

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.

**FOURTH
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 January 25, 2010 through March 16, 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. Bowers has advised the Receiver with respect to tax issues, assisted the Receiver is filing a protective income tax refund for Barki for 2005, and attended the informational meeting with customers and the Receiver. The Receiver anticipates that Bowers will coordinate a forensic accounting of the Barki accounts with the Commodity Futures Trading Commission, assist the Receiver with respect to possible income tax refunds, and generally assist the Receiver in connection with other accounting issues.

6. 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 January 25, 2010 through March 16, 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:

Professional	Hours	Per Hour	Amount
EPB Edward P. Bowers (EPB)	409.60	185.	\$ 7,511.00
James Middleswarth (JRM)	14.10	185.	\$ 2,608.50
LCL Laurie C. LeGrand	203.20	160.	\$ 32,512.00
MTB Michael T. Bowers	02.90	100.	\$ 290.00
Total Fees:			\$ 42,921.50
Expenses: \$0.00			
Fee Reduction:			(\$ 4,292.50)
Total Fees & Expenses:			\$ 38,629.00

WHEREFORE, the undersigned requests that the court approve compensation of \$38,629.00 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 25th day of March, 2010.

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

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

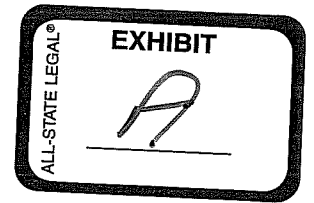


EXHIBIT A
USER TIME SUMMARY

	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>	
EPB	Edward P. Bowers	Partner	40.60	185.00	7,511.00
JRM	James Middleswarth	Partner	14.10	185.00	2,608.50
LCL	Laurie C. LeGrand	Associate	203.20	160.00	32,512.00
MTB	Michael T. Bowers	Accountant	2.90	100.00	290.00
PMA	Pamela Lutz	Bookkeeper	0.00	85.00	<u>00.00</u>
			Fees		42,921.50
Fee Reduction					(<u>4,292.50</u>)
			Total Fees		<u>38,629.00</u>
Expenses					<u>00.00</u>
			Total Expenses		<u>00.00</u>
			Total Fees and Expenses		<u>38,629.00</u>

Grier/Barki

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FOR PROFESSIONAL SERVICES RENDERED:

HOURS

AMOUNT

01/25/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Organize documents received from bank for the years 2005 and 2006	4.55	728.00
01/26/10	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Email response re: estimated tax payment forms received on B Kramer	.10	18.50
01/26/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue organization of documents received from bank	2.80	448.00
01/27/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on analysis of bank documents received. Begin data entry from bank records into Quickbook files.	6.00	960.00
01/28/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue data entry from bank records into Quickbook files.	6.00	960.00
01/29/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on analysis of transactions keyed as unknown and reclassify accordingly. Analysis of activity in general ledger. Work on reconciliation of investor accounts	6.00	960.00
02/01/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work to indentify unknown accounts and search IVIZE (4.25). Work on reconciliation of investor accounts(1.75)	6.00	960.00
02/02/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on reconciliation of investor accounts	6.00	960.00
02/03/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on reconciliation of investor accounts	6.00	960.00
02/04/10	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call from S Horowitz re: status of investor tax information	.15	27.75

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FOR PROFESSIONAL SERVICES RENDERED:

		HOURS	AMOUNT
02/04/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on reconciliation of investor accounts	6.00	960.00
02/05/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on reconciliation of investor accounts	6.00	960.00
02/06/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on reconciliation of investor accounts(4.20). Locate 2005, 2006 and 2007 partnership tax returns and search IVIZE for 2008 partnership K-1's(2.30)	6.50	1040.00
02/08/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on reconciliation of investor accounts	7.50	1200.00
02/09/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on reconciliation of investor accounts	5.25	840.00
02/10/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on reconciliation of investor accounts	8.00	1280.00
02/11/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on reconciliation and analysis of investor accounts	8.50	1360.00
02/12/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on 2006 tax information detail analysis	6.00	960.00
02/14/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on 2006 tax information detail analysis (3.00) Work on 2007 tax information detail analysis(1.75)	4.75	760.00
02/15/10	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on 2007 tax information detail analysis	7.00	1120.00
02/16/10	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Discussions with LCL re: various theories on	4.75	878.75

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FOR PROFESSIONAL SERVICES RENDERED:	HOURS	AMOUNT

	reporting investor tax activity re: Barki LLC. Calls with JRM to discuss theories. Tax research various issues.	
02/16/10	James R. Middleswarth 1.50	277.50
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Various calls with EPB re: fact pattern involved and discussions	
02/16/10	Laurie C. LeGrand 7.50	1200.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on 2007 tax information detail analysis(2.10). Tax research(4.60). Tax analysis on Puckett and calculation of Jennifer's individual results for 2006 through 2008(0.80)	
02/17/10	Edward P. Bowers 2.10	388.50
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meeting with J Grier and A Gorman to discuss various tax issues and theories. Travel.	
02/17/10	Laurie C. LeGrand 4.60	736.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meet with J Grier and A Gorman. Travel. Review emails from A Gorman on Puckett. Research on theft loss tax issues and work on 2007 tax information detail analysis.	
02/18/10	Laurie C. LeGrand 3.05	488.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on 2007 tax information detail analysis	
02/19/10	Laurie C. LeGrand 7.00	1120.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on 2007 tax information detail analysis(5.00). Research commodity future tax issues and Forex trading(2.00)	
02/20/10	Laurie C. LeGrand 4.00	640.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on 2007 tax information detail analysis	
02/21/10	Laurie C. LeGrand 5.00	800.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on 2008 tax information detail analysis	
02/22/10	Laurie C. LeGrand 7.35	1176.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work on 2008 tax information detail analysis	
02/23/10	Laurie C. LeGrand 8.00	1280.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS;	

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FOR PROFESSIONAL SERVICES RENDERED:	HOURS	AMOUNT

	Continue work on 2008 tax information detail analysis	
02/24/10	Laurie C. LeGrand 2.50	400.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meeting with J Grier, Gorman et al to discuss various tax matters. Travel	
02/24/10	Laurie C. LeGrand 5.00	800.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on 2008 tax information detail analysis	
02/25/10	Laurie C. LeGrand 7.50	1200.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on 2009 tax information detail analysis, agree books to trustee distribution details, and reclassify unknown transfers.	
02/26/10	Laurie C. LeGrand 7.00	1120.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue work on 2009 tax information detail analysis	
02/28/10	Laurie C. LeGrand 3.50	560.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Prepare memo on tax issues and tax information detail analysis	
03/01/10	Edward P. Bowers 9.25	1711.25
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review and proof 2006 tax information detail analysis, 2007 tax information detail analysis, and 2008 tax information detail analysis	
03/01/10	Laurie C. LeGrand 5.55	888.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review and respond to questions from EPB on tax information detail analysis	
03/02/10	Edward P. Bowers 8.50	1572.50
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Research re: theft losses and tax treatments. Call with J Middleswarth to discuss tax issues. Work on determination of future recoveries. Revise tax information detail analysis	
03/02/10	James R. Middleswarth 3.50	647.50
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with EPB re:Sec 165, Rev Ruling 2009-9 and discussion on theft loss	
03/02/10	Laurie C. LeGrand 5.50	880.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Work on B Kramer pro-forma Form 1040 amended	

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FOR PROFESSIONAL SERVICES RENDERED:	HOURS	AMOUNT

03/02/10	returns for reconciled Barki activity Michael T. Bowers 1.65	165.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Trace K-1 information for partners from 2006 to 2008 to tax information analysis	
03/03/10	Edward P. Bowers 8.00	1480.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued work and research on Barki partnership tax information issues and Kramer amended returns.	
03/03/10	Laurie C. LeGrand 6.00	960.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Search Ivize for state and federal estimated taxes paid by Kramer. Make adjustments on tax information analysis for money taken by Kramer	
03/04/10	James R. Middleswarth 1.20	222.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review prompt assesment IRS Code and Regulations	
03/04/10	Laurie C. LeGrand .50	80.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Prepare pro-forma Kramer Forms 1040 for multiple tax theories	
03/05/10	Edward P. Bowers 3.25	601.25
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Research and discussions re: constructive trust	
03/05/10	James R. Middleswarth 3.80	703.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Various calls with EPB to discuss and research constructive trust and claim of right issues and Sec 1341 amended return filing issues	
03/05/10	Laurie C. LeGrand .35	56.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Research re:money market account on Rhonda Kramer to determine whether account was closed and proceeds sent to receiver	
03/05/10	Laurie C. LeGrand .70	112.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Adjust pro-forma Kramer Forms 1040 for changes to Barki LLC tax information analysis	
03/05/10	Laurie C. LeGrand 3.75	600.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Research re: constructive trust court cases	
03/06/10	Edward P. Bowers 2.25	416.25
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meeting with J Middleswarth to review and discuss tax information analysis and construtive trust	

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FOR PROFESSIONAL SERVICES RENDERED:		HOURS	AMOUNT

03/06/10	issues James R. Middleswarth	2.00	370.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meet with EPB to review and discuss tax positions and presentation		
03/06/10	Michael T. Bowers	1.25	125.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Prepare schedule of investor activity for safe harbor purposes		
03/09/10	Edward P. Bowers	.75	138.75
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Prepare spreadsheet re: recoveries. Preparation for meeting with J Grier.		
03/09/10	Edward P. Bowers	1.50	277.50
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meeting with J Grier to discuss Kramer tax issues		
03/09/10	James R. Middleswarth	.50	92.50
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Conference call with EPB and J Grier		
03/15/10	James R. Middleswarth	1.00	185.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review draft of investor tax information and call with EPB to discuss		
03/16/10	James R. Middleswarth	.60	111.00
	CASE ADMINISTRATION AND BUSINESS OPERATIONS; Review revised draft and discuss with EPB		

		TOTAL FEES:	42921.50

		AMOUNT DUE:	42921.50