

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	Chapter 11
	)	
LIFE FUND 5.1, LLC, <i>et al.</i> , <sup>1</sup>	)	Case No. 09 B 32672
	)	
Debtors.	)	Jointly Administered

**TRUSTEE'S FOURTH STATUS REPORT**

Jeff Marwil, not individually, but solely in his capacity as chapter 11 trustee (the “Trustee”) to the bankruptcy estates (the “Estates”) of the above-captioned debtors (collectively, the “Debtors”), provides the following interim status report regarding the Estates and the Trustee’s recent activities.

**I. CERTIFICATION OF MARWIL AS TRUSTEE AND RETENTION OF COUNSEL**

1. On March 8, 2010, after Mr. Marwil was elected Trustee by creditors of the Debtors, the Court entered an order confirming Mr. Marwil’s election as Trustee.

2. On March 11, 2010, the Trustee filed an application to retain Proskauer Rose LLP (“Proskauer”) as his counsel, which the Court granted after notice and a hearing.

3. On April 7, 2010, the Trustee and his attorneys held a listen only conference call to which all investors and parties in interest were invited. The Trustee provided notice of such call on the website dedicated to the chapter 11 cases: [www.lifefundtrustee.com](http://www.lifefundtrustee.com). A recording of the April 7 call is available at [www.lifefundtrustee.com](http://www.lifefundtrustee.com).

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<sup>1</sup> The Debtors in the cases are: (1) Life Fund 5.1, LLC; (2) Life Fund 5.2, LLC; (3) A&O Life Fund, LLC; (4) A&O Resource Management, Ltd.; (5) A&O Bonded Life Settlements, LLC; (6) A&O Bonded Life Assets, LLC; and (7) Houston Tanglewood Partners, LLC.

## II. STATUS OF POLICIES AND RELATED ISSUES

4. Since the Court confirmed the Trustee's election, the Trustee and his advisors have reviewed<sup>2</sup>: (a) each life insurance policy (each a "Policy") held by any Estate; (b) myriad documents related to each Policy from the Files; and (c) every filed proof of claim that alleges any ownership or other interest in any Policy. Proskauer conducted its review at the direction of the Trustee and to be able to properly advise the Trustee with respect to each Policy. Concurrently with this review, and to properly maintain and administer the Policies, Proskauer and the Trustee have: (i) requested that the insurance companies that issued the Policies (the "Carriers") change their Policy files to reflect the Trustee's appointment and to direct Policy notices to him; (ii) confirmed with the Carriers that the Policies were current and enforceable; (iii) negotiated with one Carrier the reinstatement of one improperly lapsed Policy; (iv) made premium payments necessary to maintain certain Policies; (v) obtained from Carriers in force illustrations for each Policy (i.e. a projection of policy costs and values in future years); (vi) confirmed with the Carriers the Debtors' interest in each Policy; and (vii) reviewed, analyzed, and summarized for the Trustee all performance bonds issued by Provident Capital Indemnity, Ltd. ("PCI"), which are discussed in greater detail below.

5. The Trustee's review indicates that 27 Policies remain in effect. Of these 27 Policies, 22 are owned solely by one or more of the Debtors, and five (5) may be jointly owned by one of the Debtors and one or more other owners identified in the table in paragraph six (6)

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<sup>2</sup> Specifically, Proskauer has, among other things: (1) reviewed, analyzed and indexed for future reference 26 banker boxes of documents ("Files") that were in substantial disarray and that were not meaningfully indexed; and (2) reviewed and incorporated into the Files as needed nearly 29,000 additional electronically scanned, unsorted and un-indexed documents.

below<sup>3</sup>. Many proofs of claim and creditors with whom the Trustee and his professionals have been in contact indicate that certain other individuals who may be unsecured creditors of the Estates and/or investors (equity interest holders) in one or more of the Debtors, believe that they hold an ownership or other interest in certain Policies. The Trustee's review concludes that the vast majority of creditors of the Estates are investors who loaned money or invested money to the Debtors in the form of Debtor-issued bonds, loans, or equity investments, some of which appear to have been "earmarked" for a certain Policy. The Trustee's investigation concludes that none of the investor loans or investments made to or in the Debtors are secured by a valid or properly perfected security interest in any Policy. Accordingly, although certain investors other than those identified in paragraph six (6) below may believe that they have a direct interest in a Policy, their interests do not rise to the level of ownership or of a secured creditor and they are therefore general unsecured creditors of the Estates and or equity interest holders in certain of the Debtors. The Trustee may address this issue<sup>4</sup> in greater detail in subsequent pleadings and in any chapter 11 plan.

6. Generally speaking, the continuing premium costs for each of the Policies is satisfied by the Carriers deducting from the accrued value of each Policy the costs of insurance. Most Policies have accrued cash value sufficient to satisfy premium costs through the end of calendar year 2010, although certain Policies require premium payments. According to the Trustee's records, no Policies have lapsed since the Court confirmed the Trustee's election. The

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<sup>3</sup> The Trustee reserves all rights, claims, remedies and interests in connection with these five (5) Policies, including without limitation, all avoidance actions in connection with any transfers of alleged ownership interests therein.

<sup>4</sup> The Trustee also continues to analyze whether the Estates should be consolidated, which is another issue that may be addressed in a subsequent pleading or in a chapter 11 plan.

Trustee successfully reinstated one Policy that a Carrier had inappropriately deemed to have lapsed. As of the filing of this report, the following Policies remain in effect, as noted below:

<b>Carrier</b>	<b>Policy#</b>	<b>Face Amt.</b>	<b>Alleged Co-Owners</b>
American General	U10033937L	\$10,000,000	Debtor interest held via trust
C.M. Life (Mass Mutual)	8275165	\$2,000,000	
ING	1618622	\$2,000,000	Debtor interest held via trust
John Hancock	57169674	\$650,000	
John Hancock	UL00267681	\$1,000,000	
John Hancock	UL1402937 (frozen - will not lapse without prior notice to Trustee)	\$1,000,000	The Peter Bachmann Revocable Trust (50%) Stuart Bennerotte (18%)
Lincoln National	2722294	\$250,000	LC Ranch Inc. (33%) Ronald Beaver (33%)
Lincoln National	7016282	\$1,000,000	
Lincoln National	JP5578112	\$1,000,000	Debtor interest held via trust
Lincoln National	JF5571244	\$1,000,000	Debtor interest held via trust
Lincoln National	JJ7002605	\$1,500,000	Debtor interest held via trust
Lincoln National	JG5462406 (in grace)	\$2,000,000	
Lincoln National	JF5571385	\$2,000,000	Debtor interest held via trust
Lincoln National	7000058	\$4,000,000	Paula Higdon Whitaker (25%) Paula & Ryan Whitaker Charitable Remainder Trust (25%)
Met Life (of CT)	U7403296	\$1,500,000	
National Life	NL2364882	\$2,000,000	
Pacific Life	VF51212390	\$1,000,000	
Pacific Life	VF51212400	\$1,000,000	
Pacific Life	VP61029750	\$1,000,000	
Pacific Life	VP60832870	\$6,000,000	
Prudential	V1168732	\$10,000,000	

Carrier	Policy#	Face Amt.	Alleged Co-Owners
Sun Life	20068584	\$5,000,000	Katalin Szaniszlo (10.1%) Kevin P. Wienkers (16.8%)
Transamerica	60059453	\$725,000	
Transamerica	60134439	\$5,000,000	
Transamerica	60134440	\$5,000,000	
Transamerica	60081812	\$21,500,000	
West Coast Life	ZUA341379 (indefinite grace)	\$13,700,000	Focused Life Settlements No. 2, LP (6.25%) Charles C. Giger (14.21%)

7. On March 24, 2010, the Court entered an order approving a settlement agreement between the Estates and PCI regarding Policies 7016282 (Lincoln National) and V1168732 (Prudential). PCI is a reinsurer that is registered in the Commonwealth of Dominica and managed by an entity located in Costa Rica. When operating, the Debtors purchased from PCI bonds on certain of the Policies. The PCI-issued bonds mature in an amount equal to the face amount of the Policy they insure in the event that the insured is living as of that date. Under the settlement agreement between PCI and the Estates, PCI is obligated to make a stream of payments in satisfaction of \$11 million of past due (as alleged by former trustee Collins) obligations under two bonds issued on the Policies identified above. As described below, to date PCI has timely made all payments due under the settlement agreement, except for one payment in the amount of \$833,333.33 that was due June 15, 2010 but, as of the date of this report, had not been made. PCI has advised the Trustee that this payment is forthcoming.

8. Adversary Proceeding 10 A 104 filed against Aviva Life & Annuity Company f/k/a Indianapolis Life (“Aviva”) seeks to reinstate policy B05020454, which Aviva claims lapsed prior to the Trustee’s election. On June 21, 2010, the Trustee filed a motion seeking to

compromise, settle and dismiss this adversary proceeding. Under the proposed settlement agreement filed with the Trustee's motion to compromise, Aviva would return to the Trustee all premiums previously paid under the Policy in question (approximately \$540,000) and the Policy would be deemed to be lapsed. As set forth in the Trustee's motion, the Trustee believes that this compromise is in the best interests of the Estates. A hearing on the motion is scheduled for July 14, 2010 at 10:00 a.m.

9. The Trustee has knowledge of at least five (5) (and perhaps more) insurance policies issued by Transamerica that are subject to dispute by multiple potential owners. The Trustee contends that Houston Tanglewood Partners, LLC is a 100% owner of Policies 601344439 and 601344440 issued on the same individual or individuals by Transamerica. Transamerica policies 60134441, 60134442, and 60134443 (also issued on the same individual as the Policies referenced above) are subject to litigation or arbitration regarding their ownership in the State of Texas. The Trustee is in contact with the parties to such arbitration and litigation.

10. The Trustee and his advisors are completing their analysis of the Policies and anticipate filing a motion seeking to establish procedures to allow the Trustee to market all of the Policies and to sell each Policy individually, all Policies together to a single portfolio purchaser, or in groups of Policies to one or more purchasers. As part of this pre-marketing analysis, the Trustee and his professionals: (a) obtained updated life expectancy reports from independent actuaries; and (b) conducted a "break even" and other analyses that will guide the Trustee in his decision on whether to accept an offer to purchase any Policy. The life expectancy analyses obtained by the Trustee in connection with this analyses demonstrate that the life expectancies of the insureds under the Policies are generally more than 125 months, which is materially greater than the life expectancies provided to the Debtors and investors when the Policies were

purchased. The life expectancies provided to the Debtors and investors in the past appear to have been materially understated and perhaps fraudulent. The updated life expectancy analyses obtained by the Trustee indicate that death benefits are unlikely to be realized in the short or near term.

11. The Trustee will provide notice of any sale and seek authority of the Court for any sale, all in accordance with the Bankruptcy Code and the Bankruptcy Rules and any sale procedures order approved by the Court. The Trustee recently contacted in writing the individuals identified above who have a recorded and allegedly valid and unavoidable ownership interests in any Policy to solicit their desire to sell their interests in such Policies or purchase the Estates' interests in such Policies. The Trustee will take these interests into account in any potential sale, in addition to the existence of any PCI-issued bonds and the analyses described above (among other factors).

### **III. PROVIDENT CAPITAL INDEMNITY**

12. On June 10, 2010, the Trustee met personally with a principal for PCI. At the beginning of the meeting, the Trustee discussed with PCI the status of myriad PCI bonds, many of which PCI claims are no longer enforceable. The Trustee currently takes the position that all PCI-issued bonds on active Policies are enforceable and is attempting to reconcile these differences with PCI and reach agreement with PCI on PCI's remaining obligations under all PCI-issued bonds, including reactivating PCI-issued bonds currently deemed by PCI to be inactive. The following chart indicates the status and maturity date that PCI attributes<sup>5</sup> to each PCI bond originally issued on account of each Policy that remains in effect, some of which the Trustee disputes:

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<sup>5</sup> The information regarding Non-Debtor Bond Beneficiaries is from the Trustee's records.

<b>Carrier</b>	<b>Policy#</b>	<b>Face Amt. of Policy</b>	<b>Bond Status</b>	<b>Bond Maturity Date</b>	<b>Non-Debtor Bond Beneficiaries</b>
<b>American General</b>	<b>U10033937L</b>	<b>\$10,000,000</b>	<b>Inactive</b>	<b>1/1/2011</b>	A&O Life Funds, L.P.
C.M. Life (Mass Mutual)	8275165	\$2,000,000	Active	9/29/2011	
ING	1618622	\$2,000,000	Active	11/27/2013	
John Hancock	57169674	\$650,000	Active	11/30/2011	
<b>John Hancock</b>	<b>UL00267681</b>	<b>\$1,000,000</b>	<b>Inactive</b>	<b>5/19/2012</b>	
John Hancock	UL1402937	\$1,000,000	Active	5/3/2011	
Lincoln National	2722294	\$250,000	Active	6/17/2010	L.C. Ranch, Inc., Ronald Alan Beaver
Lincoln National	7016282	\$1,000,000	Subject to settlement		
<b>Lincoln National</b>	<b>JP5578112</b>	<b>\$1,000,000</b>	<b>Inactive</b>		
Lincoln National	JF5571244	\$1,000,000	Active	5/6/2014	
<b>Lincoln National</b>	<b>JJ7002605</b>	<b>\$1,500,000</b>	<b>Inactive</b>		
Lincoln National	JG5462406	\$2,000,000	Active	5/3/2011	
Lincoln National	JF5571385	\$2,000,000	Active	6/6/2013	A&O Life Funds, L.P.
Lincoln National	7000058	\$4,000,000	Active	1/16/2012	A&O Life Funds, LP, Paula K. Hidgdon, Paula and Ryan Whitaker Charitable Remainder Trust
Met Life (of CT)	U7403296	\$1,500,000	Active	12/5/2012	A&O Life Funds, L.P.
National Life	NL2364882	\$2,000,000	Active	12/27/2012	A&O Life Funds, L.P.

<b>Carrier</b>	<b>Policy#</b>	<b>Face Amt. of Policy</b>	<b>Bond Status</b>	<b>Bond Maturity Date</b>	<b>Non-Debtor Bond Beneficiaries</b>
Pacific Life	VF51212390	\$1,000,000	Active	9/19/2012	
<b>Pacific Life</b>	<b>VF51212400</b>	<b>\$1,000,000</b>	<b>Inactive</b>	<b>9/19/2012</b>	
<b>Pacific Life</b>	<b>VP61029750</b>	<b>\$1,000,000</b>	<b>Inactive</b>	<b>9/19/2012</b>	
<b>Pacific Life</b>	<b>VP60832870</b>	<b>\$6,000,000</b>	<b>Inactive</b>	<b>12/5/2012</b>	
Prudential	V1168732	\$10,000,000	Subject to settlement agm't.		
<b>Sun Life</b>	<b>020068584</b>	<b>\$5,000,000</b>	<b>Inactive</b>	<b>1/2/2010</b>	A&O Life Funds, L.P., Katalin Szaniszló, Kevin Paul Wienkens
Transamerica	60059453	\$725,000	Active	11/30/2013	
Transamerica	60134439	\$5,000,000	Active	3/20/2012	
<b>Transamerica</b>	<b>60134440</b>	<b>\$5,000,000</b>	<b>Inactive</b>	<b>3/20/2012</b>	A&O Life Funds, L.P.
<b>Transamerica</b>	<b>60081812</b>	<b>\$21,500,000</b>	<b>Inactive</b>	<b>10/25/2010</b>	
<b>West Coast</b>	<b>ZUA341379</b>	<b>\$13,700,000</b>	<b>Inactive</b>	<b>10/29/2010</b>	Dr. Charles C. Giger, Focused Life Settlement No. 2 LP

13. The Trustee also has requested from PCI evidence of PCI's financial wherewithal to meet its current and future obligations under the PCI bonds. As set forth above, PCI has not made the most recent payment due under its settlement agreement with the Estates, although it has stated that such payment will be made. PCI's creditworthiness and the Trustee's ability to enforce PCI's obligations under the bonds remain in question. Additionally, it appears that many bonds (as indicated in the chart above) were not issued to the Debtors, but instead to one of their non-Debtor affiliates and it is unclear if the Estates will be able to collect on such bonds. The Trustee looks forward to continuing to work with PCI to resolve these issues, to obtain evidence

of PCI's financial wherewithal to the Trustee's satisfaction, and to reconcile and administer PCI-issued bonds as they mature.

#### **IV. FUNDS COLLECTED AND RECOVERED BY TRUSTEE**

14. The Estates have received several payments due under the settlement agreement with PCI, which include an initial payment in the amount of \$25,000, and three subsequent payments in the amount of \$243,750 on each of April 15, 2010, May 15, 2010 and June 15, 2010. PCI has not made a payment in the amount of \$833,333.33 that was due on June 15, 2010, but has informed the Trustee that such payment is forthcoming.

15. In June of 2010, the Estates received approximately \$21,000 in funds turned over by law firms that had been holding such funds for the Debtors. These funds were turned over after the Trustee made demand for their return.

16. In June of 2010, the Estates also received approximately \$376,830 in proceeds from the sale of a home previously occupied by Adley Abdulwahab, one of the principals of the Debtors. The proceeds of the sale were distributed to the Estates by the receiver of W. Financial Group in accordance with the terms of the settlement agreement between the Estates and the receiver.

#### **V. ADMINISTRATIVE COSTS AND FEES**

17. Through May 31, 2010, the Trustee and his attorneys at Proskauer Rose LLP have generated approximately \$330,000 in costs, fees and expenses related to these matters. The Trustee will file an application detailing and seeking approval of such costs, fees and expenses at a later date.

18. Through May 31, 2010, the Garden City Group, the balloting and notice agent for the Estates, was owed approximately \$107,000 for costs, fees and expenses incurred and unpaid.

These costs, fees and expenses were incurred during the eight-month period from October 1, 2009 through May 31, 2010.

#### **VI. ADVERSARY COMPLAINT AGAINST PRINCIPALS**

19. The Trustee continues to prosecute adversary proceeding 10 A 42 against principals of the Debtors. Two of the defendants filed motions to dismiss the complaint. The Trustee objected to the motions to dismiss and the parties await a ruling from the Court. All documents filed in the adversary proceeding are available at [www.lifefundtrustee.com](http://www.lifefundtrustee.com).

#### **VII. ADDITIONAL INFORMATION AND COOPERATION WITH THIRD PARTIES**

20. All parties in interest in these chapter 11 cases should note that information about the cases, including copies of all documents filed in the chapter 11 cases and all related adversary proceedings, is available at [www.lifefundtrustee.com](http://www.lifefundtrustee.com). Additional inquiries can be made by calling (877) 841-2346. The Trustee is in regular communication with government enforcement agencies and is cooperating with these agencies to further their investigations into the Debtors' former principals and their businesses. The Trustee encourages creditors and others to cooperate with inquiries from state and federal agencies investigating the Debtors' business and its principals, including inquiries from the United States postal inspector, the Federal Bureau of Investigation, and others.

Dated: June 24, 2010  
Chicago, Illinois

**JEFF MARWIL**, not individually, but  
solely in his capacity as Trustee

*/s/ Jeremy T. Stillings*

Jeremy T. Stillings (ARDC# 06279868)  
PROSKAUER ROSE LLP  
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*Counsel to the Trustee*

**CERTIFICATE OF SERVICE**

I, Jeremy T. Stillings, an attorney, hereby certify that on June 24, 2010, I caused copies of the enclosed *Trustee's Fourth Status Report* to be served upon those parties on the attached service list in the manner indicated therein.

Dated June 24, 2010

By: /s/ Jeremy T. Stillings

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