

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p>Plaintiff, vs.</p> <p>TRAVIS E. CORRELL, individually and doing business as Horizon Establishment; et al.</p> <p>Defendants, and</p> <p>BANNER SHIELD, LLC; et al.</p> <p>Defendants Solely for Purposes of Equitable Relief.</p> <hr/>	<p style="text-align: center;">Lead Case</p> <p style="text-align: center;">Case No.: 4:05-CV-472 RAS</p> <p style="text-align: center;">Consolidated Case</p> <p style="text-align: center;">Case No.:4:07-cv-346 RAS</p>
<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p>Plaintiff, vs.</p> <p>GLOBAL FINANCE & INVESTMENTS, INC.; et al.</p> <p>Defendants, and</p> <p>USASSET & FUNDING CORP.; et al.</p> <p>Defendants Solely for Purposes of Equitable Relief.</p>	<p style="text-align: center;">RECEIVER'S MOTION TO ESTABLISH CLAIMS BAR DATE IN CONSOLIDATED CASE GLOBAL FINANCE AND BRIEF IN SUPPORT THEREOF</p>

**RECEIVER'S MOTION
TO ESTABLISH CLAIMS BAR DATE IN
CONSOLIDATED CASE GLOBAL FINANCE
AND BRIEF IN SUPPORT THEREOF**

S. Gregory Hays, the Receiver appointed in the above-styled action, files this Unopposed Motion to Establish Claims Bar Date and Brief in Support Thereof (the "Motion") and shows the Court as follows:

BACKGROUND

1. This civil enforcement action was filed by the Securities and Exchange Commission on July 18, 2007. On September 24, 2007, after this action was consolidated with the Lead Case (Correll), the Court entered an Amended Order Appointing Receiver (the "Receivership Order"), appointing S. Gregory Hays as Receiver for certain of the Defendants and Relief Defendants, and for certain assets of the Relief Defendants (the "Receiver Estate"). Among other things, the Receivership Order authorized and directed the Receiver to marshal and administer the assets of the Receiver Estate. (*E.g.*, Receivership Order at ¶ 5.)

2. Since his appointment, the Receiver and his team of professionals have engaged in various activities towards the management and administration of the Receiver Estate, including efforts to identify and determine the amounts invested and lost by investors. The activities of the Receiver have been described to the court during the status conferences held in this action, and in the Receiver's applications for payment of fees and expenses.

3. Ultimately, the Receiver will be responsible for distributing the remaining assets of the Receiver Estate to creditors, including investors.

RELIEF REQUESTED

4. As result of the asset freeze provided for in the Receivership Order, and the efforts of the Receiver Team to marshal the assets of the Receiver Estate, the Receiver has located and taken control of monies and assets totaling nearly \$7.3 million, which has earned approximately \$237,000 in interest to date. At the conclusion of this receivership, most of this amount will be available to distribute to creditors, including investors in the “high yield” and “prime bank” investment offering (“the Investment Programs”).

5. In order to calculate investor losses and to make appropriate distributions, the Receiver must identify investors and determine the amounts invested in the Investment Programs. In order to locate and identify the actual investors, the Receiver reviewed documents and files provided by the Defendants and Level Par Investments, LLC as well as bank records subpoenaed by the Receiver. From these records, the Receiver compiled a listing of the names and addresses of investors. As a result, the Receiver believes he has been able to identify the majority of the investors.

6. In December 2007, the Receiver contacted all known investors by mail and provided them with the Investor Proof of Claim Form. To date, the Receiver has mailed Investor Proof of Claim Forms to 117 known investors. The Investor Proof of Claim Form also is posted on the Receiver’s website and includes an Excel template designed to facilitate the filing of an accurate claim. A copy of the Investor Proof of Claim Form, and the accompanying notice to investors, are attached hereto as Exhibit A.

7. Separately, the Receiver identified one creditor of the Receiver Estate. The Receiver recently has sent the Creditor a Non-Investor Proof of Claim, with a bar date of

October 15, 2008. The Non-Investor Proof of Claim Form also is posted on the Receiver's website. Attached as Exhibit B is the Non-Investor Proof of Claim Form.

8. As indicated on the face of the Investor Proof of Claim Form, the Receiver directed that all Investor Proof of Claim Forms be submitted by February 15, 2008. The Receiver has directed the creditor to submit the Non-Investor Proof of Claim Form by October 15, 2008.

9. As of the filing of this motion, 85 investors have submitted Proof of Claim Forms and the Receiver has contacted the one known creditor.

10. In order to bring this receivership to a conclusion, the Receiver must ensure that all claims that he is required to consider have been properly submitted and analyzed. The Receiver Team has performed a funds tracing and is nearing completion of its initial claims review process.

11. To conclude the claims process, the Receiver, as well as investors and other creditors, need to have a claims cut-off date. Accordingly, the Receiver believes that a final bar date must be established as the deadline for submitting claims (the "Bar Date") so that claims can be analyzed and distribution(s) made without uncertainty regarding the total liability of the Receiver Estate. Accordingly, the Receiver requests that the Court establish October 15, 2008, as the final Bar Date – *i.e.*, the date by which any investor or other creditor seeking payment from the Receiver Estate must file a claim using the appropriate form as developed by the Receiver.

12. The Receiver further requests that the Court enter a bar date of January 15, 2009, for any claim by the Internal Revenue Service or any other federal or state governmental

authority for any tax liability or other liability incurred by the Receiver Estate prior to the appointment of the Receiver (the "Taxing Authority Bar Date").

13. Once the Court establishes the Bar Date, the Receiver will send notice of the Bar Date to all known investors and creditors that have not yet filed a claim and will post a similar notice on the Receiver's website. Those investors and creditors that have previously filed a claim need not re-file, unless contacted by the Receiver and directed to do so. Any investor or creditor who fails to submit a claim by October 15, 2008, may be barred from asserting a claim and may not be entitled to share in any returns or distributions made to investors and/or creditors by the Receiver in this case. The Receiver will send notice of the Taxing Authority Bar Date to the IRS and to other taxing authorities that the Receiver identifies as having potential claims against the Receiver Estate.

14. Though the Receiver believes that he has identified all investors (most of whom have submitted claims) and creditors, it is possible that the Receiver will identify additional investors after the date of this motion, and even after the proposed Bar Date. Accordingly, the Receiver requests that the Court grant the Receiver the authority to extend the Bar Date for those later identified investors and creditors and to otherwise accept late filed claims, as deemed necessary by the Receiver, in his sole and absolute discretion, to further the purposes of the receivership.

15. Based upon the experience of the Receiver in these types of matters, the Receiver believes it is critically important to require investors and creditors to timely file claims. As indicated above, most investors have already done so. The requirements requested herein are not unduly burdensome, but rather are necessary and common in these types of matters. Without a firm deadline, the administration of this matter will likely be delayed and those investors and

creditors who timely return their forms and document their claims will be prejudiced by delays in payment. Further, by requiring documents supporting the amounts claimed, the Receiver will discourage the filing of inflated claims and will reduce the time required to review the claims.

16. Counsel for the Receiver has consulted with Counsel for the Securities and Exchange Commission, and the SEC does not oppose this motion.

CONCLUSION

WHEREFORE, the Receiver respectfully requests that this Court issue an order (1) granting his Motion; (2) requiring that all such investors and creditors that have not yet filed a claim return the appropriate form to the Receiver no later than October 15, 2008; (3) requiring the IRS and all other taxing authorities to submit their claims by January 15, 2009; and (3) authorizing the Receiver to send notice of the Bar Date to all known investors and creditors that have not yet filed a claim and the Taxing Authority Bar Date to the IRS and all other taxing authorities identified by the Receiver as potentially having claims against the Receiver Estate.

Respectfully submitted this 3rd day of September, 2008.

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Receiver

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i) of the United States District Court for the Eastern District of Texas, the Receiver, prior to filing the Motion, has consulted with counsel of record for all remaining parties to this action in a good faith attempt to resolve the matter without court intervention and no opposition was voiced.

Furthermore, in accordance with his practice in the above-styled case, the Receiver is posting this Motion on his website so that any and all investors will have an opportunity to review it and file objections. Accordingly, and out of an abundance of caution, the Receiver states for purposes of this certificate that **this Motion is opposed at this time**. If no investor objects to this Motion after fifteen (15) days from the date of the filing, the Receiver will file an amended certificate of conference indicating that it is unopposed.

/s/ Merle R. Arnold III
Merle R. Arnold III
Texas State Bar No. 24003979

CERTIFICATE OF SERVICE

I do hereby certify that, September 3, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Timothy S. McCole
Scott R. Baker

I further certify that, on September 3, 2008, the foregoing has been served to the following non-CM/ECF participants by United States Mail, postage pre-paid:

William Clark
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16 Beech Place
Denville, NJ 07834

/s/ Merle R. Arnold III
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