

**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.

**SECOND
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 May 15, 2009 through November 6, 2009, 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, prepared Form 4506T and request transcripts from IRS, several conferences with Receiver in reference to work program regarding tax returns and other matters, preparation of Form 2848 extension of time to file, review of IRS transcripts, conference on amending returns and procedures and documents required, reply to Employment Security Commission inquiry, tax research on amending partnership returns, procedures and timing of same, conversations with investors accountant re: K-1 status, conference re: Kramer and Barki tax returns, and analyzing Forex account statements.

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 May 15, 2009 through November 6, 2009. 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	04.70	185.	\$ 869.50
LCL Laurie C. LeGrand	43.70	160.	\$ 6,992.00
MTB Michael T. Bowers	06.00	100.	<u>\$ 600.00</u>
Total Fees:			\$ 8,461.50
Expenses: \$0.00			
Total Fees & Expenses:			\$ 8,461.50

WHEREFORE, the undersigned requests that the court approve compensation of \$8,461.50 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 17th day of November, 2009.

/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	4.70	185.00	869.50
LCL Laurie C. LeGrand	Associate	43.70	160.00	6,992.00
MTB Michael T. Bowers	Accountant	6.00	100.00	600.00
PMA Pamela Lutz	Bookkeeper	0.00	85.00	<u>00.00</u>
		Total Fees		<u>8,461.50</u>
Expenses				<u>00.00</u>
		Total Expenses		<u>00.00</u>
		Total Fees and Expenses		<u>8,461.50</u>

EXHIBIT B

Grier/Barki

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FOR PROFESSIONAL SERVICES RENDERED:		HOURS	AMOUNT
5/15/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier re: Potential Ryan tax refund and other matters	.15	27.75
5/20/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Research procedures and prepare Form 4506T request for transcripts from IRS	.50	92.50
5/27/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Access and setup Ivize on system. Review access procedures	.50	92.50
5/28/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier to discuss work program regarding tax returns and other matters	.25	46.25
7/01/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Emails from C Wright. Prepare Form 2848 extension of time to file for Barki LLC and email.	.25	46.25
7/09/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Read various emails. Print and review IRS transcripts received. Respond to J Grier.	.25	46.25
8/19/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier re: amending returns; procedures and documents required	.25	46.25
8/21/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Meet with J Grier to discuss amended tax returns and work required. Travel	1.50	277.50
9/14/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Reply to email re: Employment Security Commission inquiry	.10	18.50
9/29/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Tax research on amending partnership returns. Procedures and timing of same.	3.20	512.00
9/30/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier re: initial review of computer drive and records needed	.25	46.25

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OR PROFESSIONAL SERVICES RENDERED:		HOURS	AMOUNT
10/13/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with investors accountant re:K-1 status	.10	18.50
10/14/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with J Grier re: Krammer tax returns and Barki LLC tax returns	.10	18.50
10/20/09	Edward P. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Call with Ivize re: login problems. Call with Gorman re: training on use of Ivize.	.50	92.50
10/26/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Search Ivize for Forex trading statements and print selected statements.	6.00	960.00
10/27/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue Ivize file search and printing of documents needed for accounting and tax return preparation.	6.00	960.00
10/28/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue Ivize file search and printing of documents needed for accounting and tax return preparation.	6.00	960.00
10/28/09	Michael T. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Print account pages for Forex Capital Markets from Ivize documents.	2.00	200.00
10/29/09	Michael T. Bowers CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continue printing Forex statements from Ivize documents	4.00	400.00
11/03/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Analyze Forex account statement activity	5.50	880.00
11/04/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued analysis of Forex account statements	6.00	960.00
11/05/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued analysis of Forex account statements	5.00	800.00
11/06/09	Laurie C. LeGrand CASE ADMINISTRATION AND BUSINESS OPERATIONS; Continued analysis of Forex account statements	6.00	960.00

