

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 21-61644-CIV-SINGHAL

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,
MJ TAXES AND MORE, INC., and
JOHANNA M. GARCIA,

Defendants.

**RECEIVER’S MOTION TO (I) ESTABLISH BAR DATE FOR CLAIMS; (II) APPROVE
FORM AND MANNER OF NOTICE; (III) APPROVE PROOF OF CLAIM FORM; AND
(IV) APPROVE CLAIM SUBMISSION AND ADMINISTRATION PROCEDURES**

Corali Lopez-Castro, as Receiver (the “Receiver”) over MJ Capital Funding, LLC (“MJ Capital”), MJ Taxes and More, Inc. (“MJ Taxes”), Pavel Ruiz MJCF LLC and UDM Remodeling, LLC¹ (each a “Receivership Entity” and collectively, the “Receivership Entities”), hereby moves for the entry of an order substantially in the form as the proposed order attached hereto as **Exhibit A**: (a) establishing a bar date for all claims, (b) approving the form and manner of notice thereof, (c) approving the proof of claim form, and (d) approving the proof of claim submission and administration procedures (the “Motion”), and states in support:

FACTUAL BACKGROUND

On August 9, 2021, the Securities and Exchange Commission (the “SEC”) commenced this lawsuit against MJ Capital, MJ Taxes and Johanna M. Garcia. The SEC alleges that Ms.

¹ The Court has entered the Order Granting Receiver’s Motion to Expand Receivership Estate [DE 79] expanding the receivership to include, and the receiver has been appointed over, Pavel Ruiz MJCF LLC and UDM Remodeling, LLC; however, such order is presently subject to a pending motion to vacate [DE 83].

Garcia used MJ Capital and MJ Taxes to perpetuate a multi-million-dollar Ponzi scheme by, among other things: (a) tricking Investors into thinking the money they invested would be used to fund small business loans called Merchant Cash Advances (“MCAs”), and (b) promising high rates of annual return of between 120% - 180% (the “MJ Fraud”). *See* Compl. ¶ 1-3, ECF 1. The SEC further alleges that representations that investor money would be used to fund MCAs were lies, and in reality the Investor “returns” were funded with money obtained from new Investors. *See id.* at ¶ 5, 33.

On August 12, 2021, the Court entered the Receivership Order appointing Corali Lopez-Castro as Receiver over the Receivership Entities. *See* ECF No. 17. Pursuant to the Receivership Order, the Receiver is charged with

marshaling and preserving all assets of the Defendants “Receivership Assets” that: (a) are attributable to funds derived from investors or clients of the Defendants; (b) are held in constructive trust for the Defendants; (c) were fraudulently transferred by the Defendants; and/or (d) may otherwise be includable as assets of the estates of the Defendants (collectively, the “Recoverable Assets”)[.]

Receivership Order 1-2, ECF No. 17.

The Receiver is further authorized, empowered and directed to “develop a plan for the fair, reasonable, and efficient recovery and liquidation of all remaining, recovered, and recoverable Receivership Property[.]” *Id.* at 17.

The Receiver filed her first interim report [ECF 94] with the Court on October 29, 2021, and her second interim report [ECF 109] on January 28, 2022. These reports provide information regarding the administration of the receivership estates and her asset recovery efforts. The Receiver maintains a website at <https://kttlaw.com/mjcapital/> (the “Investor Website”), which provides information regarding the receivership in English, Spanish and Creole, statements issued by the Receiver, and the reports and other significant filings in this case.

The Receiver has filed a motion for authority to employ Stretto, Inc. as the claims agent (the “Claims Agent”) to assist with the claims administration process, which motion is pending before the Court [ECF 110].

RELIEF REQUESTED

By this Motion, the Receiver seeks entry of an order (the “Bar Date Order”): (a) establishing 5:00 p.m. (prevailing Eastern Time) on the date that is 120 days after entry of the Bar Date Order as the deadline by which all Claimants (as defined below) must submit completed and signed Proofs of Claim and supporting documentation evidencing their Claims (as defined below) against the Receivership Entities; (b) approving the form and manner of the notice thereof; and (c) approving the proof of claim form and submission and administration procedures (collectively, the “Claims Procedures”). The proposed Claims Procedures will apply to all Claims against the Receivership Entities regardless of the time period such Claim was incurred.²

The Receiver must identify the nature and scope of all potential claims against, and liabilities of, the Receivership Entities in order to develop and propose the liquidation plan. As such, it is necessary to establish a deadline for Claimants to submit proofs of claim for the Receiver to review and process. It is critical to the efficient administration of the receivership and the fair distribution of assets among Claimants that the proofs of claim be timely filed, and that untimely proofs of claim be barred. With limited proceeds available for distribution, the Claims Procedures will ensure that the available proceeds are maximized and distributed to Claimants who hold valid Claims that were timely submitted pursuant to the Claims Procedures.

The intended purpose of the Claims Procedures is to identify all parties who provided funds

² Notwithstanding anything herein, the Claims Procedures will not apply to claims of professionals hired by the receivership estate on and after August 12, 2021, which claims are subject to the submission and approval of fee applications and the Receivership Order.

to the Receivership Entities and suffered a loss as a result, provided goods or services to the Receivership Entities for which they have not been paid, or otherwise have a legally enforceable obligation due to them from the Receivership Entities. The Receiver will provide notice of the proposed Claims Procedures to all Claimants of the Receivership Entities as described herein. Although the Receiver has not yet proposed a distribution plan for the Receivership and does not seek approval of any distribution plan through this motion, the establishment of a Claims Procedures is a necessary first step.

The ultimate goal in this case, which the establishment of the Bar Date (defined below) will bring one step closer, is the approval of a liquidation plan that will, among other things, provide for distributions to Claimants based on the amount of their valid Claims. The Receiver has not decided which methodology is best suited for the circumstances of this case, although for investor claimants, the amount of the investor's net investment in the MJ Fraud will be a significant factor. For her current purposes, the Receiver needs to ensure that Claimants provide sufficient information to allow her and her professionals to determine the amount and validity of their claims, and distribution amount using whichever method the Court ultimately approves and directs her to employ.

A. Claims and Claimants Subject to Bar Date Order

For purposes of the Motion, a "Claim" is defined as: (a) a right to payment or claim of any nature, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, mature, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, against one or more of the Receivership Entities that arose from the beginning of time through the present date; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment,

fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, against one or more of the Receivership Entities that arose from the beginning of time through the present date.

For purposes of this Motion, a “Claimant” is defined as and includes: any person or entity (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) that holds a Claim. Without limiting the generality of the foregoing, the definition of Claimant includes, but is not limited to, any person or entity holding: (a) a Claim based on any investment in a Receivership Entity, including funds provided to MJ Capital for the purpose of funding a Merchant Cash Advance, or (b) a Claim of any kind whatsoever against any Receivership Entity, including, without limitation a Claim based on: the provision of goods or services to any Receivership Entity that has not been paid in whole or in part; money loaned to any Receivership Entity that has not been paid in whole or in part; unpaid wages, compensation or other employment benefits; tax liabilities, including those held by federal and state governments; primary, secondary, direct, indirect, secured, unsecured or contingent liability; or contract, tort, indemnity, reimbursement, subrogation theories or other legal or equitable theory. For purposes of this Motion, the definition of Claimant does not include professionals employed by the receivership estate.

B. Proposed Bar Date, Proof of Claim Form and Notice, and Claims Submission and Allowance Procedures

The Receiver proposes the following Claims bar date, proof of claim form and notice, and submission and allowance procedures:

1. Bar Date. The Receiver accordingly requests that this Court establish 5:00 p.m. (prevailing Eastern Time) on the date that is 120 days after entry of the Bar Date Order as the deadline for Claimants to submit proofs of claim against the Receivership Entities (the “Bar Date”).

2. Eligibility to Submit Proofs of Claim. Proofs of claim shall be submitted by all persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) that are Claimants and believe that they are owed any money by, or have a right to distribution from, any of the Receivership Entities, regardless of whether the Claim at issue has been acknowledged by the Receiver or whether the Claim at issue is held with or through any person or entity or based on primary, secondary, direct, indirect, secured, unsecured, or contingent liability.

3. Professional Claims. Professionals hired by the receivership estate will not be required to submit proofs of claim on or before the Bar Date and will not be subject to the Bar Date. All claims of the Receiver and her professionals will be addressed in accordance with the Receivership Order and other applicable orders of the Court.

4. Notice. The Receiver believes that the following efforts will ensure broad notice to Claimants:

a. **Notice by Electronic Mail.** Where potential Claimants have provided an email address to the Receiver by: (i) sending an email directed to the Receiver's email address MJCapital@kttlaw.com, or (ii) submitting their email address through the Investor Website, the Receiver proposes to serve on such potential Claimants via the email address provided by them, within 14 days of the entry of the Bar Date Order: a notice of Bar Date and Claims Procedures, substantially in the form of the notice attached hereto as **Exhibit B** and incorporated herein by reference (the "Bar Date Notice"), and a proof of claim form substantially in the form of the document attached hereto as **Exhibit C** and incorporated herein by reference.

b. **Notice by Mail.** The Receiver proposes to serve by mail, within 14 days of entry

of the Bar Date Order, the Bar Date Notice and proof of claim form on: (i) all companies that have filed a lien against the Receivership Entities, (ii) all companies that initiated a lawsuit against any Receivership Entity, (iii) Claimants who have submitted their information through the Investor Website but provided a physical address only and did not provide an email address; and (iv) potential Claimants whose addresses have been identified through the Receiver's review of the Receivership Entities' books and records. With respect to the Claimants that meet the above requirements for notice by mail and do not meet the requirements set forth in subsection (a) above for notice by electronic mail, the Receiver proposes to serve: (i) those located within the United States by United States first class mail, and (ii) those located outside the United States by any method she deems reasonable. The Bar Date Notice and the proof of claim form provide clear notice and instructions concerning the Claims Procedures.

c. **Notice by Publication.** The Bar Date Notice and the proof of claim form will also be made available, within 7 days of entry of the Bar Date Order, on the Investor Website. The Receiver also proposes to publish, within 30 days of entry of the Bar Date Order or as soon as reasonably practicable after such period, a notice of the Bar Date and the procedures for submitting proofs of claim, substantially in the form of the notice attached hereto as **Exhibit D** (the "Bar Date Publication Notice"), in the following local publications: (i) the South Florida Sun Sentinel, (ii) the Miami Times, and (iii) the Palm Beach Post, and such other publications that in the Receiver's sole and absolute discretion are reasonably calculated to provide notice to potential Claimants. The Receiver has chosen the publications listed above because they are most likely to reach an audience that may hold unknown Claims, as they target the geographical areas most affected by the

receivership.

d. **Notice Upon Inquiry.** The Claims Agent will promptly provide the Bar Date Notice and the proof of claim form to any Claimant who makes a written request for such documents to the e-mail address TeamMJCapital@stretto.com, or the physical address MJ Capital Claims c/o Stretto 410 Exchange, Ste. 100, Irvine, CA 92602.³

5. Procedure for Submitting Proof of Claim Form. Except as otherwise ordered by this Court or provided below, each Claimant must submit a completed and signed proof of claim form under penalty of perjury and evidencing such Claimant's Claim, together with supporting documentation, to the Claims Agent so that such proof of claim form is **actually received** on or before the Bar Date by: (a) electronic submission via <https://cases.stretto.com/mjcapital>, (b) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto 410 Exchange, Ste. 100, Irvine, CA 92602, or (c) electronic mail, as an attachment in portable document format (.pdf), to TeamMJCapital@stretto.com. Proof of claim forms should not be filed with the Court, and any proof of claim forms so filed will not be considered properly submitted.

6. Supporting Documentation for Proof of Claim. Each Claimant should attach to each proof of claim form copies of all documents available to the Claimant that could support such Claim. Such documentation may include, but is not limited to: (a) copies of personal checks, cashier's checks, wire transfer advices, cash receipts, and other documents evidencing the investment of funds; (b) copies of each signed investment contract; (c) a chronological accounting of all money and other assets received by the Claimant, directly or indirectly, from any Receivership Entity, whether such monies are denominated as the return of principal, interest,

³ The relief sought in this motion with respect to the Receiver's use of the Claims Agent for the Claims Procedures is subject to the entry of an order approving the Receiver's employment of the Claims Agent.

commissions, referral fees, affiliate payments, or otherwise; (d) copies of all agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, evidence of perfection of lien; and (e) other documents evidencing the amount and basis of the Claim. If such supporting documentation is not available, the Claimant must attach to the proof of claim form an explanation of why the documentation is unavailable.

7. Proof of Claim Forms Must Identify Receivership Entity. Any Claimant holding Claims against more than one Receivership Entity must submit a separate proof of claim form against each such Receivership Entity, and identify on each proof of claim form the particular Receivership Entity against which the proof of claim form is asserted. This procedure will expedite the Receiver's review of the proofs of claim and will not be unduly burdensome because Claimants should know which Receivership Entities they hold Claims against. In the future, it is possible that the Receiver may seek to consolidate some or all of the Receivership Entities; however, at this point in time no request for consolidation has been filed. As such, separate proofs of claim forms and the required supporting documentation are necessary to ensure that the Receiver has sufficient information to prepare a liquidation plan regardless of whether the Receivership Entities are consolidated or remain separate entities. A Claimant's failure to identify the correct Receivership Entity on a proof of claim form may be grounds for objection to, and disallowance of, such Claimant's Claims. However, a Claimant may submit a proof of claim form against several or all of the Receivership Entities if, based upon a reasonable investigation, such Claimant believes that it holds a Claim against those Receivership Entities or is unsure which Receivership Entity it holds a Claim against.

8. Effect of Failure to Submit Proof of Claim Form Before Bar Date. Any Claimant

who is required to submit a proof of claim form, but fails to do so in a timely manner or in the proper form: (a) shall be forever barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receivership Entities and their respective property and estates; (b) shall not be permitted to object to any distribution and liquidation plan proposed by the Receiver on account of such Claim; (c) shall be denied any distributions under any distribution and liquidation plan implemented by the Receiver on account of such Claim; and (d) shall not receive any further notices on account of such Claim. Further, the Receivership Entities and their respective property and estates will be discharged from any and all indebtedness or liability with respect to such Claim. The proposed Bar Date and proof of claim form are not unduly burdensome or uncommon in matters of this nature. It is important to the efficient and orderly administration of the receivership that Claimants timely file their proofs of claim and that late-filed proofs of claim be disallowed. Establishment of the Bar Date is necessary in order for the Receiver to determine which persons are entitled to share in distributions under a liquidation plan.

9. Reservation of Rights. Nothing herein shall prejudice any right of the Receiver to dispute, or assert offsets or defenses as to the nature, amount, liability, classification, or otherwise against, any amounts asserted in any proof of claim. Nothing contained herein is intended to preclude the Receiver from objecting to any proof of claim form on any grounds.

10. No Involvement in Fraud. Each Claimant will be required to establish the proof of claim to the satisfaction of the Receiver through documentation and/or sworn statements that:

- a. such Claimant transferred funds, or provided goods or services directly or indirectly to any Receivership Entity, or otherwise possesses a legally enforceable obligation payable by the Receivership Entities;

b. such Claimant (i) was not a board member, officer, director, owner, manager, team lead, account representative or other insider of any Receivership Entity or affiliate of any Receivership Entity, (ii) did not knowingly assist any Receivership Entity or affiliate of any Receivership Entity effectuate, perpetuate or promote the MJ Fraud, and (iii) did not have knowledge of the fraudulent nature of any Receivership Entity or affiliate of any Receivership Entity at the time funds were transferred to, or a debt was incurred by, such entity; and

c. the total amount of funds such Claimant transferred to the Receivership Entities or their affiliates exceeds the total amount of funds the Receivership Entities and their affiliates transferred to such Claimant, or the total value of the goods or services that the Claimant provided to the Receivership Entities exceeds the total amount of funds the Receivership Entities paid to such Claimant for such goods and services.

If a Claimant cannot prove the foregoing factors set forth in subsections (a) through (c) of this paragraph, the proof of claim may be disallowed (subject to the procedures described below) in the Receiver's discretion. The Receiver may consider, however, other factors in determining whether a proof of claim should be an allowed Claim, and notwithstanding the foregoing factors, the Receiver will analyze each Claim individually and the circumstances surrounding each Claimant's transactions with and relationship to the Receivership Entities and/or their affiliates. The Receiver reserves the right to object to and seek to disallow any proof of claim, allow late-filed proof of claim, or conduct further investigation into any particular Claim.⁴

⁴ To the extent a Claimant received transfers from Receivership Entities and/or their affiliates in excess of such Claimant's total transfers to those entities, or received transfers from the Receivership Entities in excess of the value of the goods or services they provided, such that the Claimant profited from the MJ Fraud, the Receiver reserves any and all rights to pursue claims against such Claimant for the return of the profits received and any other appropriate relief.

11. Claims Determination Process: Following the Bar Date, the Receiver will approve or reject, in whole or in part, all proofs of claim submitted by the Bar Date.

a. In the event the Receiver rejects any proof of claim, in whole or in part, the Receiver will apprise the Claimant via first class mail and/or email of the rejection of the proof of claim, the basis for the rejection, and the process for appealing such rejection (the "Rejection Notice").

b. Within 60 days after service of the Rejection Notice (the "Reconsideration Deadline"), any Claimant whose proof of claim is rejected by the Receiver, in whole or in part, may request that the Receiver reconsider that denial by sending the Receiver a letter seeking reconsideration of the Rejection Notice that states the basis of the Claim and response to the Rejection Notice (the "Reconsideration Letter"). The Reconsideration Letter must be **actually delivered** to the Claims Agent by the Reconsideration Deadline by: (i) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto 410 Exchange, Ste. 100, Irvine, CA 92602, or (ii) electronic mail, as an attachment in portable document format (.pdf), to TeamMJCapital@stretto.com.

c. The Receiver shall have 90 days after receipt of a timely Reconsideration Letter to reconsider any request by any Claimant whose proof of claim was initially rejected by the Receiver, and to apprise the Claimant via first class mail and/or email of the reconsideration or rejection of the Claim (the "Final Determination Notice").

d. Within 30 days of service of the Final Determination Notice (the "Appeal Deadline"), any Claimant whose proof of claim was finally rejected by a Final Determination Notice may appeal the Receiver's rejection of the Claim to the Court by timely filing with the Court an Appeal of Final Determination Notice which must state the

basis of the Claim and the Claimant's response to the Final Determination Notice.

e. The Receiver's Response to an appeal filed with the Court shall be due within 30 days after such appeal is filed. Following the time for the Receiver's response, the Court may make a final determination or may set the matter for hearing. A final determination by the Court is final for all purposes.

Any Claimant who receives a Rejection Notice or Final Determination Notice, but fails to file in a timely manner or in a proper form a Reconsideration Letter by the Reconsideration Deadline or a Final Determination Notice by the Appeal Deadline: (a) shall be forever barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receivership Entities and their respective property or estates; (b) shall not be permitted to object to any distribution and liquidation plan proposed by the Receiver on account of such Claim; (c) shall be denied any distributions under any distribution and liquidation plan implemented by the Receiver on account of such Claim; and (d) shall not receive any further notices on account of such Claim. Further, the Receivership Entities and their respective property or estates will be discharged from any and all indebtedness or liability with respect to such Claim.

LEGAL ARGUMENT

"A 'district court has broad powers and wide discretion to determine relief in an equity receivership.'" *SEC v. Wells Fargo Bank, N.A.*, 848 F.3d 1339, 1343–44 (11th Cir. 2017) (quoting *SEC v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992)); see also *SEC v. Homeland Commc'ns Corp.*, 2010 WL 2035326, at *1–*2 (S.D. Fla. 2010) ("In equity receiverships resulting from SEC enforcement actions, district courts have very broad powers and wide discretion to fashion remedies and determine to whom and how the assets of the Receivership Estate will be

distributed.”). “This discretion derives from the inherent powers of an equity court to fashion relief.” *Elliott*, 953 F.2d at 1566 (citing *SEC v. Safety Finance Service, Inc.*, 674 F.2d 368, 372 (5th Cir. 1982)). “[A]ny action by a trial court in supervising an equity receivership is committed to his sound discretion and will not be disturbed unless there is a clear showing of abuse.” *S.E.C. v. Pension Fund of Am. L.C.*, 377 F. App’x 957, 961 (11th Cir. 2010) (quotations omitted).

“[A]mong these broad powers is the power to establish proof of claim procedures and set an effective claims bar date.” *SEC v. Wells Fargo*, 848 F.3d at 1344 (citing *SEC v. Tipco, Inc.*, 554 F.2d 710, 711 (5th Cir. 1977)). A receiver has discretion to construct and propose a claims administration process in order to effectuate her duties and submit a liquidation plan. The court should approve such process if it is fair and equitable under the circumstances. *See Sec. & Exch. Comm’n v. Onix Cap., LLC*, No. 16-24678-CIV, 2018 WL 1124435, at *2 (S.D. Fla. Feb. 23, 2018) (approving receiver’s proposed claims administration process and stating “I find it to be fair and equitable.”).

In receivership proceedings, “[e]very person who has any claim or demand against the estate or property in the custody of the court through the receiver, . . . must assert such claim or demand in the court in which such receiver was appointed.” Ralph E. Clark, *Clark on Receivers* § 646, at 1132 (3rd ed. 1992). Although there are many ways in which a claimant can assert a claim, one such way is for claimants to be authorized “under a general order of the appointing court [to file their] claim(s) with the receiver . . . and if the receiver allow(s) the claim it must be approved or disapproved by the appointing court, in which event the action of the appointing court is equivalent to a judgment or a decree determining the existence and amount of the indebtedness” *Id.* “Claims should be presented in a formal way following generally the practice of presenting sworn proofs of claim in bankruptcy.” *Id.* at § 651, at 1142. “The claims should be definite enough

to enable the receiver to pass on their validity, fairness and legality and to place them in their proper and legal category of claims for preference, if any.” *Id.*

In addition to approving the proof of claim form, courts with jurisdiction over a receivership will enter an order limiting the time within which claims are presented. *See id.* at § 652, at 1142 (citing *Chicago Title & Trust Co. v. Fox Theatres Corp.*, 91 F.2d 907 (2d Cir. 1937); *People of New York v. Hopkins*, 18 F.2d 731 (2d Cir. 1927)). Such an order limiting the time within which claims are to be presented has been deemed to be necessary to “lay the foundation for the court to order payment to creditors and distribution to those entitled to receive.” *Id.* § 651, at 1142. Furthermore, a court “by advertisement and by proper notices by mail, by publication and otherwise should take every precaution to notify everyone interested in and substantially affected by the receivership.” *Id.* § 652, at 1143. “When it comes to fashioning a claims process,” no specific scheme is mandated so long as the plan is fair and equitable.” *SEC v. Homeland Commc'ns Corp.*, 2010 WL 2035326, at *1–*2.

The Court should exercise its discretion to approve the relief requested in this motion. The Receivership Order specifically charged the Receiver with “marshaling and preserving all assets of the Defendants ‘Receivership Assets’” and to “develop a plan for the fair, reasonable, and efficient recovery and liquidation of all remaining, recovered, and recoverable Receivership Property[.]” Receivership Order 1-2, 17, ECF No. 17. In exercising her duties, the Receiver has determined that the proposed bar date, proof of claim form and related procedures described above are fair, necessary and appropriate under the circumstances. The relief sought by the Receiver falls squarely within the Court’s inherent powers as a court of equity to fashion relief, and within the Receiver’s duties as set forth in the Receivership Order.

WHEREFORE, the Receiver respectfully requests that the Court enter an Order

substantially in the same form as the proposed order attached hereto as Exhibit A: (a) granting this Motion and approving the Claims Procedures, (b) establishing the Bar Date by which Claimants must submit Proofs of Claim of any type against any of the Receivership Entities, (c) approving the proposed form and manner of notice of the Bar Date and related procedures; (d) approving the proposed proof of claim form and procedures for submitting and allowing Claims; and (e) granting such other and further relief as the Court deems just and proper.

CERTIFICATION OF CONFERENCE WITH COUNSEL

The undersigned counsel for the Receiver certifies that she has conferred with counsel for Johanna M. Garcia and the SEC and certifies that: (a) the SEC has no objection to the relief sought in the Motion, including the exhibits and proposed order; and (b) defendant Johanna M. Garcia has no objection to the relief sought in the Motion, including the exhibits and proposed order.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 21, 2022, I electronically filed the foregoing document with the clerk of the Court using CM/ECF, and the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Bernice C. Lee
Bernice C. Lee

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 21-61644-CIV-SINGHAL/VALLE

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,
MJ TAXES AND MORE, INC., and
JOHANNA M. GARCIA,

Defendants.

**ORDER GRANTING RECEIVER’S MOTION TO (I) ESTABLISH BAR DATE FOR
CLAIMS; (II) APPROVE FORM AND MANNER OF NOTICE; (III) APPROVE
PROOF OF CLAIM FORM; AND (IV) APPROVE CLAIM SUBMISSION
AND ADMINISTRATION PROCEDURES**

THIS CAUSE came before the Court on the Motion to (I) Establish Bar Date for Claims; (II) Approve Form and Manner of Notice; (iii) Approve Proof of Claim Form; and (IV) Approve Claim Submission and Administration Procedures (the “Motion”) [ECF ____] filed by Corali Lopez-Castro, as the court-appointed receiver (the “Receiver”) over MJ Capital Funding, LLC (“MJ Capital”), MJ Taxes and More, Inc. (“MJ Taxes”), Pavel Ruiz MJCF LLC and UDM Remodeling, LLC¹ (each a “Receivership Entity” and collectively, the “Receivership Entities”). Upon due consideration of the Motion, and being otherwise fully advised of the premises, it is hereby **ORDERED and ADJUDGED:**

1. The Motion is GRANTED.
2. This Court hereby establishes 11:59 p.m. (prevailing Eastern Time) on the date that is

¹ The Court has entered the Order Granting Receiver’s Motion to Expand Receivership Estate [DE 79] expanding the receivership to include, and the receiver has been appointed over, Pavel Ruiz MJCF LLC and UDM Remodeling, LLC; however, such order is presently subject to a pending motion to vacate [DE 83].

120 days after the entry of this Order as the deadline for all Claimants (defined below) to submit completed and signed Proofs of Claim and supporting documentation evidencing their Claims against the Receivership Entities (the “Bar Date”).

3. The proof of claim form attached to the Motion as Exhibit C, and the submission and administration procedures set forth in the Motion and herein (the “Claims Procedures”) are APPROVED.
4. The notice of Bar Date and Claims Procedures attached to the Motion as Exhibit B (the “Bar Date Notice”) is APPROVED.
5. The publication notice of the Bar Date and the procedures for submitting proofs of claim attached to the Motion as Exhibit D (the “Publication Notice”) is APPROVED.
6. The form and manner of notice of the Bar Date, Bar Date Notice, Publication Notice, proof of claim form and Claims Procedures described in the Motion are APPROVED.
7. The Receiver is authorized and instructed to initiate the Claims Procedures.

I. Defined Terms for Claims Procedures

8. Claims. For purposes of this Order, the Claims Procedures, and the Bar Date, a “Claim” is defined as: (a) a right to payment or claim of any nature, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, mature, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, against one or more of the Receivership Entities that arose from the beginning of time through the present date; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, against one or more of the Receivership Entities that arose from

the beginning of time through the present date.

9. Claimant. For purposes of this Order, the Claims Procedures, and the Bar Date, a “Claimant” is defined as and includes: any person or entity (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) that holds a Claim. Without limiting the generality of the foregoing, the definition of Claimant includes, but is not limited to, any person or entity holding: (a) a Claim based on any investment in a Receivership Entity, including funds provided to MJ Capital for the purpose of funding a Merchant Cash Advance, or (b) a Claim of any kind whatsoever against any Receivership Entity, including, without limitation a Claim based on: the provision of goods or services to any Receivership Entity that has not been paid in whole or in part; money loaned to any Receivership Entity that has not been paid in whole or in part; unpaid wages, compensation or other employment benefits; tax liabilities, including those held by federal and state governments; primary, secondary, direct, indirect, secured, unsecured or contingent liability; or contract, tort, indemnity, reimbursement, subrogation theories or other legal or equitable theory. For purposes of this Order, the Claims Procedures, and the Bar Date, the definition of Claimant does not include professionals employed by the receivership estate.

II. Claims Procedures

10. Eligibility to Submit Proofs of Claim. Proofs of claim shall be submitted by all persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) that are Claimants and believe that they are owed any money by, or have a right to distribution from, any of the

Receivership Entities, regardless of whether the Claim at issue has been acknowledged by the Receiver or whether the Claim at issue is held with or through any person or entity or based on primary, secondary, direct, indirect, secured, unsecured, or contingent liability.

11. Professional Claims. Professionals hired by the receivership estate will not be required to submit proofs of claim on or before the Bar Date and will not be subject to the Bar Date. All claims of the Receiver and her professionals will be addressed in accordance with the Receivership Order and other applicable orders of the Court.
12. Procedure for Submitting Proof of Claim Form. Except as otherwise ordered by this Court or provided below, each Claimant must submit a completed and signed proof of claim form under penalty of perjury and evidencing such Claimant's Claim, together with supporting documentation, to the Receiver's claims agent, Stretto, Inc., (the "Claims Agent"), so that such proof of claim form is **actually received** on or before the Bar Date by: (a) electronic submission via <https://cases.stretto.com/mjcapital>, (b) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto 410 Exchange, Ste. 100, Irvine, CA 92602, or (c) electronic mail, as an attachment in portable document format (.pdf), to TeamMJCapital@stretto.com. Proof of claim forms should not be filed with the Court, and any proof of claim forms so filed will not be considered properly submitted.
13. Supporting Documentation for Proof of Claim. Each Claimant should attach to each proof of claim form copies of all documents available to the Claimant that could support such Claim. Such documentation may include, but is not limited to: (a) copies of personal checks, cashier's checks, wire transfer advices, cash receipts, and other

documents evidencing the investment of funds; (b) copies of each signed investment contract; (c) a chronological accounting of all money and other assets received by the Claimant, directly or indirectly, from any Receivership Entity, whether such monies are denominated as the return of principal, interest, commissions, referral fees, affiliate payments, or otherwise; (d) copies of all agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, evidence of perfection of lien; and (e) other documents evidencing the amount and basis of the Claim. If such supporting documentation is not available, the Claimant must attach to the proof of claim form an explanation of why the documentation is unavailable.

14. Proof of Claim Forms Must Identify Receivership Entity. Any Claimant holding Claims against more than one Receivership Entity must submit a separate proof of claim form against each such Receivership Entity, and identify on each proof of claim form the particular Receivership Entity against which the proof of claim form is asserted.
15. Effect of Failure to Submit Proof of Claim Form Before Bar Date. Any Claimant who is required to submit a proof of claim form, but fails to do so in a timely manner or in the proper form: (a) shall be forever barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receivership Entities and their respective property and estates; (b) shall not be permitted to object to any distribution and liquidation plan proposed by the Receiver on account of such Claim; (c) shall be denied any distributions under any distribution and liquidation plan implemented by the Receiver on account of such Claim; and (d)

shall not receive any further notices on account of such Claim. Further, the Receivership Entities and their respective property and estates will be discharged from any and all indebtedness or liability with respect to such Claim.

16. Reservation of Rights. Nothing herein shall prejudice any right of the Receiver to dispute, or assert offsets or defenses as to the nature, amount, liability, classification, or otherwise against, any amounts asserted in any proof of claim. Nothing contained herein is intended to preclude the Receiver from objecting to any proof of claim form on any grounds.

17. No Involvement in Fraud. Each Claimant will be required to establish the proof of claim to the satisfaction of the Receiver through documentation and/or sworn statements that:

- a. such Claimant transferred funds, or provided goods or services directly or indirectly to any Receivership Entity, or otherwise possesses a legally enforceable obligation payable by the Receivership Entities;
- b. such Claimant (i) was not a board member, officer, director, owner, manager, team lead, account representative or other insider of any Receivership Entity or affiliate of any Receivership Entity, (ii) did not knowingly assist any Receivership Entity or affiliate of any Receivership Entity effectuate, perpetuate or promote the MJ Fraud (as defined in the Motion), and (iii) did not have knowledge of the fraudulent nature of any Receivership Entity or affiliate of any Receivership Entity at the time funds were transferred to, or a debt was incurred by, such entity; and
- c. the total amount of funds such Claimant transferred to the Receivership Entities

or their affiliates exceeds the total amount of funds the Receivership Entities and their affiliates transferred to such Claimant, or the total value of the goods or services that the Claimant provided to the Receivership Entities exceeds the total amount of funds the Receivership Entities paid to such Claimant for such goods and services.

If a Claimant cannot prove the foregoing factors set forth in subsections (a) through (c) of this paragraph, the proof of claim may be disallowed (subject to the procedures described below) in the Receiver's discretion. The Receiver may consider, however, other factors in determining whether a proof of claim should be an allowed Claim, and notwithstanding the foregoing factors, the Receiver will analyze each Claim individually and the circumstances surrounding each Claimant's transactions with and relationship to the Receivership Entities and/or their affiliates. All rights of the Receiver to object to and seek to disallow any proof of claim, to pursue any claims against any Claimant, including, but not limited to, a Claimant that received transfers from the Receivership Entities and/or their affiliates in excess of such Claimant's total transfers to those entities, to allow late-filed proof of claim, or to conduct further investigation into any particular Claim, are reserved.

18. Claims Determination Process: Following the Bar Date, the Receiver will approve or reject, in whole or in part, all proofs of claim submitted by the Bar Date.

- a. In the event the Receiver rejects any proof of claim, in whole or in part, the Receiver will apprise the Claimant via first class mail and/or email of the rejection of the proof of claim, the basis for the rejection, and the process for appealing such rejection (the "Rejection Notice").

- b. Within 60 days after service of the Rejection Notice (the “Reconsideration Deadline”), any Claimant whose proof of claim is rejected by the Receiver, in whole or in part, may request that the Receiver reconsider that denial by sending the Receiver a letter seeking reconsideration of the Rejection Notice that states the basis of the Claim and response to the Rejection Notice (the “Reconsideration Letter”). The Reconsideration Letter must be **actually delivered** to the Claims Agent by the Reconsideration Deadline by: (i) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto 410 Exchange, Ste. 100, Irvine, CA 92602, or (ii) electronic mail, as an attachment in portable document format (.pdf), to TeamMJCapital@stretto.com.
- c. The Receiver shall have 90 days after receipt of a timely Reconsideration Letter to reconsider any request by any Claimant whose proof of claim was initially rejected by the Receiver, and to apprise the Claimant via first class mail and/or email of the reconsideration or rejection of the Claim (the “Final Determination Notice”).
- d. Within 30 days of service of the Final Determination Notice (the “Appeal Deadline”), any Claimant whose proof of claim was finally rejected by a Final Determination Notice may appeal the Receiver’s rejection of the Claim to the Court by timely filing with the Court an Appeal of Final Determination Notice which must state the basis of the Claim and the Claimant’s response to the Final Determination Notice.
- e. The Receiver’s Response to an appeal filed with the Court shall be due within 30 days after such appeal is filed. Following the time for the Receiver’s

response, the Court may make a final determination or may set the matter for hearing. A final determination by the Court is final for all purposes.

Any Claimant who receives a Rejection Notice or Final Determination Notice, but fails to file in a timely manner or in a proper form a Reconsideration Letter by the Reconsideration Deadline or a Final Determination Notice by the Appeal Deadline: (a) shall be forever barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receivership Entities and their respective property or estates; (b) shall not be permitted to object to any distribution and liquidation plan proposed by the Receiver on account of such Claim; (c) shall be denied any distributions under any distribution and liquidation plan implemented by the Receiver on account of such Claim; and (d) shall not receive any further notices on account of such Claim. Further, the Receivership Entities and their respective property or estates will be discharged from any and all indebtedness or liability with respect to such Claim.

DONE and ORDERED in Chambers at Fort Lauderdale, Florida, this ____ day of _____, 2022.

RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF.

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 21-61644-CIV-SINGHAL

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,
MJ TAXES AND MORE, INC., and
JOHANNA M. GARCIA,

Defendants.

**NOTICE OF BAR DATE FOR CLAIMS AND PROCEDURES FOR
SUBMISSION AND ADMINISTRATION OF PROOFS OF CLAIM**

**TO: ALL CLAIMANTS OF THE RECEIVERSHIP ENTITIES
PLEASE TAKE NOTICE OF THE FOLLOWING**

On [____], the United States District Court for the Southern District of Florida (the “Court”) entered an order in the above-captioned case (the “Bar Date Order”) establishing [____] at 5:00 p.m. (prevailing Eastern Time) as the deadline (the “Bar Date”) for claimants to submit a completed and signed proof of claim form evidencing such claimant’s claim, together with supporting documentation, under the penalty of perjury (a “Proof of Claim”), against MJ Capital Funding, LLC (“MJ Capital”), MJ Taxes and More, Inc., Pavel Ruiz MJCF LLC, and UDM Remodeling, LLC¹ (each a “Receivership Entity” and collectively, the “Receivership Entities”). The Receiver has employed Stretto, Inc. as the claims agent (the “Claims Agent”) to assist with the claims administration process.

1. WHAT IS THE BAR DATE?

The Bar Date is the date by which individuals and entities described below must submit a Proof of Claim to the Receiver’s Claims Agent in the manner indicated below. The Bar Date is [____] at 5:00 p.m. (prevailing Eastern Time), and all Proofs of Claim must be actually received on or before that deadline. Please note that any Proof of Claim submitted after the Bar Date will be subject to disallowance, which means that you would not receive any distribution from the Receivership Entities.

¹ The Court has entered the Order Granting Receiver’s Motion to Expand Receivership Estate [DE 79] expanding the receivership to include, and the receiver has been appointed over, Pavel Ruiz MJCF LLC and UDM Remodeling, LLC; however, such order is presently subject to a pending motion to vacate [DE 83].

2. WHO NEEDS TO SUBMIT A PROOF OF CLAIM?

All persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) that believe they possess: (a) a right to payment or claim of any nature, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, mature, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, against one or more of the Receivership Entities that arose from the beginning of time through the present date; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, against one or more of the Receivership Entities that arose from the beginning of time through the present date, must submit a Proof of Claim by the Bar Date, regardless of whether such claim has been acknowledged by the Receiver (each a “Claimant” and collectively “Claimants”).

Claimants include, but are not limited to, a person or entity that holds a claim against one or more of the Receivership Entities based on the following:

- any investment in a Receivership Entity, including funds provided to MJ Capital for the purpose of funding a Merchant Cash Advance;
- the provision of goods or services to any Receivership Entity that has not been paid in whole or in part;
- money loaned to any Receivership Entity that has not been paid in whole or in part;
- unpaid wages, compensation, or other employment benefits;
- tax liabilities, including those held by federal and state governments;
- primary, secondary, direct, indirect, secured, unsecured, or contingent liability; and
- contract, tort, indemnity, reimbursement, subrogation theories or other legal or equitable theory.

This notice is being sent to many persons and entities that have had some relationship or have provide funds to the Receivership Entities. The fact that you have received this notice and proof of claim form does not necessarily mean that you are a Claimant, that you have a valid claim, or that the Court or the Receiver believes you have a valid claim against the Receivership Entities.

3. DO I NEED TO SUBMIT A PROOF OF CLAIM IF I HAVE PREVIOUSLY SUBMITTED EVIDENCE OF A CLAIM?

Yes. All Claimants must submit Proofs of Claim by the Bar Date. A Claimant that has previously submitted information regarding a claim to the Receiver, whether through the Receiver's website (<https://kttl.com/mjcapital/>), the Receiver's email address MJCapital@kttl.com or to the Receiver or her counsel directly, must submit a Proof of Claim with respect to such claim.

4. WHAT ARE THE CONSEQUENCES OF NOT SUBMITTING A PROOF OF CLAIM?

ANY CLAIMANT WHO IS REQUIRED TO SUBMIT A PROOF OF CLAIM, BUT THAT FAILS TO DO SO IN A TIMELY MANNER OR IN THE PROPER FORM, WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED TO THE FULLEST EXTENT ALLOWED BY APPLICABLE LAW FROM ASSERTING, IN ANY MANNER, SUCH CLAIM AGAINST THE RECEIVERSHIP ENTITIES AND THEIR RESPECTIVE PROPERTY AND ESTATES; WILL NOT BE PERMITTED TO OBJECT TO ANY DISTRIBUTION AND LIQUIDATION PLAN PROPOSED BY THE RECEIVER ON ACCOUNT OF SUCH CLAIM; WILL BE DENIED ANY DISTRIBUTIONS UNDER ANY DISTRIBUTION AND LIQUIDATION PLAN IMPLEMENTED BY THE RECEIVER ON ACCOUNT OF SUCH CLAIM; AND WILL NOT RECEIVE ANY FURTHER NOTICES ON ACCOUNT OF SUCH CLAIM. FURTHER, THE RECEIVERSHIP ENTITIES AND THEIR RESPECTIVE PROPERTY AND ESTATES WILL BE DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH CLAIM.

5. WHERE CAN I GET A COPY OF THE PROOF OF CLAIM FORM?

For your convenience, enclosed with this notice is a proof of claim form. A copy of the proof of claim form is also available on the Receiver's website for this case at <https://kttl.com/mjcapital/>. The Receiver will also provide this notice and the proof of claim form to any potential Claimant who makes a written request for such documents to the e-mail address TeamMJCapital@stretto.com, or the physical address MJ Capital Claims c/o Stretto, 410 Exchange, Ste. 100, Irvine, CA 92602.

6. HOW DO I SUBMIT MY PROOF OF CLAIM FORM?

A completed and signed proof of claim form, together with supporting documentation, must be submitted to the Claims Agent, so as to be **actually received** no later than [] at 5:00 p.m. (prevailing Eastern Time). Proof of claim forms must be submitted to the Claims Agent by: (a) electronic submission via <https://cases.stretto.com/mjcapital>, (b) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto, 410 Exchange, Ste. 100, Irvine, CA 92602, or (c) electronic mail, as an attachment in portable document format (.pdf) to TeamMJCapital@stretto.com. Proof of claim forms should not be filed with the Court, and any proof of claim forms so filed will not be considered properly submitted.

If you have a claim against more than one Receivership Entity, you must submit a separate proof of claim form against each such Receivership Entity and identify on each proof of claim form the particular Receivership Entity against which the proof of claim form is asserted. Your failure to identify the correct Receivership Entity on a proof of claim form may be grounds for objection to, and disallowance of, the claim. However, you may submit proof of claim forms against all of the Receivership Entities if, based upon a reasonable investigation, you believe that you hold a claim against those Receivership Entities or you are unsure which Receivership Entity you hold a claim against.

7. SUPPORTING DOCUMENTS

You should attach to each proof of claim copies of all documents available to you that could support your claim. Such documentation may include, but is not limited to:

- copies of personal checks, cashier's checks, wire transfer advices, cash receipts, and other documents evidencing the investment of funds;
- copies of each signed investment contract;
- a chronological accounting of all money and other assets received by you, directly or indirectly, from any Receivership Entity, whether such monies are denominated as the return of principal, interest, commissions, referral fees, affiliate payments, or otherwise;
- copies of all agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, evidence of perfection of lien; and
- other documents evidencing the amount and basis of the Claim. **DO NOT SEND ORIGINAL DOCUMENTS.** If such supporting documentation is not available, please explain why in an addendum that is attached to your Proof of Claim.

8. CONSENT TO JURISDICTION AND WAIVER OF JURY TRIAL

BY SUBMITTING A PROOF OF CLAIM, YOU CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA FOR ALL PURPOSES AND AGREE TO BE BOUND BY SUCH COURT'S DECISIONS, INCLUDING, WITHOUT LIMITATION, AS TO CLAIMS, OBJECTIONS, DEFENSES OR COUNTERCLAIMS BETWEEN YOU AND ANY RECEIVERSHIP ENTITY AND/OR THE RECEIVER. FURTHER, BY SUBMITTING YOUR PROOF OF CLAIM, YOU AGREE TO WAIVE ANY RIGHT TO A JURY TRIAL WITH RESPECT TO YOUR PROOF OF CLAIM, AND ANY RELATED CLAIMS, OBJECTIONS, DEFENSES, AND COUNTERCLAIMS.

9. RESERVATION OF RIGHTS

The Receiver reserves the right to dispute, or assert offsets or defenses as to the nature, amount, liability, classification, or otherwise against, any amounts asserted in any proof of claim. Nothing set forth in this notice or the proof of claim shall preclude the Receiver from objecting to any proof of claim on any grounds.

Dated this [] day of [].

BY ORDER OF THE HONORABLE RAAG SINGHAL
UNITED STATES DISTRICT COURT JUDGE

COUNSEL FOR RECEIVER CORALI LOPEZ-CASTRO

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By: /s/ Bernice C. Lee

Benjamin J. Widlanski, Esq.

Florida Bar No. 1010644

David L. Rosendorf, Esq.

Florida Bar No. 996823

Bernice C. Lee

Florida Bar No. 0073535

EXHIBIT C

<p style="text-align: center;">UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA</p> <p style="text-align: center;">Case No.: 21-61644-CIV-SINGHAL</p> <p style="text-align: center;"><i>Securities and Exchange Commission v. MJ Capital Funding, LLC, MJ Taxes and More, Inc. and Johanna M. Garcia.</i></p>	<p style="text-align: center;">[For Receiver’s use only]</p> <p style="text-align: center;">Proof of Claim No. _____</p>
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The United States District Court for the Southern District of Florida has appointed Corali Lopez-Castro as the receiver (the “Receiver”) over MJ Capital Funding, LLC, MJ Taxes and More, Inc. f/k/a MJ Tax Services and More, Inc., Pavel Ruiz MJCF LLC and UDM Remodeling, LLC (each a “Receivership Entity” and collectively, the “Receivership Entities”). To be eligible to receive a distribution from the Receivership Entities, you must complete and return this Proof of Claim and provide supporting documentation to the Receiver’s claims agent so that it is actually received on or before [_____] at 5:00 P.M. (prevailing Eastern Time) by: (a) electronic submission via <https://cases.stretto.com/mjcapital>, (b) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto, 410 Exchange, Ste. 100, Irvine, CA 92602, or (c) electronic mail, as an attachment in portable document format (.pdf), to TeamMJCapital@stretto.com.

The information you provide in this Proof of Claim will be used to determine your distribution, if any. The Receiver has the right to dispute and/or verify any information you have provided to determine the proper distribution amount, if any, to which you may be entitled. This Proof of Claim will be submitted under the penalty of perjury as described below.

IF THIS PROOF OF CLAIM, WITH SUPPORTING DOCUMENTATION, IS NOT TIMELY RECEIVED, YOU WILL BE FOREVER BARRED FROM ASSERTING ANY CLAIM AGAINST THE RECEIVERSHIP ENTITIES AND THEIR ASSETS AND YOU WILL NOT BE ELIGIBLE TO RECEIVE ANY DISTRIBUTION FROM THE RECEIVERSHIP ENTITIES, AND THEIR ESTATES AND ASSETS.

<p>1. Claimant Information (submit separate claims for each individual and company):</p> <p>Name: _____</p> <p>Has this claim been acquired from someone else?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	<p>2. Receivership Entity with Whom Claim was Incurred (submit separate claims for each):</p> <p><input type="checkbox"/> MJ Capital Funding, LLC</p> <p><input type="checkbox"/> MJ Taxes and More, Inc., f/k/a MJ Tax Services and More, Inc.</p> <p><input type="checkbox"/> Pavel Ruiz MJCF LLC</p> <p><input type="checkbox"/> UDM Remodeling, LLC</p>
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<p>3. Where Should Notices and Payments to the Claimant Be Sent?</p> <p>Name: _____</p> <p>Address: _____</p> <p>City, State, Zip: _____</p> <p>Telephone: _____</p> <p>Email Address: _____</p>	<p>4. Where Should Payments Be Sent (if different):</p> <p>Name: _____</p> <p>Address: _____</p> <p>City, State, Zip: _____</p> <p>Telephone: _____</p> <p>Email Address: _____</p>
<p>5. Total Amount of Claim: \$ _____</p>	
<p>6. If Court Judgment against any Receivership Entity, Date Obtained: _____</p>	
<p>7. If Legal Action Pending against any Receivership Entity, Date Commenced, Court Name, and Case No.: _____</p>	
<p>8. Is this claim based on funds you provided to a Receivership Entity on or after August 12, 2021?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
<p>9. Are you related to Johanna M. Garcia by blood or marriage?</p> <p><input type="checkbox"/> Yes If Yes, please describe: _____</p> <p><input type="checkbox"/> No</p>	
<p>10. Basis for Claim (check all applicable):</p> <p><input type="checkbox"/> Investment in MJ Capital Funding, LLC</p> <p><input type="checkbox"/> Investment in MJ Taxes and More, Inc., f/k/a MJ Tax Services and More, Inc.</p> <p><input type="checkbox"/> Services performed or goods provided</p> <p><input type="checkbox"/> Money loaned</p> <p><input type="checkbox"/> Taxes</p> <p><input type="checkbox"/> Wages, salaries, or compensation</p> <p><input type="checkbox"/> Other: _____ (please describe)</p>	<p>11. Secured Claim:</p> <p><input type="checkbox"/> Check this box if you contend your claim is subject to a security interest or lien. Attach copies of all documents that evidence the claim of secured status, including mortgages, security agreements, and evidence of perfection of lien.</p> <p>Description of Collateral:</p> <p><input type="checkbox"/> Real Estate</p> <p><input type="checkbox"/> Motor Vehicle</p> <p><input type="checkbox"/> Other: _____ (please describe)</p> <p>Asserted Value of Collateral: \$ _____</p>

12. Role With Receivership Entities (check all that apply):

- Investor
- Account Representative
- Team Lead
- Manager
- Board Member
- Officer or Director
- Owner
- Employee/Independent Consultant
- Other: _____
(describe or provide additional information on the attached sheet)

13. Payments Received in Connection with Receivership Entities, directly or indirectly (complete all that apply and provide supporting documentation):

- Payments on Investments/Interest: \$ _____
- Advance Fees: \$ _____
- Referral/Commission/Affiliate Fees: \$ _____
- Bonuses: \$ _____
- Wages/Salary: \$ _____
- Distributions: \$ _____
- Other Funds: \$ _____
(Describe or provide additional information on the attached sheet)

14. Other Items of Value Received In Connection with the Receivership Entities:

Did you receive any other item of value other than the money described above (for example, a watch or vehicle) from any Receivership Entity, a board member, or anyone acting on their behalf?

- Yes
- No

If yes, please identify what you received, from whom, and the date received: _____

15. If Investor, Name, Effective Date, Amount Provided, and Form of Funds Provided (complete all that apply and provide supporting documentation):

Investor Name: _____

Effective Date(s) of Agreements: _____

Name of Person(s) Who Solicited Your Investment in the Receivership Entities: _____

1st Payment You Provided: Amount: \$ _____ Date: _____
Form (circle response): Wire / Cash / Check / Zelle / PayPal / Other (describe): _____

To (circle response): MJ Capital Funding, LLC / MJ Taxes and More, Inc. / Other (describe and include any available bank account information): _____

2nd Payment You Provided: Amount: \$ _____ Date: _____
Form (circle response): Wire / Cash / Check / Zelle / PayPal / Other (describe): _____

To (circle response): MJ Capital Funding, LLC / MJ Taxes and More, Inc. / Other (describe and include any available bank account information): _____

3rd Payment You Provided: Amount: \$ _____ Date: _____
Form (circle response): Wire / Cash / Check / Zelle / PayPal / Other (describe): _____

To (circle response): MJ Capital Funding, LLC / MJ Taxes and More, Inc. / Other (describe and include any available bank account information): _____

4th Payment You Provided: Amount: \$ _____ Date: _____
Form (circle response): Wire / Cash / Check / Zelle / PayPal / Other (describe): _____

To (circle response): MJ Capital Funding, LLC / MJ Taxes and More, Inc. / Other (describe and include any available bank account information): _____

5th Payment You Provided: Amount: \$ _____ Date: _____

Form (circle response): Wire / Cash / Check / Zelle / PayPal / Other (describe): _____

To (circle response): MJ Capital Funding, LLC / MJ Taxes and More, Inc. / Other (describe and include any available bank account information): _____

6th Payment You Provided: Amount: \$ _____ Date: _____

Form (circle response): Wire / Cash / Check / Zelle / PayPal / Other (describe): _____

To (circle response): MJ Capital Funding, LLC / MJ Taxes and More, Inc. / Other (describe and include any available bank account information): _____

(Provide information for additional payments on an attached sheet)

16. Supporting Documentation: Please attach to your Proof of Claim copies of all documents available to you that support your claim, including but not limited to copies of personal checks, deposit receipts, cashier's checks, wire transfer advices, receipts and any other documents evidencing the investment of funds, copies of investment agreements, a chronological accounting of all money or other items of value received in connection with any Receivership Entity, copies of all investor agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, evidence of perfection of lien, and other documents evidencing the amount and basis of the Proof of Claim. **DO NOT SEND ORIGINAL DOCUMENTS.** If such documentation is not available, please attach a detailed explanation of why documents are unavailable.

17. Verification of Claims: All Proofs of Claim submitted are subject to review and verification by the Receiver, and approval by the Court. It is important to provide complete and accurate information to facilitate this effort. Claimants may be asked to supply additional information to complete this process.

18. Consent to Jurisdiction and Waiver of Jury Trial: BY SUBMITTING YOUR PROOF OF CLAIM, YOU CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA FOR ALL PURPOSES AND AGREE TO BE BOUND BY SUCH COURT'S DECISIONS, INCLUDING, WITHOUT LIMITATION, AS TO CLAIMS, OBJECTIONS, DEFENSES OR COUNTERCLAIMS BETWEEN YOU AND ANY RECEIVERSHIP ENTITY AND/OR THE RECEIVER. FURTHER, BY SUBMITTING YOUR PROOF OF CLAIM, YOU AGREE TO WAIVE ANY RIGHT TO A JURY TRIAL WITH RESPECT TO YOUR PROOF OF CLAIM, AND ANY RELATED CLAIMS, OBJECTIONS, DEFENSES, AND COUNTERCLAIMS.

19. Representations (check all applicable):

I hereby represent the following:

- I was not a board member, officer, director, owner, manager, team lead, account representative or other insider of any Receivership Entity or affiliate of any Receivership Entity.
- I did not knowingly assist any Receivership Entity or affiliate of any Receivership Entity effectuate, perpetuate, or promote the MJ Capital Funding, LLC Ponzi scheme.
- I did not have knowledge of the fraudulent nature of any Receivership Entity or affiliate of any Receivership Entity at the time funds were transferred to, or a debt was incurred by, such entity.

20. Signature:

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the claimant gave the Receivership Entities credit for any payments or other things of value received toward the debt. Attach a copy of power of attorney, death certificate, or other documets as relevant.

I have examined the information in this Proof of Claim, and have a reasonable belief that the information is true and correct.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and my supporting documentation provided is also true and correct.

Signature: _____

Executed on Date: _____

Printed Name: _____

Title (if applicable): _____

Address: _____

Contact Phone: _____

Email: _____

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 21-61644-CIV-SINGHAL

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,
MJ TAXES AND MORE, INC., and
JOHANNA M. GARCIA,
Defendants.

NOTICE OF LAST DAY TO SUBMIT CLAIMS
TO ANY CLAIMANTS OF THE RECEIVERSHIP ENTITIES LISTED IN THE BOX BELOW

PLEASE TAKE NOTICE THAT the United States District Court for the Southern District of Florida ("Court") entered an order establishing _____, 2022, at 5:00 p.m. (prevailing Eastern Time) (the "Bar Date") as the last date for any person or entity (including individuals, partnerships, corporations, joint ventures, estates, trusts and governmental units) who asserts a claim (collectively, "Claimants") against any of the Receivership Entities listed in the box below to submit a proof of claim form.

Receivership Entities

MJ Capital Funding, LLC
MJ Taxes and More, Inc. f/k/a MJ Tax Services and More, Inc.
Pavel Ruiz MJCF LLC
UDM Remodeling, LLC

Claimants must identify on their proof of claim the Receivership Entity against which their claim is asserted. If a Claimant has claims against multiple Receivership Entities, Claimant must submit a separate claim with respect to each Receivership Entity. The Bar Date and claims filing procedures set forth below apply to all claims against the Receivership Entities, except for claims of professionals hired by the receivership estate. If you believe any of the Receivership Entities may owe you money, you should consider filing a claim before the Bar Date.

WHO MUST SUBMIT A PROOF OF CLAIM FORM

You **MUST** submit a proof of claim form if you have a claim against any of the Receivership Entities. Claimants who must submit a proof of claim form prior to the Bar Date include, but are not limited to, persons or entities that hold a claim against one or more of the Receivership Entities based on the following: (1) any investment in a Receivership Entity, including funds provided for the purpose of funding a Merchant Cash Advance; (2) the provision of goods or services to any Receivership Entity that has not been paid in whole or in part; (3) money loaned to any Receivership Entity that has not been paid in whole or in part; (4) unpaid wages, compensation, or other employment benefits; (5) tax liabilities, including those held by federal and state governments; (6) primary, secondary, direct, indirect, secured, unsecured, or contingent liability; and (7) contract, tort, indemnity, reimbursement, subrogation theories or other legal or equitable theory. The Bar Date applies to all claims against the Receivership Entities regardless of the time period such claim was incurred.

WHEN AND WHERE TO SUBMIT A PROOF OF CLAIM FORM

A completed and signed proof of claim form, together with supporting documentation, must be submitted, so as to be **ACTUALLY RECEIVED** no later than [_____] at 5:00 p.m. (prevailing Eastern Time) by: (a) electronic submission via <https://cases.stretto.com/mjcapital>, (b) courier service, hand delivery, or mail addressed to MJ Capital Claims c/o Stretto, 410 Exchange, Ste. 100, Irvine, CA 92602, or (c) electronic mail, as an

attachment in portable document format (.pdf) to TeamMJCapital@stretto.com.

CONSEQUENCES OF FAILURE TO SUBMIT A PROOF OF CLAIM FORM BY THE BAR DATE

Any Claimant who is required to submit a proof of claim form, but fails to do so in a timely manner or in the proper form: shall be forever barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receivership Entities and their respective property and estates; shall not be permitted to object to any distribution and liquidation plan proposed by the Receiver on account of such Claim; shall be denied any distributions under any distribution and liquidation plan implemented by the Receiver on account of such Claim; and shall not receive any further notices on account of such Claim. Further, the Receivership Entities and their respective property and estates will be discharged from any and all indebtedness or liability with respect to such Claim. **You may wish to consult an attorney concerning this matter.**

To obtain additional information, a proof of claim form and a copy of the bar date order: visit <https://ktlaw.com/mjcapital/>, send an email to TeamMJCapital@stretto.com, or write to MJ Capital Claims c/o Stretto, 410 Exchange, Ste. 100, Irvine, CA 92602.