

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

U.S. COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

CAPITALSTREET FINANCIAL, LLC,  
SEAN F. MESCALL,

Defendants,

and

GERALD T. MESCALL,  
and GAINCAPITAL, INC.,

Relief Defendants.

CASE NO. 3:09-cv-387-RJC-DCK

**NOTICE OF CLAIM VERIFICATION FORM AND CLAIMS BAR DATE  
FOR ADMINISTRATIVE CREDITORS OF CAPITALSTREET FINANCIAL, LLC  
AND/OR SEAN F. MESCALL**

PLEASE TAKE NOTICE that the Court has approved a distribution priority scheme whereby allowed Administrative Claims will be paid first out of the Receivership Estate. **Administrative Claims include: expenses of the administration of the Receivership, including legal and accounting fees along with expenses to preserve the value of assets, including payment of any taxes due on property and/or income of property of the Receivership Estate incurred during the pendency of the Receivership (“Administrative Claims”).** Other general creditors of the Defendants and Relief Defendants will not receive a distribution from the Receivership Estate until and unless the Investors in Capital Street Financial, LLC (“CapitalStreet”) are paid 100% of the amounts invested less any distributions

made from CapitalStreet (“Investor Claims”). The Receiver does not anticipate that the Receivership Estate will pay Investor Claims in full. Therefore, general creditors need not file Claims as to the Receivership.

The Court has approved the attached Claim Verification Form to be used by Administrative Creditors of CapitalStreet and/or Sean F. Mescall in establishing their claims against the Receivership Estate. Administrative Creditors should complete the Claim Verification Form, sign and return it along with supporting documentation as instructed on the Claims Verification Form. If you are not able to answer a question or provide copies of requested documents, or if you believe that you have already provided sufficient documentation of your claim, please provide a written explanation, either in the space provided or on an attached sheet. You may also attach to the Claims Verification Form any other written information that you believe is relevant to your claim and the establishment that the claim is an Administrative Claim.

TAKE FURTHER NOTICE that Claim Verification Forms are due on or before **July 27, 2010**, the **Claims Bar Date**. Claims received after the Claims Bar Date may not be allowed a distribution. Claim forms may be submitted by email, fax, mail, or hand delivery as follows:

Email: [CapitalStreetreceivership@grierlaw.com](mailto:CapitalStreetreceivership@grierlaw.com)  
Fax to: 704.332.0215  
Mail or deliver to: CapitalStreet Claims  
Grier Furr & Crisp, PA  
101 North Tryon Street, Suite 1240  
Charlotte, NC 28246

Questions regarding the Claim Verification Form or the Claims Bar Date may be addressed to [CapitalStreetreceivership@grierlaw.com](mailto:CapitalStreetreceivership@grierlaw.com).

This is the 24th day of June, 2010.

**GRIER FURR & CRISP, PA**

/s/ Joseph W. Grier, III

Joseph W. Grier, III (State Bar No. 7764)

A. Cotten Wright (State Bar No. 28162)

Anna S. Gorman (State Bar No. 20987)

101 North Tryon Street, Suite 1240

Charlotte, North Carolina 28246

Phone: 704.375.3720; Fax: 704.332.0215

[jgrier@grierlaw.com](mailto:jgrier@grierlaw.com)

[cwright@grierlaw.com](mailto:cwright@grierlaw.com)

[agorman@grierlaw.com](mailto:agorman@grierlaw.com)

*Attorneys for Joseph W. Grier, III,*

*Court Appointed Receiver*



6. Dates during which Administrative Claim was incurred:
  
7. Basis of Administrative Claim, i.e. detail on how if the claim an expense of administration of the Receivership:
  
8. I have enclosed with this Claim Verification Form copies of all available statements and documents substantiating this Administrative Claim.
  
9. This Claim Verification Form (circle one, if applicable) amends / replaces a Claim Form submitted on \_\_\_\_\_.

I aver and affirm that the above information is true and correct under penalty of perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name: \_\_\_\_\_  
(Please print or type)

Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime  
Phone: \_\_\_\_\_

Email  
Address: \_\_\_\_\_

**CLAIM FORMS MAY BE SUBMITTED BY EMAIL, FAX, MAIL, OR HAND DELIVERY AS FOLLOWS:**

Email: [CapitalStreetreceivership@grierlaw.com](mailto:CapitalStreetreceivership@grierlaw.com)

Fax to: 704.332.0215

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