

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.
)	1:13-CV-01817-WSD
v.)	
)	
DETROIT MEMORIAL PARTNERS, LLC)	
and MARK MORROW,)	
)	
Defendants.)	

**RECEIVER’S EIGHTEENTH APPLICATION FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES (FIRST QUARTER 2018)**

Jason S. Alloy, the Receiver for Detroit Memorial Partners (“DMP”), files this Eighteenth Application seeking the Court’s approval to pay the Receiver’s professional service fees and expenses totaling \$10,816.16 for the period January 1, 2018 through March 31, 2018 (the “Time Period”).

The Receiver’s counsel submitted a complete copy of this Application to the SEC, Mark Morrow, and DMP’s nonparty members for their review on April 16, 2018, and none expressed any objection.

INFORMATION ABOUT THE APPLICANT AND THE APPLICATION

Billing Instructions § C(1)(a) through (d)

1. ***Date the Receiver was Appointed:*** November 22, 2013.
2. ***Date of the Order Approving Employment of the Applicant.*** The law firm Robbins Ross Alloy Belinfante Littlefield LLC (“Robbins Firm”) was approved as counsel to the Receiver on November 26, 2013, although the Robbins Firm began providing legal services to DMP on September 24, 2013. Accounting firm McLean Koehler Sparks & Hammond (“McLean Koehler”) was approved on March 26, 2014.
3. ***Date Services Commenced:*** The Robbins Firm’s services commenced on September 24, 2013. The Receiver first consulted with McLean Koehler on February 4, 2014.
4. ***Names and Hourly Rates of All of Applicant’s Professionals and Paraprofessionals.*** See the Fee Schedule attached hereto as **Exhibit B**.
5. ***Whether the Application is Interim or Final, and the Dates of Previous Orders on Interim Applications Along with Amounts Requested and the Amounts Allowed or Disallowed, All Amounts of Previous Payments, and Amount of Any Allowed Applications Which Remain Unpaid.*** This is the Eighteenth Interim Application for fees filed by the Receiver. Applications have been approved through the Fourth Quarter of 2017, and all approved fees through

the Fourth Quarter of 2017 have been paid to the appropriate service providers.

The previous applications were as follows:

Date of Application	Amt. Requested	Date Order Entered	Amt. Allowed (fees/expenses)
Feb. 14, 2014 [Doc. 68]	\$22,669.67	Mar. 2, 2014 Order [Doc. 75] June 3, 2014 Judgment [Doc. 88]	\$22,669.67 (full amount)
May 15, 2014 [Doc. 86]	\$83,006.00	June 3, 2014 Order & Judgment [Docs. 87 & 89]	\$83,006.00 (full amount)
Aug. 14, 2014 [Doc. 97]	\$58,553.17	Nov. 25, 2014 Order [Doc. 106]	\$58,553.17 (full amount)
Nov. 14, 2014 [Doc. 103]	\$66,889.83	Nov. 21, 2014 Order [Doc. 104]	\$66,889.83 (full amount)
Feb. 16, 2015 [Doc. 111]	\$34,340.27	Feb. 17, 2015 Order [Doc. 112]	\$34,340.27 (full amount)
May 15, 2015 [Doc. 116]	\$57,735.44	June 5, 2015 Order [Doc. 117]	\$57,735.44 (full amount)
Aug. 14, 2015 [Doc. 127]	\$99,412.90	Sept. 2, 2015 Order [Doc. 131]	\$99,412.90 (full amount)
Nov. 16, 2015 [Doc. 133]	\$63,990.20	Feb. 3, 2016 Order [Doc. 149]	\$63,990.20 (full amount)
Feb. 15, 2016 [Doc. 151]	\$75,316.42	N/A	N/A

Mar. 3, 2016 (Amended) [Doc. 153]	\$65,399.92	Mar. 9, 2016 Order [Doc. 155]	\$36,307.92 (partial amount)
May 16, 2016 [Doc. 161]	\$73,048.48	May 18, 2016 Order [Doc. 162]	\$73,048.48 (full amount)
Aug. 15, 2016 [Doc. 164]	\$40,330.29	Aug. 17, 2016 Order [Doc. 165]	\$40,000.29 (partial amount)
Nov. 14, 2016 [Doc. 186]	\$79,495.09	Dec. 8, 2016 Order [Doc. 187]	\$79,495.09 (full amount)
Feb. 14, 2017 [Doc. 195]	\$52,605.28	Mar. 8, 2017 Order [Doc. 196]	\$52,605.28 (full amount)
May 15, 2017 [Doc. 200]	\$22,773.46	June 8, 2017 Order [Doc. 201]	\$22,773.46 (full amount)
Aug. 14, 2017 [Doc. 205]	\$12,196.28	Sept. 5, 2017 Order [Doc. 206]	\$12,196.28 (full amount)
Nov. 14, 2017 [Doc. 208]	\$5,519.97	Dec. 12, 2017 Order [Doc. 209]	\$5,519.97 (full amount)
Feb. 14, 2018 [Doc. 211]	\$1,384.48	Mar. 22, 2018 Order [Doc. 213]	\$1,384.48

CASE STATUS (NARRATIVE)

Billing Instructions § C(2)(a) through (e)

6. ***Amount of Cash on Hand; Amount and Nature of Accrued***

Expenses; Amount of Unencumbered Funds in the Estate. As reflected in the Standardized Fund Accounting Report attached hereto as **Exhibit A**, DMP's total cash balance at the close of the Time Period was \$381,215.59.

DMP's accrued expenses for the Time Period are \$7,902.80 in attorneys' fees and expenses from the Robbins Firm, and \$2,913.36 in accountants' fees and expenses to McLean Koehler. DMP's total accrued expenses for the Time Period are \$10,816.16.

7. *Summary of the Administration of the Case, Including All Funds Received and Disbursed, and When the Case Is Expected to Close.*

During the Time Period, the Receiver and his counsel and staff devoted attention to the following issues:

- The Receiver updated the schedules calculating the amount due to each claimant and, on March 30, 2018, filed a Motion to Approve Interim Distribution [Doc. 214] requesting authorization from the Court to make an interim distribution to claimants in the aggregate amount of \$250,000. The Court granted the motion on Thursday, May 10. [Doc. 218.] The Receiver will now proceed with making the interim payment to the claimants, and they should expect to receive the payment within the next 30 days.
- The Receiver also received 2017 financial results from Park Lawn regarding the performance of the cemeteries formerly owned by Midwest Memorial Group (MMG). Park Lawn is required to deliver the financial results each year in order to determine whether DMP is eligible for an earn-

out payment under the terms of Park Lawn's purchase of MMG.

Unfortunately, the financial performance of the cemeteries was not sufficient to meet the threshold for an earn-out payment for the year 2017. DMP has one final opportunity for an earn-out payment in 2018, and DMP will know whether it is eligible for the payment in April 2019.

8. ***Summary of Creditor Claims Proceedings.*** On November 10, 2016, the Court approved the Receiver's Plan of Distribution (as amended) and ordered that the Receiver distribute funds consistent with the Plan. [Doc. 185.] Those funds were distributed as directed as set forth in the Plan of Distribution. As stated above, the Court has granted the Receiver's motion make an interim distribution of \$250,000 in aggregate to the approved DMP claimants. [Doc. 218.]

9. ***Description of Assets in the Receivership Estate, Including Approximate or Actual Valuations, Anticipated or Proposed Dispositions, and Reasons for Retaining Assets Where No Disposition is Intended.*** The assets at the close of the Time Period were the cash balance of \$381,215.59 plus the value of DMP's rights under the earn-out provision in the Interest Purchase Agreement with Park Lawn.

Under the terms of the earn-out provision, DMP was entitled to receive additional cash consideration (the "earn-out") if the MMG cemeteries now owned

by Park Lawn meet certain earnings benchmarks (defined in the Agreement) in the years 2016, 2017 and 2018. The cemeteries did not meet the necessary benchmarks to trigger an earn-out for either 2016 or 2017. The Receiver will learn if DMP is eligible for a 2018 earn-out when Park Lawn releases its annual financials in April 2019.

10. *Descriptions of Liquidated and Unliquidated Claims Held by the Receiver.* The Receiver is not aware of any additional liquidated or unliquidated claims that have not already been pursued.

CURRENT AND PREVIOUS BILLINGS
Billing Instructions § C(3)(a) through (c)

11. *Total compensation and expenses requested.* The total compensation and expenses requested now for the Time Period are \$7,902.80 in attorneys' fees and expenses from the Robbins Firm, and \$2,913.36 in accountants' fees and expenses to McLean Koehler. DMP's total accrued expenses for the Time Period are \$10,816.16.

12. *Any amount(s) previously requested, and total compensation and expenses previously awarded by the Court.* See paragraph 5 above.

13. *Total hours billed and total amount of billing for each person who billed time during the period for which fees are requested.* See Billing Summary for Professionals and Paraprofessionals, attached hereto as **Exhibit C**.

STANDARDIZED FUND ACCOUNTING REPORT
Billing Instructions § C(4)

14. Attached as **Exhibit A** is a Standardized Fund Accounting Report for the Time Period.

PRESENTATION OF FEES AND EXPENSES
Billing Instructions § D(1) et seq.

15. Attached as **Exhibit D-1** is a detailed invoice from the Robbins Firm reflecting the time entries during the Time Period. The time entries are categorized in chronological order in the “Activity Categories” listed in § D(5)(a) of the Billing Instructions.

18. Attached as **Exhibit D-2** is the detailed invoice from McLean Koehler reflecting time incurred in preparing DMP’s 2017 tax return.

19. Attached as **Exhibit E** is the Receiver’s Certification of the information contained in this Application.

19. Attached as **Exhibit F** is a proposed Order Granting Receiver’s Eighteenth Application for Compensation and Reimbursement of Expenses.

ADDITIONAL REPRESENTATIONS BY THE RECEIVER

Receiver Order ¶ 49(B)

20. The fees and expenses requested herein were incurred in the best interests of the Receivership Estate.

21. The Receiver has not entered into any agreement, written or oral, express or implied, with any person or entity concerning the amount of compensation paid or to be paid from the Receivership Estate, or any sharing thereof.

WHEREFORE, the Receiver asks this Court to approve all of the fees and expenses described herein and attached, and to authorize the immediate payment of same.

Respectfully submitted this 15th day of May, 2018.

/s/ Jason S. Alloy _____

Jason S. Alloy

Georgia Bar No. 013188

Robbins Ross Alloy Belinfante Littlefield LLC

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Appointed Receiver for Defendant

Detroit Memorial Partners, LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **RECEIVER'S EIGHTEENTH APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES (FIRST QUARTER 2018)** has been prepared with one of the font and point selections approved by the Court, and that it has been filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record. The foregoing was also served by email on Defendant Mark Morrow at mmorr7887@aol.com.

This 15th day of May, 2018.

/s/ Jason S. Alloy

Jason S. Alloy