

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO  Denver District Court  1437 Bannock St.  Denver, CO 80202</p>	<p>DATE FILED: May 22, 2023 4:49 PM  FILING ID: C7C1580643F41  CASE NUMBER: 2019CV33770</p>
<p><b>Plaintiff:</b> TUNG CHAN, Securities Commissioner for the State of Colorado,</p> <p>v.</p> <p><b>Defendants:</b> MARK RAY; REVA STACHNIW; CUSTOM CONSULTING &amp; PRODUCT SERVICES, LLC; RM FARM &amp; LIVESTOCK, LLC; MR CATTLE PRODUCTION SERVICES, LLC; SUNSHINE ENTERPRISES; UNIVERSAL HERBS, LLC; DBC LIMITED, LLC</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Court-appointed Receiver Gary Schwartz:</i>  John A. Chanin, #20749  Katherine A. Roush, #39267  FOSTER GRAHAM MILSTEIN &amp; CALISHER, LLP  360 South Garfield Street, Suite 600  Denver, Colorado 80209  Phone: (303) 333-9810  Fax: (303) 333-9786  Email: <a href="mailto:jchanin@fostergraham.com">jchanin@fostergraham.com</a>;  <a href="mailto:kroush@fostergraham.com">kroush@fostergraham.com</a></p>	<p>Case Number: 19CV33770</p> <p>Division/Courtroom: 209</p>
<p style="text-align: center;"><b>RECEIVER’S MOTION TO APPROVE PROPOSED AMENDED PLAN OF DISTRIBUTION</b></p>	

Gary Schwartz, the duly-appointed receiver “Receiver” for all of the assets of Mark Ray (“Ray”), Custom Consulting & Product Services, LLC (“Custom Consulting”), MR Cattle Production Services, LLC (“MR Cattle”), Universal Herbs, LLC (“UH”), DBC Limited, LLC (“DBC”), RM Farm & Livestock, LLC (“RM Farm”), Sunshine Enterprises (“Sunshine”) and the real property, equipment, supplies or inventory located at 12700 E. Lone Chimney Road,

Glencoe, OK 74032 that are in the name of or under the control of Reva Stachniw (“Glencoe Ranch”) (collectively “Ray and the Ray Entities” or the “Estate”), moves the Court to enter an order approving the Receiver’s Proposed Amended Plan of Distribution (“Amended Plan”), filed concurrently herewith.

**I. CERTIFICATION PURSUANT TO COLO.R.CIV.P. 121, § 1-15(8)**

The relief requested in this Motion seeks to benefit the victims of the Ponzi scheme perpetrated by Ray and the Ray Entities, which is the basis of this equitable receivership case. There is no discrete opposing counsel with whom to consult regarding the requested relief. As reflected on the Certificate of Service to this Motion, a separate Notice of the right to object to this motion and the Amended Plan is being served contemporaneously on all counsel who have entered an appearance in this action and all persons who have filed claims against the Estate.

**II. MOTION**

1. The grounds and authority supporting this Motion and approval of the Amended Plan are set forth in detail in the Amended Plan and are incorporated herein. The Amended Plan is fair and equitable and explains the procedures for “rising tide” distributions on allowed investor claims. The Notice that has been served with this Motion and the Amended Plan explicitly notifies interested parties of their right to object to the amended portions of the Amended Plan. The objection deadline of June 15, 2023 set forth in the Notice is based on Colo. R. Civ. P. 121, § 1-15(1)(b) and provides ample time for interested parties to review and object to the amended portions of the Amended Plan, and exceeds the ten-day period set forth in this Court’s Order Appointing Receiver. *See Order Appointing Receiver* at 11, ¶20 (“Receivership Order,” entered September 30, 2019).

2. The amended portions of the Amended Plan reflect settlements of two potential objections, and based on his recent conviction, moves claimant Rivera to Class Seven.

3. Under the Receivership Order, if any objections are filed, the Court “shall promptly hold a hearing on the motion, on at least three (3) days’ notice to all objecting.” *Id.*

4. If no objection to the Plan or Amended Plan is filed, the Receiver requests that the Court enter an order approving the Amended Plan. If any objections to the Plan or Amended Plan are filed, the Receiver requests that the Court set a prompt hearing to resolve them so that distributions may commence as soon as practicable. As of the original objection deadline, two objections have been filed concerning the Plan by Reva Stachniw and Monte Lowderman.

5. The Receiver believes that the procedures set forth in the Amended Plan are fair, equitable, and necessary to move the Receivership toward its ultimate resolution.

WHEREFORE, the Receiver asks that the Court grant this Motion and enter the proposed Order submitted herewith approving the Amended Plan.

Dated: May 22, 2023.

FOSTER GRAHAM MILSTEIN & CALISHER, LLP.

By: /s/ John A. Chanin

John A. Chanin, #20749

Katherine A. Roush, #39267

ATTORNEYS FOR THE COURT-APPOINTED RECEIVER,  
GARY SCHWARTZ

