

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
JAN 10 2002  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

**MOTION TO CLOSE CASE AND FOR DISCHARGE**  
**(CORD/WINTERHAWK RECEIVERSHIP ESTATE) - Page 1**  
 NATCD\FILES\MJON\FUND911.01\MotionClosingCase.wpd

("Receivership Order"), the receivership applies to Robert Cord a/k/a Robert F. Schoonover, Jr. ("Cord") and Winterhawk West Indies, Ltd. ("Winterhawk").

2. On March 9, 2001, the Receiver filed his Unopposed Motion to Designate Receivership Estates. By Order entered March 13, 2001, the Court established four different receivership estates with respect to these proceedings. One of those established is the Cord/Winterhawk Receivership Estate. It is comprised of the assets and claims with respect to Cord and Winterhawk.

3. On January 12, 2001, the Receiver filed his Unopposed Motion to Establish Claim Procedures and to Approve Claim Form. By Order entered January 17, 2001, the Court approved an official claim form to be used in these proceedings and established procedures by which claims would be processed by the Receiver. The deadline for submitting the claim form to the Receiver was established as March 31, 2001.

4. On April 10, 2001, the Receiver filed his Statement of Claims filed against the Cord/Winterhawk Receivership Estate and his Objections to Claims (Cord/Winterhawk Receivership Estate). After the hearing held on April 27, 2001 to consider the Receiver's Objections to Claims, on May 9, 2001 Judge Kaplan issued Findings of Fact and Recommendations which were adopted by the Court by Judge Lynn's Order dated June 13, 2001.

5. On July 3, 2001, the Receiver filed his Final Report and Proposed Distribution Plan as to the Cord/Winterhawk Receivership Estate. After hearing held on August 17, 2001, Judge Kaplan issued his Findings and Recommendations regarding approval of the Report. On September 7, 2001, Judge Lynn issued an Order Accepting the Findings and Recommendations.

6. On September 14, 2001, consistent with the Final Report as approved, the Receiver mailed final distribution checks to each holder of an allowed claim against the Cord/Winterhawk Receivership Estate. Each person received a check equal to 25.7% of their allowed claim.

7. Subsequent to the Receiver mailing final distribution checks to each holder of an allowed claim, all of the checks were cashed, save and except two of them. Accordingly, on December 18, 2001, the Receiver filed a Motion to Approve Handling of Uncashed Checks which is set for hearing on January 25, 2002. Once the Uncashed Checks Motion is resolved, all matters relating to the Cord/Winterhawk Receivership Estate will have been concluded and the case is ripe for closure and discharge of the Receiver.

8. Assuming the Uncashed Checks Motion is resolved as requested by the Receiver, the Receiver will have \$9,864.18 of funds remaining in the Cord/Winterhawk receivership estate to cover fees and expenses through closure of the case. This reserve fund was established pursuant to paragraph 12. of the Final Report and paragraph C. on page 5 of Judge Kaplan's Findings and Recommendations. The additional funds beyond the \$5,000.00 originally contemplated is attributable to interest which accrued while the Receiver waited on investors to cash their distribution checks.

9. As referenced in paragraph 16. of the Final Report, the Receiver now requests that the Court schedule a hearing to consider entry of an Order which:

- Authorizes the Receiver to abandon and destroy all records relating to the Cord/Winterhawk Receivership Estate at such time as the Receiver, in his discretion, deems proper;
- Closes the Cord/Winterhawk Receivership Estate to any further proceedings, absent good cause shown;

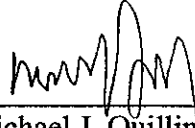
- Discharges the Receiver from any further service or responsibility as to the Cord/Winterhawk Receivership Estate;
- Releases the Bond posted by the Receiver in these proceedings insofar as it relates to the Cord/Winterhawk Receivership Estate; and
- Approves and authorizes payment of the \$9,864.18 to Quilling, Selander, Cummiskey & Lownds, P.C. to cover receiver and attorney fees.

WHEREFORE, PREMISES CONSIDERED, the Receiver prays that upon final hearing and consideration of this Motion that the Court enter an Order consistent with the foregoing and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly entitled.

Respectfully submitted,

QUILLING, SELANDER, CUMMISKEY & LOWNDS, P.C.

BY:

  
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ATTORNEYS FOR RECEIVER

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of January, 2002, a true and correct copy of the foregoing document was served via first class mail, postage pre-paid, on the persons set forth below.

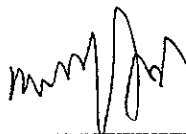
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