

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ALBERT E. PARISH, Jr.,
PARISH ECONOMICS, LLC and
SUMMERVILLE HARD ASSETS,
LLC,

Defendants.

CIVIL ACTION NO. 2:07-919-DCN

**RECEIVER'S FINAL ACCOUNTING AND
MOTION TO TERMINATE RECEIVERSHIP**

S. Gregory Hays (“Receiver”), the court-appointed Receiver for Albert E. Parish (“Parish”), Parish Economics, LLC (“Parish Economics”), and Summerville Hard Assets, LLC (“Summerville Hard Assets”) (collectively, the “Receiver Estate”) files his final accounting of the sources and uses of monies and other assets of this Receiver Estate and moves this Court to enter a final order in this case terminating this receivership.

OVERVIEW

1. The Receiver initially was appointed pursuant to an order of this Court entered on April 5, 2007 [ECF No. 7]. The receivership was continued pursuant to the terms of this Court's order dated April 12, 2007 [ECF No. 26] (collectively referred to as the "Receivership Orders").

2. The activities of the Receiver and the professionals who have worked with him (collectively, the "Receiver Team") have been described in various reports and other filings made during the course of this case including the following:

- The Receiver's First Interim Report filed on April 12, 2007 [ECF No. 27];
- The Receiver's Second Interim Report filed on May 30, 2007 [ECF No. 66];
- The Receiver's Third Interim Report filed on March 14, 2008 [ECF No. 182];
- The Receiver's Motion to Approve Plan for Claims Administration and Distribution of Proceeds filed on April 30, 2009 [ECF No. 267];
- Numerous Applications for Authority to Pay Professional Fees and Reimburse Costs filed throughout the course of this case [ECF Nos. 68, 93, 113, 129, 143, 144, 145, 158, 163, 194, 203, 211, 229, 249, 258, 265, 295, 300, 302, 309, 315, 317, 330, 342, 365, 367, 369, 371, 374, 377, and 379]; and
- Various motions to approve settlements with third-parties [ECF Nos. 134, 159, 220, and 332].

Those reports and filings, which have been posted to the Receiver's website, www.haysconsulting.net, are incorporated into this Motion. Therefore, a detailed description of the history of this receivership will not be set forth here.

3. In sum, the Receiver and other members of the Receiver Team have unraveled the investment pools that Parish operated for many years as a large Ponzi scheme – i.e., payments of “profits” to investors, as well as withdrawals of principal, were funded with money derived from later investors/investments. As set forth more specifically in the Receiver's Third Interim Report [ECF No. 182], the Receiver determined that:

- Since 2001, more than \$113 million ran through the Defendants' bank accounts and at least \$92 million of that amount came from investors.
- Almost \$50 million was paid in cash to investors in illusory profits or returns of principal. (Additional payments were made to third-parties for the benefit of specific investors.)
- Approximately \$20 million was used to purchase “hard assets” of various types, while approximately \$3.1 million was generated from the sale of some of these assets.
- More than \$10 million was invested in various business ventures and/or lent to individuals, while approximately \$3.6 million was paid to Parish or Parish Economics from these parties.
- Approximately \$3.6 million was paid in life insurance premiums.
- While Parish borrowed approximately \$6.3 million from banks, more than \$6.4 million was used to make loan payments.

4. On May 9, 2007, an 11 count criminal indictment was filed against Albert Parish in the matter styled *USA v. Parish*, Case No. 2:07-cr-00578-DCN-1. On October 5, 2007, Parish entered a guilty plea to three charges: two counts of mail fraud and one count of providing false statements and documents to the SEC. On or about June 26, 2008, this Court sentenced Parish to serve 292 months in federal prison.

5. During the course of this case, the Receiver has, with very limited exception, liquidated the assets of the Receiver Estate and resolved the claims of investors and other creditors. The only non-cash assets remaining in the Estate are: (1) an ivory chess set; and (2) a bottle of Cognac. Because there are prohibitions and/or restrictions regarding the sale of these items (which do not appear to have substantial value in the context of this case), the Receiver has turned them over to the Court.

6. In addition to liquidating the assets of the Receiver Estate, the Receiver also has resolved claims and potential causes of action with various third-parties, which have resulted in recoveries on behalf of the Receiver Estate.

7. The Receiver has developed and administered the court-approved process for making payments to aggrieved investors. In sum:

- 543 investor claim forms were submitted to the Receiver. Of these, 502 involved claims of investors who suffered actual losses – i.e., the amounts invested exceeded the returns received by those investors (“Investor Claimants”).

- The Investor Claimants invested approximately \$88.6 million with Parish.
- Approximately 163 of the Investor Claimants received payments from Parish totaling approximately \$17.8 million.
- The cumulative net loss – i.e., cash invested minus cash received – suffered by all Investor Claimants is approximately \$70.8 million.
- To date, the Receiver has distributed approximately \$9.07 million to 368 Investor Claimants and 8 other creditors in accordance with the “Rising Tide” distribution methodology approved by this Court.

8. Approximately \$940,000 remains in the Receiver Estate. As more specifically set forth below, the majority of this cash will be distributed to investors in conjunction with the closing of this receivership.

9. Attached as Exhibit A hereto is the Receiver’s final accounting of the sources and uses of cash administered by him during the course of this case.

RELATED LITIGATION

10. The Receiver was appointed as Claims Administrator in two separate actions that were brought outside of the receivership: (1) a class action against the accounting firm employed by Parish Economics, *Brandt v. Dixon Hughes PLLC, et al.*, District Court of South Carolina, Charleston Division, Case No. 2:10-cv-0714-DCN (the “Dixon Hughes Matter”); and (2) a class action against the law firm retained by Parish Economics, *Martin v. Pearlman, et al.*, District Court of South Carolina, Charleston Division, Case No. 2:10-cv-01135-DCN (the “Pearlman”).

Matter”). Both of these matters settled in 2011. In his capacity as Claims Administrator, the Receiver was charged with the distribution of settlement funds to the Parish Economics investors who, as class members in these actions, submitted claims to the settlement funds.

11. In the Dixon Hughes Matter, a group of plaintiffs who had suffered losses from investments made with Parish and Parish Economics brought a class action against the accounting firm employed by Parish Economics. In sum, the plaintiffs claimed that the “Agreed Upon Procedures Report” (the “Report”) issued by Dixon Hughes PLLC (“Dixon Hughes”) on February 12, 2007 allowed Parish to continue misappropriating funds from investors. The plaintiffs sought to recover from Dixon Hughes and certain of its current and former employees a portion of the investment losses incurred by persons and entities who had invested with Parish and Parish Economics prior to the issuance of the Report. Ultimately, the parties settled the litigation for \$500,000. In total, 444 class members submitted claims, which totaled \$56,840,644.53. After legal fees, claims administration fees, and other expenses in the amount of \$155,038.68, claimants received a distribution of \$344,961.32 at a distribution rate of 0.60689%.

12. In the Pearlman Matter, a group of plaintiffs brought a class action against the law firm retained by Parish Economics, asserting claims for legal malpractice, breach of fiduciary duty, and negligent misrepresentation and seeking

recovery of losses resulting from their investments with Parish and Parish Economics. The parties to the Pearlman Matter settled the action for \$1,250,000. In sum, 445 class members submitted claims. After legal fees, claims administration fees, and other expenses in the amount of \$330,672.49, claimants received a distribution of \$919,327.51 at a distribution rate of 0.4% to 2.5%.

13. To the extent that there are any unclaimed funds after distribution of the settlement funds recovered in the Dixon Hughes and Pearlman actions, such funds will be forfeited to the Receiver for distribution to investor and creditor claimants. Based on the number of unexecuted checks outstanding as of the date of this Final Report, the Receiver expects the amount of unclaimed funds, if any, to be minimal.

14. As explained in the Order Approving Section 5 of the Receiver's Plan for Claims Administration and Distribution of Proceeds and Approving the Schedule of Claims and Authorizing the Distribution of Proceeds [ECF No. 338] ("Order Approving Section 5"), under the "Rising Tide" distribution methodology, recoveries obtained by investors who were class members in the above-listed actions will affect their distribution in the receivership.

15. In addition, investor distributions will be affected by the recoveries obtained from Charles Schwab & Co., Inc. ("Charles Schwab") in connection with the settlement of a class action brought by a group of investors in Parish

Economics against Charles Schwab, *Brown v. Charles Schwab & Co. Inc.*, District Court for South Carolina, Case No. 2:07-cv-03852-DNC (the “Charles Schwab Action”). In the Charles Schwab Action, a group of investors with Parish and Parish Economics brought a class action suit against Charles Schwab in its capacity as custodian of certain IRA and other retirement accounts that were transferred to Charles Schwab, alleging that Charles Schwab was liable to plaintiffs for materially aiding in the violation of certain securities laws.

16. The Receiver did not serve as the Claims Administrator in the Charles Schwab Action. This action involved two settling subclasses, the “Non-ETC Subclass” and the “ETC Subclass.” In the settlements, the Non-ETC Subclass received a settlement payment equal to 100% of their net loss from Charles Schwab. The Non-ETC Subclass members also assigned to Charles Schwab their claim to any payment to which they may be entitled as a result of the settlement of the Dixon Hughes Action and/or Pearlman Action. The ETC Subclass members received a settlement payment from Charles Schwab equal to approximately 50.6% of their net loss. The ETC Subclass plaintiffs retained, and did not assign, their claims in the Dixon Hughes Action and/or Pearlman Actions – i.e., members of the ETC Subclass received a distribution in the settlement of those matters. Like the recoveries obtained in the Dixon Hughes and Pearlman actions, recoveries

obtained from Charles Schwab also will affect the “Rising Tide” distribution calculations. (See Order Approving Section 5, ECF No. 338.)

TAX ISSUES

17. As noted in the Third Interim Report [ECF No. 182], during the course of the receivership, the Receiver addressed and resolved issues related to the federal partnership tax returns filed for Parish Economics, LLC for the years 1998 through 2004. Since the filing of the Third Interim Report, the Receiver’s work has focused on resolving issues related to Federal and State payroll taxes assessed for the pre-receivership period of 2003 through 2007 against Unlimited Hiring Possibilities, LLC (“UHP”). UHP was an entity owned by Parish that was not directly involved in the receivership. However, given the nature of these tax obligations, Parish was personally liable for their payment.

18. The Internal Revenue Service (“IRS”) assessed payroll taxes in excess of \$240,000 against UHP. The Receiver was able to resolve all known assessments except one, which is discussed below. To resolve the assessments, the Receiver performed extensive research, often relying on incomplete information and pre-receivership records that were in poor condition. The Receiver’s work included: (a) a reconciliation process – i.e., reconciling the assessments against amounts paid by UHP to the IRS; (b) filing amended, corrected payroll tax returns for certain periods; (c) filing initial payroll tax returns for any time periods for

which UHP had failed to file a payroll tax return; (d) negotiating favorable settlements with the South Carolina Department of Revenue; and/or (e) negotiating favorable settlements with the IRS Appeals Division and the Office of the IRS Taxpayer Advocate, which resulted in formal Lien Withdrawals.

19. The Receiver has been unable to resolve one payroll tax assessment, which relates to a payroll tax return filed by UHP for the quarter ending June 30, 2006. This assessment proved difficult to resolve due to errors made by UHP's bookkeepers on the 2006 returns and the fact that assessments were allocated by the IRS to incorrect time periods. The IRS' position is that, as of December 28, 2012, UHP will owe the IRS approximately \$31,728.95. The estimated tax portion of this assessment, including \$4,946.64 in interest, totals \$20,302.69 and the estimated penalty portion, including \$1,793.73 in interest accrued through December 14, 2012 on the penalty, totals \$11,426.26. Interest continues to accrue daily on the tax and penalty portions, thus the final amount due to the IRS may differ slightly from the estimated amounts listed above.

20. Although the Receiver has performed extensive work and research in an attempt to settle this remaining payroll tax assessment and reduce or eliminate any associated penalties, resolving the assessment could take up to a year and require the Receiver to incur additional expenses. Thus, the Receiver believes that it is in the best interests of the investors and the receivership estate that the

Receiver pay the IRS approximately \$31,728.95, which will satisfy the taxes, interest, and penalties associated with this assessment. Accordingly, the Receiver requests the Court's approval to pay the IRS the taxes, interest, and penalties associated with this assessment.

TERMINATION OF THE RECEIVERSHIP

21. With the resolution of the payroll tax issues and all litigation related to this case, it is appropriate to terminate this receivership. In conjunction with the closing of this case, the Receiver requests that the Court authorize the Receiver to:

- Pay the payroll taxes, including interest and penalties, described in Paragraph 20 above;
- Pay any and all approved professional fees and expenses through November 30, 2012 (which are the subject of a fee application filed at or about the same time as this Motion);
- Without further application to or approval of the Court, pay professional fees and expenses incurred from November 30, 2012 through the conclusion of the activities described herein;
- Pay any other administrative expenses associated with this receivership (which are likely to be minimal amounts, if any);
- Establish a reserve in the amount of \$10,000 to be used to pay professional fees and expenses that might be incurred in "winding up" activities;
- Distribute the remaining cash on hand to investors and creditors in accordance with the plan of distribution previously approved by this Court; and
- Destroy the pre-receivership records of the Defendants.

22. Upon the completion of the activities described in the preceding paragraph, it is appropriate that the receivership be terminated and that the Receiver is discharged.

23. Accordingly, the Receiver requests that this Court enter an order:

- Authorizing the Receiver to take the actions contemplated by this Motion;
- Terminating the receivership;
- Discharging the Receiver of all of his obligations under the Receivership Order, as well as any other duties or obligations incident to his appointment or service as Receiver in this case;
- Releasing and discharging the Receiver and the Receiver Team from any and all claims and causes of action which might be brought against them for matters arising from their administration of the assets turned over to the Receiver, including, without limitation, any claim concerning or relating to the filing of any local, state, or federal tax returns for the Receiver Estate or any of the Defendants herein and/or the reporting of any income, assets, or tax consequences to any person or entity; and
- Releasing the Receiver and the Receiver Team from any liability to any person or entity for any action taken in good faith in connection with carrying out the procedures set forth in the Receivership Orders or any other actions taken in good faith in connection with the receivership, and providing for payment of defense costs if any such claim is asserted.

24. A proposed order is attached hereto as Exhibit B.

25. The Receiver and his counsel are able and willing to attend a hearing or conference with the Court to address questions or concerns that the Court or other interested parties may have. Attached as Exhibit C to this Motion is the

Notice of Motion to Terminate Receivership that is being mailed to investors and creditors upon the filing of this Motion.

Respectfully submitted this 13th day of December, 2012.

By: /s/ David Popowski
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ALBERT E. PARISH, Jr.,
PARISH ECONOMICS, LLC and
SUMMERVILLE HARD ASSETS,
LLC

Defendants.

CIVIL ACTION NO. 2:07-919-DCN

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December 2012, the foregoing ***Receiver's Final Accounting and Motion to Terminate Receivership*** was filed with the Clerk of this Court using the CM/ECF system, which will automatically send email notification of such filing to all case parties via email.

TROUTMAN SANDERS LLP

/s/ J. David Dantzler, Jr.

J. David Dantzler, Jr.

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EXHIBIT A

SEC v. Albert E. Parish, Jr., et. al.
Receiver's Sources & Uses of Funds Report
From 04/07/07 to 11/29/12

| | Thru 11/29/12 | % of Total Receipts |
|--|-------------------|---------------------------|
| <u>Sources of Funds:</u> | | |
| <u>Recovery from Frozen Bank Accounts</u> | \$ 369,036 | 2.18% |
| <u>Recovery & Sale of Assets and Business Interests</u> | | |
| Sale of Real Property & Timeshares | 2,554,603 | 15.12% |
| Sale of Hard Assets & Personal Assets | 6,498,710 | 38.46% |
| Sale of Vehicles | 235,545 | 1.39% |
| Sale of Life Insurance Policies (net of expenses) | 505,860 | 2.99% |
| Sale of Business Interests | 129,216 | 0.76% |
| Liquidation of A.J. Davis | 227,452 | 1.35% |
| Liquidation of Unlimited Hiring Possibilities | 34,698 | 0.21% |
| Mortgage, Auto & Promissory Loans | 925,618 | 5.48% |
| Rental Property Income | 59,030 | 0.35% |
| <u>Settlements</u> | | |
| Legare Bailey Settlement | 925,000 | 5.47% |
| Pearlman Settlement | 14,500 | 0.09% |
| CSU Settlement | 3,650,000 | 21.60% |
| <u>Other Receipts</u> | | |
| Recoveries from Third Parties | 152,500 | 0.90% |
| Insurance Refunds | 134,439 | 0.80% |
| Taxing Authority Refunds | 12,845 | 0.08% |
| Cobra Reimbursements & FSA Receipts | 8,298 | 0.05% |
| Miscellaneous Receipts | 11,791 | 0.07% |
| Stale Cashier's Check | 86,300 | 0.51% |
| Winner Claims | 113,000 | 0.67% |
| Interest on Receiver Accounts | 248,388 | 1.47% |
| Total Receipts: | 16,896,829 | 100.00% |
| <u>Uses of Funds:</u> | | |
| <u>Parish & Hard Asset Direct Expenses</u> | | |
| Scarborough & Associates | 71,724 | 0.42% |
| Berkley County Police - Security Services | 71,814 | 0.43% |
| Azalea Moving & Packing Fees | 97,080 | 0.57% |
| Azalea Storage Fees & Insurance | 74,586 | 0.44% |
| Real Prop Maintenance Costs - Utilities & Repair costs | 82,213 | 0.49% |
| Real Property Taxes | 23,973 | 0.14% |
| Property Appraisal Costs | 11,045 | 0.07% |
| Property, GL, Excess & Other Insurance | 57,620 | 0.34% |
| Unlimited Hiring Insurance | 15,288 | 0.09% |
| Life Insurance | 596,829 | 3.53% |
| Safety Box Rent & Bank Service Fees | 1,390 | 0.01% |
| Read & Mullin; Goin Fine Art; H. E. Howard, GG Appraisers | 209,323 | 1.24% |
| Myers & Associates, LLC | 53,875 | 0.32% |
| Miscellaneous Expenses | 67,123 | 0.40% |
| <u>Auction Expenses</u> | | |
| NCCC Auction | 129,371 | 0.77% |
| Christie's Auction | 26,538 | 0.16% |

SEC v. Albert E. Parish, Jr., et. al.
Receiver's Sources & Uses of Funds Report
From 04/07/07 to 11/29/12

| | Thru 11/29/12 | % of Total Receipts |
|---|-------------------|---------------------------|
| Real Property Auction | 90,000 | 0.53% |
| <u>AJ Davis Direct Expenses</u> | | |
| Wages/Vacation Pay & Payroll Taxes | 12,095 | 0.07% |
| Personal Property Tax | 726 | 0.00% |
| Workers Compensation Insurance | 489 | 0.00% |
| Property, GL, Excess & Other Insurance | 156 | 0.00% |
| Rent Expense | 7,239 | 0.04% |
| Real Prop Maintenance Costs - Utilities & Repair Costs | 1,512 | 0.01% |
| Store Credit Cards | 18,961 | 0.11% |
| AJ Davis Accounting, Bookkeeping & AR Collections | 7,949 | 0.05% |
| Bank Charges | 3,562 | 0.02% |
| Misc. Disbursements | 1,314 | 0.01% |
| <u>Case Admin Expenses</u> | | |
| Document Productions | 2,610 | 0.02% |
| Taxes (Non-Property) | 15,652 | 0.09% |
| <u>Investor & Creditor Expenses</u> | | |
| Investor Mailing Costs | 4,696 | 0.03% |
| Investor & Creditor Distributions | 138,471 | 0.82% |
| <u>Mortgage/Notes Payoffs</u> | | |
| Mortgage/Note Payoffs | 966,612 | 5.72% |
| <u>Professional Services</u> | | |
| Hays Financial Consulting | 1,723,055 | 10.20% |
| S Gregory Hays, Receiver | 333,851 | 1.98% |
| Troutman Sanders | 1,925,472 | 11.40% |
| David Popowski | 38,077 | 0.23% |
| <u>Distribution to Claimants</u> | | |
| Investors | 8,874,429 | 52.52% |
| Creditors | 199,801 | 1.18% |
| Total Disbursements: | 15,956,523 | 94.44% |
| NET FUNDS IN RECEIVERSHIP | \$ 940,306 | 5.56% |

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ALBERT E. PARISH, Jr.,
PARISH ECONOMICS, LLC and
SUMMERVILLE HARD ASSETS,
LLC,

Defendants.

CIVIL ACTION NO. 2:07-919-DCN

**[Proposed] ORDER TERMINATING RECEIVERSHIP
AND CLOSING ACTION**

S. Gregory Hays, Receiver for Defendants Albert E. Parish, Parish Economics, LLC, and Summerville Hard Assets, LLC (collectively, the “Receiver Estate”) has filed the Receiver’s Final Accounting and Motion to Terminate Receivership (“Motion”). Having read and considered the Receiver’s Motion, any timely filed objections, and other relevant filings in this action, the Court finds that the Final Accounting is sufficient and in order and, therefore, it is appropriate to terminate this receivership and close this action. Accordingly, the Receiver’s Motion is GRANTED and IT IS HEREBY ORDERED that:

1. The Receivership over Defendants Albert E. Parish, Parish Economics, LLC, and Summerville Hard Assets, LLC shall be terminated in accordance with the provisions of this Order.

2. The Receiver is authorized to pay unresolved disputed payroll taxes, including interest and penalties, as described in Paragraphs 19 and 20 of the Motion. The Court finds that the time and expense of resolving the remaining dispute, when compared to the amounts in issue in the unresolved dispute, are not worthwhile expenditures and are not in the best interest of the Receiver Estate and its beneficiaries – i.e., aggrieved investors.

3. The Receiver is authorized to pay the professional fees and expenses incurred from August 2011 through November 30, 2012 that are the subject of the Thirty-Second Application of Receiver for Authority to Pay Professional Fees and to Reimburse Costs (“Fee Application”) filed on or about December 13, 2012. The Receiver also is authorized to pay, without further application to or approval from the Court, any reasonable professional fees and expenses incurred from November 30, 2012 through and including the conclusion of the activities undertaken in implementing the provisions of this Order.

4. After payment of the disputed payroll taxes, including interest and penalties, and the professional fees and expenses authorized by Paragraph 3, and subject to the reserve established pursuant to Paragraph 6 below, the Receiver is

authorized and directed to distribute all remaining monies in the Receiver Estate to creditors and investors entitled to receive payment pursuant to the plan of distribution previously approved by this Court and implemented by the Receiver. As indicated in the Receiver's Motion, various investors have obtained third party recoveries, which will be taken into account when determining the amount paid to affected investors in connection with this final distribution. (*See* Order Approving Section 5 of the Receiver's Plan for Claims Administration and Distribution of Proceeds and Approving the Schedules of Claims and Authorizing Distribution of Proceeds [ECF No. 338] at 15-18.)

5. With respect to the final distribution payments, any investor or creditor who does not deposit or cash the check within 120 days of the date of the originally issued check shall forfeit the right to payment.

6. The Receiver is authorized to retain \$10,000 for the purpose of dealing with unforeseen contingencies and paying expenses, including reasonable professional fees, incurred after the final distribution in winding up the Receiver Estate.

7. The Receiver is authorized to destroy all of the Defendants' pre-receivership records that, in his sole and absolute discretion, are not necessary to maintain. The Receiver shall maintain the records created during the course of this

receivership in accordance with his customary document retention and destruction policies.

8. The Receiver and other members of the Receiver Team are authorized to undertake any and all activities reasonably necessary to wind up the affairs of the Receiver Estate.

9. After all activities of the Receiver have been completed, but not less than the earlier of (i) 120 days from the date that payments are issued to investors or, (ii) the clearance of all final distribution payments in accordance with Paragraph 4 above, the Receiver shall: (a) pay any unpaid administrative expenses, including reasonable professional fees; (b) pay any and all remaining monies in the Receiver Estate into the United States Treasury; and (c) file a simple Notice with the Court advising that all matters in this receivership, including those provided for in this Order, have been concluded. Upon filing of the Notice, the receivership will be terminated and this case will be closed without the necessity of further Order of this Court and the Receiver shall be relieved of all of his duties and obligations under the Receivership Orders.

10. Upon the filing of the Notice provided for in Paragraph 9 above, S. Gregory Hays, the Receiver, is and shall be fully relieved and discharged of all of his duties and obligations under the Order to Show Cause, Temporary Restraining Order, Order Appointing Receiver, Order Freezing Assets, Order Prohibiting

Destruction of Documents and Order Expediting Discovery, dated April 5, 2007 [ECF No. 7] and Order Granting Preliminary Injunction, Freezing Assets, Appointing Receiver and Ordering Other Ancillary Relief, dated April 12, 2007 [ECF No. 26] (collectively, the “Receivership Orders”), and any other duties or obligations incident to his service or appointment as Receiver in this case.

11. Upon the filing of the Notice provided for in Paragraph 9, above, the Receiver and his attorneys, accountants, and consultants (the “Receiver Team”) shall be fully released and discharged from any and all claims and causes of action which might be brought against them for matters arising from their administration of the assets turned over to the Receiver, including without limitation any claim concerning or relating to the filing of any local, state, or federal tax returns for the Receiver Estate or any of the Defendants herein and/or the reporting of any income, assets, or tax consequences to any person or entity.

12. Neither the Receiver nor any member of the Receiver Team shall have any liability to any person or entity for any action taken in good faith in connection with carrying out the procedures set forth in this Order or the Receivership Orders. In the event that such a claim or cause of action is asserted against the Receiver or any member of the Receiver Team, the Receiver or Receiver Team member shall be entitled to a defense by counsel of his or her choice, payable as any other fee or

expense incurred in connection with this receivership, even if willful misconduct is alleged.

13. This Court shall retain jurisdiction over any and all matters relating to the receivership and the Receiver Estate. To the extent any dispute arises concerning the Receiver's administration of the Receiver Estate or to the extent any person or entity seeks to pursue or assert any claim or action against the Receiver or any member of the Receiver Team arising out of or related to this receivership, the Court shall retain jurisdiction to hear and resolve any such dispute or claim.

IT IS SO ORDERED, this ____ day of December, 2012.

DAVID C. NORTON
CHIEF UNITED STATES DISTRICT JUDGE
District of South Carolina

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ALBERT E. PARISH, Jr.,
PARISH ECONOMICS, LLC and
SUMMERVILLE HARD ASSETS, LLC,

Defendants.

CIVIL ACTION NO. 2:07-919-DCN

NOTICE OF MOTION TO TERMINATE RECEIVERSHIP

NOTICE IS HEREBY GIVEN that on December 13, 2012, S. Gregory Hays (“Receiver”), the court-appointed Receiver in this action, filed the Receiver’s Final Accounting and Motion to Terminate Receivership, in which the Receiver seeks to terminate the receivership over Albert E. Parish, Parish Economics, LLC, and Summerville Hard Assets, LLC (collectively the “Receiver Estate”). A copy of the Motion, along with supporting papers, can be found on the Receiver’s website, www.haysconsulting.net. You may also request a copy by contacting the undersigned counsel for the Receiver.

In sum, the activity in this receivership has concluded and, consequently, the Receiver now seeks to terminate the receivership. In connection with the termination of the Receivership, the Receiver also has requested that the Court (1) relieve the Receiver from any future obligations; and (2) provide the Receiver and the professionals working with a release from liability related to their actions during the course of the receivership.

If you object to or oppose the Motion, you must file a written objection with the Court no later than January 2, 2013, with a copy served on counsel for the Receiver by United States Mail *and by e-mail*:

J. David Dantzler, Jr.
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In the event of any objection, the objecting party must also appear at the hearing on this matter before Judge Norton in the United States District Court for South Carolina, Charleston Division that is scheduled for January 11, 2013 at 12:00 noon. If no objections are filed in response to the Motion, no hearing will be held and the Court will decide the Motion without a hearing.

This 13th day of December, 2012.

/s/ David Popowski
David Popowski
Federal ID# 3097
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