

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	
)	NO. 1:12-CV-04028-SCJ
BILLY WAYNE McCLINTOCK)	
DIANNE ALEXANDER,)	
)	
Defendants,)	
)	
MSC HOLDINGS USA, LLC,)	
MSC HOLDINGS, INC., MSC GA)	
HOLDINGS, LLC,)	
)	
Relief Defendants.)	

**RECEIVER’S AMENDED MOTION TO APPROVE PLAN
OF DISTRIBUTION AND FIRST INTERIM DISTRIBUTION**

The Receiver for MSC Holdings files his Amended Motion to Approve the Plan of Distribution (hereinafter “Plan”) based upon the receipt of additional Claim forms from participants in the MSC Holdings Ponzi scheme. Based upon a review of those Claim forms, the Receiver has made additional Claim determinations that are reflected in a supplemental spreadsheet, which is attached hereto as “Exhibit B” (the initial Claim determinations were included in the Receiver’s original Motion to Approve Plan [Doc. No. 118] as Exhibit A).

The Receiver's Claim determinations for the additional Claims in Exhibit B includes three (3) more Class 3 Claimants and two (2) additional proposed distributions. Accordingly, the Receiver also seeks the Court's approval of an additional \$22,515 to cover these additional initial interim distributions under the proposed Amended Plan with a total initial interim distribution of **\$1,622,515**. This proposed distribution which will provide a total recovery percentage of 34.58% for the Allowed Claims of General Investors (Class 3) using the "rising tide" distribution method, as addressed in the Receiver's original Motion to Approve Plan.

Within ten (10) days of filing this Motion, the Receiver will provide the following information by mail to the additional Claimants included in Exhibit B: (i) the Claim Number assigned, (ii) the amount of the Claim sought by that Claimant, (iii) the verified amount of payments to and from that Claimant, (iv) the amount of their Allowed Claim, (v) the Class to which their Claim has been assigned, (vi) any amount each Claimant will receive from the initial interim distribution, and (vii) the recovery percentage for the initial interim distribution.

Each Claimant in Exhibit B will also receive a copy of the contemporaneously filed Amended Motion To Establish a Deadline For Objections [Doc. No. 133] of March 31, 2017 for all objections to the

Receiver's Claim Determination and Plan of Distribution along with the proposed Order, which contains instructions for filing objections to the Plan. The spreadsheet and these Motions will also be available on the Receiver's website (www.cauthornnohr.com). The Receiver's website also contains the details of the proposed Plan set forth and described in his original Motion to Approve Plan [Doc. No. 118].

In addition, the Receiver has presented the proposed Plan of Distribution to senior trial counsel for the U.S. Securities and Exchange Commission ("SEC"). The Receiver is authorized to report that the SEC supports the proposed Plan in every respect. *See* February 17, 2017 email from Pat Huddleston II (attached as "Exhibit C").

Wherefore, the Receiver respectfully requests that the Court approve the original Plan of Distribution [Doc. No. 118] along with the proposed amendments set forth herein and the Claim Determinations set forth in Exhibits A and B in these pleadings. In addition, the Receiver requests that the Court establish a deadline of March 31, 2017 for any and all objections to the original and amended Plan, as set forth in the accompanying Motion [Doc. No. 133]. The Receiver proposes responding to all objections in a single pleading following this established deadline.

Respectfully submitted this 27th day of February, 2017.

/s Jason L. Nohr

Georgia Bar No.: 545435

As Receiver for MSC Holdings

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CERTIFICATE OF SERVICE

This certifies that I have this day served a copy of the foregoing *Receiver's Amended Motion to Approve Plan of Distribution and First Interim Distribution* via the CM/ECF electronic filing system which will send notice of such filing to counsel of record.

This 27th day of February, 2017.

/s Jason L. Nohr

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