHONDA A. KRAMER; and)
FOREST GLEN FARM, LLC,)
)
Relief Defendants.)
_____)

ORDER

THIS MATTER is before the Court upon Relief Defendant Rhonda Kramer's Motion for Return of Pre-Barki Insurance Proceeds.

Based upon a review of Ms. Kramer's Motion, the Court finds that the Genworth Life Insurance Company/First Colony Policy and the Protective Life Insurance Company Policy are insurance policies that were purchased before the unlawful activity alleged in the Complaint. Ms. Kramer is the beneficiary of these policies. The Court notes that the Receiver has thoroughly reviewed this matter and has determined that Ms. Kramer is entitled

to the amount of \$165,699.52 from these policies. This amount represents the proceeds of these policies reduced by: (1) amounts previously paid by the Receiver to Ms. Kramer as interim living expenses or personal expenses; (2) amounts payable by the Receiver to Ms. Kramer's attorneys as reasonable and necessary attorneys' fees and expenses pursuant to the Court's Order of May 11, 2009; and (3) the amount of insurance premiums paid on these policies subsequent to May 2004.

It is therefore **ORDERED** that Ms. Kramer's Motion is **GRANTED** and the Receiver is hereby directed to pay to Ms. Kramer the amount of \$165,699.52. It is **FURTHER ORDERED** that the Preliminary Injunction and this Court's Order dated April 23, 2009 (authorizing an interim allowance and granting Ms. Kramer the right to open up a bank account with certain restrictions) are modified as follows: Ms. Kramer is allowed to spend and deposit any funds that legally belong to her as she sees fit; to enter into lawful financial transactions; to seek and/or obtain credit; to open and/or close financial accounts; and she is no longer required to send copies of her bank statements to the Receiver.

Signed: September 2, 2009



Graham C. Mullen
United States District Judge

