

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

COMMODITY FUTURES TRADING
COMMISSION,

Case No. 8:19-CV-886-T-33SPF

Plaintiff,

v.

OASIS INTERNATIONAL GROUP,
LIMITED; OASIS MANAGEMENT, LLC;
SATELLITE HOLDINGS COMPANY;
MICHAEL J. DACORTA; JOSEPH S.
ANILE, II.; RAYMOND P. MONTIE III;
FRANCISCO "FRANK" L. DURAN; and
JOHN J. HAAS,

Defendants;

and

FUNDADMINISTRATION, INC.;
BOWLING GREEN CAPITAL
MANAGEMENT LLC; LAGOON
INVESTMENTS, INC.; ROAR OF THE
LION FITNESS, LLC; 444 GULF OF
MEXICO DRIVE, LLC; 4064 FOUNDERS
CLUB DRIVE, LLC; 6922 LACANTERA
CIRCLE, LLC; 13318 LOST KEY PLACE,
LLC; and 4 OAKS LLC,

Relief Defendants.

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THE RECEIVER'S FIFTEENTH INTERIM REPORT

Information and Activity from October 1, 2022 through December 31, 2022.

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INTRODUCTION

Burton W. Wiand, the Court-appointed receiver over the assets of the above-captioned defendants and relief defendants (the “**Receiver**” and the “**Receivership**” or “**Receivership Estate**”), files this Fifteenth Interim Report to inform the Court, investors, creditors, and others interested in this Receivership of activities to date as well as the Receiver’s proposed course of action. The Receiver has established a website, www.oasisreceivership.com, which he updates periodically. The Receiver will continue to update the website regarding the Receiver’s most significant actions, important Court filings, and other items that might be of interest to the public. This Fifteenth Interim Report, as well as all other reports, will be posted on the website.¹

Overview of Significant Activities During this Reporting Period

On October 20, 2022, the Honorable William F. Jung sentenced Michael DaCorta to imprisonment of **276 months (i.e., 23 years)** for his role in the Ponzi scheme underlying this enforcement action. Judge Jung also ordered DaCorta to pay restitution in the amount of **\$53,270,336.08**, jointly and

¹ As directed by the Court, the Receiver will submit his next interim report and subsequent reports within thirty days after the end of each calendar quarter. Where possible, the Receiver has also included information about events occurring between December 31, 2022 (the end of the reporting period) and the date of this filing.

severally with defendant Joseph S. Anile, II (although the Receiver has already recovered and sold both individuals' material assets).²

During the time covered by this Fifteenth Interim Report, the Receiver and his professionals also engaged in the following significant activities:

- Filed a motion on December 9, 2022, seeking approval of a first interim distribution of approximately **\$10 million** to claimants with approved claims (*see infra* § VI);
- Obtained remission of **\$6,560,994.96** from the Department of Justice in connection with civil and criminal asset forfeitures for distribution through the claims process and continued efforts to secure remission of additional funds (*see infra* § III.A.);
- Collected **\$69,581.90** in interest income on seized funds (*see* Ex. A);
- Collected litigation income of **\$8,717.68** through settlements and the enforcement of default judgments (*see id.*);
- Continued efforts to repatriate **\$500,000** from Belize in cooperation with local counsel (*see infra* § III.B.);
- Continued evaluation of a lawsuit against defendant Raymond P. Montie III, seeking tort damages and the recovery of fraudulent transfers (*see infra* § V.2.c.); and

² In December 2019 and February 2021, a federal grand jury indicted DaCorta on one count of conspiracy to commit wire fraud and mail fraud, one count of engaging in an illegal monetary transaction (*i.e.*, money laundering), and one count of making a false and fraudulent statement on an income tax return. DaCorta's trial commenced on April 18, 2022, and the jury began deliberations on May 4, 2022. After more than two weeks of testimony and argument, the jury required less than four hours to find DaCorta guilty on all counts. Judge Jung described the Oasis Ponzi scheme as "a very good con." He noted that victim-investors lost their money and tended to blame themselves for getting involved. "Their self-esteem was stolen," the judge said. Before imposing the sentence, the judge heard from two of the victims, a couple whose initials are P.K. and K.K. She stated that her family was "emotionally drained" by the loss of money meant for their children's marriages and educations. He called DaCorta "a parasite on society." DaCorta is appealing his conviction, but after the sentencing hearing on October 20, 2022, the United States Marshals Service immediately took DaCorta into custody, and he is currently in prison.

- Continued prosecution of an appeal regarding an order dismissing a second lawsuit against ATC Brokers Ltd., David Manoukian, and Spotex, LLC, seeking compensatory and punitive damages and alleging claims for aiding and abetting fraud, aiding and abetting breaches of fiduciary duties, recovery of fraudulent transfers against ATC, gross negligence, and simple negligence (*see infra* § V.2.d.).

Overview of Activities Since the Beginning of this Receivership

Since the beginning of this Receivership, the Receiver and his professionals have engaged in the following significant activities:

- Served subpoenas or the order appointing the Receiver and freezing the assets of the defendants and relief defendants on approximately **100 individuals and entities** who could have assets or records belonging to the Receivership Estate;
- Seized more than **\$8.66 million** from frozen bank accounts at numerous financial institutions;
- Generated **\$53,335.13** in business income, primarily from mortgages and rentals;
- Liquidated an additional approximately **\$7,892,523.41** in assets (net, excluding remitted funds), mostly subject to agreements with the Department of Justice and the United States Marshals Service;
- Collected **\$275,587.22** in interest and/or dividend income;
- Collected total litigation income of **\$5,107,199.89** through clawback and other third-party settlements;
- Collected other miscellaneous income of **\$143,854.01**;
- Retained legal counsel (domestic and foreign), forensic accountants, tax accountants, a technology services firm, and an asset manager to assist the Receiver and obtained Court approval of those engagements;
- Completed forensic reconstructions of at least 25 bank accounts, including more than 26,000 individual transactions;

- Interviewed dozens of individuals, including certain defendants, employees, sales agents, investors, legal counsel, and accountants;
- Established a website for investors and other interested parties;
- Collected hundreds of thousands of pages of documents from dozens of nonparties, including employees, banks, credit card companies, accountants, and lawyers; and
- Fielded hundreds of calls from investors and/or their counsel.

The above activities are discussed in more detail in the pertinent sections of this Fifteenth Interim Report and in the Receiver's previous interim reports.

BACKGROUND

I. Procedure and Chronology

On April 15, 2019, the Commodity Futures Trading Commission (“**CFTC**”) filed a complaint (Doc. 1) against (1) defendants Oasis International Group, Limited (“**OIG**”); Oasis Management, LLC (“**Oasis Management**”); Michael J. DaCorta (“**DaCorta**”); Joseph S. Anile, II (“**Anile**”); Francisco “Frank” L. Duran (“**Duran**”); Satellite Holdings Company (“**Satellite Holdings**”); John J. Haas (“**Haas**”); and Raymond P. Montie, III (“**Montie**”) (collectively, the “**defendants**”) and (2) relief defendants Fundadministration, Inc. (“**FAI**”); Bowling Green Capital Management, LLC (“**Bowling Green**”); Lagoon Investments, Inc. (“**Lagoon**”); Roar of the Lion Fitness, LLC (“**Roar of the Lion**”); 444 Gulf of Mexico Drive, LLC (“**444 Gulf of Mexico**”); 4064 Founders Club Drive, LLC (“**4064 Founders Club**”); 6922 Lacantera Circle, LLC (“**6922 Lacantera**”); 13318 Lost Key Place, LLC (“**13318 Lost Key**”); and

4Oaks LLC (“**4Oaks**”) (collectively, the “**relief defendants**”). The defendants and relief defendants are referred to as the “**Receivership Entities**.”

The complaint charges the defendants with violations of the Commodity Exchange Act and CFTC regulations and seeks to enjoin their violations of these laws regarding a fraudulent foreign currency (“**forex**”) trading scheme. The CFTC alleges that between mid-April 2014 and April 2019, the defendants fraudulently solicited over 700 U.S. residents to invest in two forex commodity pools – Oasis Global FX, Limited and Oasis Global FX, S.A. (collectively, the “**Oasis Pools**”). The CFTC also asserts that the defendants raised approximately \$75 million from these investors and misappropriated over \$28 million of the pool funds to make payments to other pool participants and over \$18 million for unauthorized personal and business expenses, including the transfer of at least \$7 million to the relief defendants.³

On the same day the CFTC filed its complaint, April 15, 2019, the Court entered an order appointing Burton W. Wiand as temporary Receiver for the Receivership Entities (Doc. 7) (the “**SRO**”). The Court directed him, in relevant part, to “[t]ake exclusive custody, control, and possession of the Receivership Estate,” which includes “all the funds, properties, premises, accounts, income, now or hereafter due or owing to the Receivership Defendants, and other assets

³ On June 12, 2019, the CFTC filed an amended complaint (Doc. 110), which contains additional allegations about certain defendants and relief defendants.

directly or indirectly owned, beneficially or otherwise, by the Receivership Defendants.” *See id.* at p. 14, ¶ 32 & p. 15, ¶ 30.b. The SRO also imposed a temporary injunction against the defendants and relief defendants and froze their assets. *Id.* at 19.

Subsequently, all defendants and relief defendants either defaulted or consented to the entry of a preliminary injunction against them (with some differences unique to the circumstances of each party). *See* Docs. 35, 43, 44, 82, 85, 172, 174-77. On July 11, 2019, the Court entered a Consolidated Receivership Order, which is now the operative document governing the Receiver’s activities. Doc. 177 (the “**Consolidated Order**”).⁴ Pursuant to the Consolidated Order and its predecessors (*see* Docs. 7, 44), the Receiver has the duty and authority to (1) administer and manage the business affairs, funds, assets, and any other property of the Receivership Entities; (2) marshal and safeguard the assets of the Receivership Entities; and (3) investigate and institute legal proceedings for the benefit of the Receivership Entities and their investors and other creditors as the Receiver deems necessary.

On June 26, 2019, the Department of Justice, through the United States Attorney’s Office for the Middle District of Florida (the “**DOJ**”), moved to stay

⁴ On April 23, 2021, the Court reappointed the Receiver for purposes of 28 U.S.C. § 754, but the order of reappointment attaches and incorporates the Consolidated Order by reference. *See* Doc. 390. As such, the provisions of the Consolidated Order continue to govern the Receiver’s mandate upon reappointment. *Id.*

this litigation to protect an ongoing criminal investigation. Doc. 149. The Court granted the DOJ's motion on July 12, 2019, but exempted the Receiver's activities from the stay. Doc. 179. The Court also required the DOJ to provide periodic status reports during the stay. *Id.*

On August 8, 2019, defendant Anile pled guilty to three counts involving the scheme – (1) conspiracy to commit wire and mail fraud; (2) engaging in an illegal monetary transaction; and (3) filing a false income tax return. *See United States of America v. Joseph S. Anile, II*, Case No. 8:19-cr-334-T-35CPT (M.D. Fla.) (the “**Anile Criminal Action**” or “**ACA**”). A copy of Anile's plea agreement was attached as Exhibit A to the Receiver's Second Interim Report. Doc. 195. On November 18, 2020, Anile was sentenced to imprisonment of 120 months and supervised release of three years. ACA Doc. 56. He was also ordered to pay restitution of \$53,270,336.08. *Id.*

Anile subsequently filed a motion seeking a downward departure (*i.e.*, sentence reduction) due to his cooperation with the government and other relevant factors. On January 24, 2023, the judge presiding over the Anile Criminal Action granted his motion and, in relevant part, reduced his term of imprisonment to “time served” plus 12 months of home confinement and an additional two years of supervised release. *See* ACA Docs. 76, 77. In the Receiver's opinion, this reduction was due to Anile's cooperation with the

Department of Justice, his assistance to the Receiver in collecting assets, and in large part, his significant health issues.

Similarly, on December 17, 2019, a federal grand jury returned a two-count indictment against defendant DaCorta, alleging conspiracy to commit wire and mail fraud as well as engaging in an illegal monetary transaction. *See United States of America v. Michael J. DaCorta*, Case No. 8:19-cr-605-T-02CPT (M.D. Fla.) (the “**DaCorta Criminal Action**” or “**DCA**”). A copy of the original indictment was attached as Exhibit A to the Receiver’s Third Interim Report, and a copy of a superseding indictment, which added an additional count related to tax evasion, was attached as Exhibit D to the Receiver’s Eighth Interim Report. *See Docs. 229, 393.*

On May 4, 2022, after two weeks of testimony and argument before the Honorable William F. Jung and less than four hours of deliberation, a jury found DaCorta guilty on all three counts. DCA Doc. 192. On October 20, 2022, Judge Jung sentenced DaCorta to imprisonment of 276 months (*i.e.*, 23 years) for his role in the Ponzi scheme underlying this enforcement action. DCA Doc. 234. Judge Jung also ordered DaCorta to pay restitution in the amount of \$53,270,336.08, jointly and severally with defendant Anile (although the Receiver has already recovered and sold both individuals’ material assets).

On January 14, 2022, the DOJ moved the Court to extend the stay in this enforcement action for an additional six months to protect its ongoing

investigation. Doc. 467. The Court granted the motion and extended the stay until July 24, 2022. Doc. 470. After the DOJ declined to further extend the stay, the Court noted its expiration on July 24, 2022, and ordered the parties to confer and file a case management report by August 8, 2022. Doc. 652. Pursuant to that report and the Court's related order, the CFTC's enforcement action against all defendants is currently scheduled for trial in December 2023. On August 19, 2022, DaCorta filed a motion to dismiss the CFTC's complaint (Doc. 663), which the court denied during a hearing on December 22, 2022 (Doc. 701). DaCorta filed an answer to the complaint on December 28, 2022 (Doc. 704), and discovery is now ongoing.

While the Receiver is not a party to the CFTC action, its outcome against individual defendants is important to the Receiver because the CFTC seeks monetary relief from those defendants. The Receiver has tolling agreements with several individuals and may wait for the resolution of the CFTC's claims before pursuing any direct action against them.

II. Overview of the Receiver's Findings

The Consolidated Order authorizes, empowers, and directs the Receiver to "investigate the manner in which the financial and business affairs of the Receivership Defendants were conducted...." Doc. 177 ¶ 44. Pursuant to that mandate, the Receiver obtained and reviewed records from Receivership Entities and third parties. The Receiver has formed certain conclusions based

on his review of a portion of the records received and interviews with employees, lawyers, accountants, and others.

As demonstrated by Anile’s 2019 guilty plea and DaCorta’s 2022 criminal conviction following a two-week jury trial, there is abundant evidence that the defendants were operating a fraudulent investment scheme. The scheme began with the sale of preferred shares in OIG, which is registered in the Cayman Islands. The shares promised a 12% dividend that was to be derived from trading by a related company: first, Oasis Global FX, Limited and then Oasis Global FX, S.A. – *i.e.*, the Oasis Pools. These companies were registered in New Zealand and Belize, respectively, and were purportedly introducing brokers that would trade currencies or currency-related contracts. The 12% return was to be derived from trading profits and transaction income earned by the brokers. The preferred shares were sold to investors through a private placement memorandum that contained significant false representations and omitted numerous material facts, including that DaCorta, the “Chief Investment Officer,” was prohibited from currency trading through a prior regulatory action in the United States. As the scheme grew, other companies – Oasis Management and Satellite Holdings – were used to gather investments and funnel them into the scheme. Preferred shareholders became purported “lenders” (although the entities continue to have shareholders to this day) who were told they were lending money to certain defendants. Investors were

regularly sent statements showing an account with a principal amount and accrued and accruing earnings. All of this was false, as confirmed by defendant Anile's guilty plea and DaCorta's conviction.

As the scheme matured, the perpetrators created a website that investors could access to view their purported accounts. Investors' account pages showed that they were credited with a 1% "interest" payment each month and, on a daily basis, a portion of purported trading income earned by the scheme's trading entity.⁵ The scheme was successful and proliferated because of the continued deception of the investors with respect to their purported accounts. They were led to believe that they held valuable loan accounts that continually earned money when, in fact, the scheme appears to have been insolvent since its inception. As an example, when the CFTC stopped the scheme in April 2019, the fraudulent website showed investors that they were owed an aggregate of over \$120 million. In truth, OIG only had liquid assets of less than \$10 million and was losing money.

⁵ Specifically, many investors were told by those perpetrating the scheme that the investors would receive a portion of the "spread pay" that Oasis Global FX, S.A. earned from its purported role as a broker of forex transactions for OIG. The spread pay, however, was nothing more than a markup on all transactions and served to increase the losses in the OIG account. No spread pay (or any portion thereof) was ever distributed to an investor. Rather, it was a ruse used to deceive investors into believing that they were receiving enhanced returns when, in fact, fictitious amounts were being credited to their fraudulent accounts. In truth, Oasis Global FX, S.A. and its traders conducted continually and routinely unprofitable trades and lost almost all the investors' money. The fabrication of returns based on purported spread pay was an integral part of the system through which the perpetrators lured investors into the scheme.

The Receiver's analysis indicates that a total of approximately \$80 million was raised from investors.⁶ An analysis from the beginning of 2017 indicates that approximately \$20 million was deposited for trading, which resulted in substantial losses. The remainder of the money raised from investors was used to make Ponzi payments to other investors, to pay expenses to perpetuate the scheme, and to enrich the defendants. Through the claims process discussed below in Section VI, investors and other creditors have submitted hundreds of claims totaling approximately \$70 million.

ACTIONS TAKEN BY THE RECEIVER

During this reporting period, the Receiver has taken steps to fulfill his mandates under the Consolidated Order and its predecessors. Doc. 177 ¶ 56.A.

III. Securing The Receivership Estate

Attached as **Exhibit A** to this Fifteenth Interim Report is a cash accounting report showing (1) the amount of money on hand from October 1, 2022, less operating expenses plus revenue, through December 31, 2022, and (2) the same information from the beginning of the Receivership (as opposed to the current reporting period). *See* Doc. 177 ¶ 56.B. & C. This cash accounting report does not reflect non-cash or cash-equivalent assets. Thus, the value of uncollected or unsold property discussed below is not included in the

⁶ To the extent these numbers differ from those alleged by the CFTC, the Receiver understands that the CFTC only considered transactions within the pertinent statute of limitations while the Receiver is reviewing all available transactions.

accounting report. From October 1, 2022, through December 31, 2022, the Receiver collected income of \$6,639,294.54.⁷

A. Cooperation with the Department of Justice, Federal Bureau of Investigation, and U.S. Marshals Service

As discussed more fully in the Receiver's First Interim Report (Doc. 113), on April 17, 2019, the DOJ, through the United States Attorney's Office for the Middle District of Florida, filed a civil forfeiture action against almost all the properties identified in § III.C below (which were already under the Receiver's control pursuant to the Consolidated Order and/or its predecessors). *See United States of America v. 13318 Lost Key Place, Lakewood Ranch, Florida et al.*, Case No. 8:19-cv-00908 (M.D. Fla.) (the "**Forfeiture Action**" or "**FA**") (FA Doc. 1 ¶ 1). In addition, the Federal Bureau of Investigation ("**FBI**") instituted administrative forfeiture proceedings against, at minimum, the vehicles described in § III.D.1 and the cash, gold, and silver described in § III.D.2. The Receiver, the DOJ, and the United States Marshals Service ("**USMS**") reached agreements governing the forfeiture and sale of this property as well as the transfer and remission of the sale proceeds. *See* Doc. 105, Ex. A (Consent Forfeiture Agreement); Ex. B (Memorandum of Understanding or "**MOU**");

⁷ As explained in footnote 1, to the extent possible, the Receiver has included in this Fourteenth Interim Report transactions and events occurring after December 31, 2022, to give the Court and others the most current overview of the Receiver's activities. Money collected after that date, however, is not reflected in Exhibit A. Those collections will be included in the Receiver's next interim report.

Ex. C (Liquidation Plan). On June 7, 2019, the Receiver moved the Court to approve these agreements (Doc. 105), and the Court granted the Receiver's motion on June 13, 2019 (Doc. 112).

The Forfeiture Action and the FBI's administrative forfeiture proceedings are complete, and the Receiver has sold all material assets. On October 9, 2020, the Receiver transferred \$3,295,119.94 to the USMS pursuant to the MOU. On May 25, 2021, the Receiver transferred an additional \$2,341,505.18 to the USMS pursuant to the MOU. These amounts are listed on Line 12 of Exhibit A (from inception).

In December 2022, portion of these funds were be remitted (*i.e.*, returned) to the Receiver along with additional money that the DOJ repatriated from the United Kingdom. As reflected on Line 7 of Exhibit A, to date, the Receiver has obtained a total of \$6,560,994.96 from the Department of Justice in connection with civil and criminal asset forfeitures for distribution through the claims process.

B. Freezing Bank Accounts and Liquid Assets

As explained in the First Interim Report, the Receiver identified and/or froze approximately \$11 million at various financial institutions in the United States, the United Kingdom, and Belize. The Receiver opened a money market account for the Receivership at ServisFirst Bank (the "**Receivership**

Account”).⁸ The Receiver has now deposited the vast majority of the frozen funds into this account. The remaining amount is almost entirely composed of the money from Belize and, potentially, the United Kingdom, as discussed below. The Receiver will attempt to obtain as much of that money as possible and to identify any other accounts containing assets belonging to the Receivership Estate. A list of bank or other financial accounts organized by defendant, relief defendant, and/or affiliated entity is attached as **Exhibit B**.

1. The ATC Account in the United Kingdom

On April 18, 2019, the Receiver served London-based ATC Brokers LTD (“**ATC**”) with a copy of the SRO and requested that ATC freeze all accounts associated with the defendants and relief defendants. In cooperation with domestic law enforcement and the United Kingdom’s National Crime Agency, ATC identified and froze one account in the name of Oasis Global FX, S.A., which contained \$2,005,368.28. During October 2021, the DOJ recovered those funds pursuant to certain international agreements, and the agency now has custody of the repatriated money. As noted above, the Receiver has petitioned the government for remission of those and other funds. In December 2022, a portion of the funds was transferred to the Receiver. The money will be distributed to victim-investors through the claims process.

⁸ The Receiver also opened a checking/operating account for making disbursements.

2. Financial Assets in Belize

Shortly after his appointment, the Receiver learned that Oasis Global FX Limited owned an account (x4622) at Choice Bank Limited (“**Choice Bank**”) in Belize. On June 29, 2018, however, regulators in Belize revoked Choice Bank’s license and appointed a liquidator. During October 2021, the Receiver recovered a total of \$55,960.78 from the liquidator. Those funds are now within the Receivership Estate and included in Exhibit A.

The Receiver also learned that Oasis Global FX, S.A. has an account at Heritage Bank Limited (“**Heritage Bank**”) in Belize containing \$500,000. The money served as a bond that allowed Oasis Global FX, S.A. to operate as a broker-dealer in Belize. On May 7, 2019, the Belize International Financial Services Commission suspended the entity’s trading licenses. On October 22, 2019, the Receiver and defendant Anile executed corporate documents to take legal control of Oasis Global FX, S.A. (in addition to the powers conferred by the Consolidated Order). To bring finality to this matter, the Receiver has retained new local counsel in Belize with the Court’s approval. *See* Docs. 478, 488. Although the Financial Services Commission sent Heritage Bank a letter on September 1, 2022, authorizing release of the funds, Heritage Bank continues to raise procedural hurdles to the Receiver’s receipt of the funds deposited with the bank. The Receiver is continuing to work with his new

counsel to resolve this issue as soon as possible so that the funds can be distributed through the claims process.

C. Securing Real Property

The Receivership Estate contained numerous parcels of real property, including single-family homes, condominiums, and a waterfront office building.⁹ In the Consolidated Order and its predecessors, the Court directed the Receiver to “[t]ake all steps necessary to secure the business and other premises under the control of the Receivership Defendants” (Doc. 7 at 15-16) and to “take immediate possession of all real property of the Receivership Defendants, wherever located, including but not limited to all ownership and leasehold interests and fixtures” (Doc. 44 ¶ 19; Doc. 177 ¶ 19).

1. All Receivership Real Estate Has Been Sold

The Receiver has sold all real property in the Receivership Estate. The transactions are explained in prior interim reports and summarized in the following chart. The “Net Recovery” column represents the amounts transferred to the Receivership Estate at closing after satisfying any claims against the properties (like mortgages and taxes) and paying closing costs and commissions.

⁹ In addition to the properties discussed below, relief defendant 444 Gulf of Mexico Drive, LLC holds an \$80,000 mortgage on the property located at 1605 55th Avenue West, Bradenton, Florida 34207. The mortgage matured on December 1, 2021. On January 19, 2022, the mortgage was satisfied in the amount of \$82,324.03, which is now within the Receivership Estate and included in Exhibit A.

PROPERTY	SALE PRICE	NET RECOVERY
444 Gulf of Mexico Drive Longboat Key, Florida	\$2,100,000	\$1,994,155.06
13318 Lost Key Place Lakewood Ranch, Florida	\$1,100,000	\$1,038,704.75
6922 Lacantera Circle Lakewood Ranch, Florida	\$2,050,000	\$372,823.83
4064 Founders Club Drive Sarasota, Florida	\$1,875,000	\$581,712.41
4058 Founders Club Drive Sarasota, Florida	\$195,000	\$186,252.37
7312 Desert Ridge Glen Lakewood Ranch, Florida	\$846,000	\$774,740.08
16804 Vardon Terrace #307 Lakewood Ranch, Florida	\$198,000	\$187,542.50
16804 Vardon Terrace #108 Lakewood Ranch, Florida	\$212,000.	\$204,312.38
16904 Vardon Terrace #106 Lakewood Ranch, Florida	\$184,000	\$177,104.89
17006 Vardon Terrace #105 Lakewood Ranch, Florida	\$198,000	\$187,813.91
6300 Midnight Pass Rd., No. 1002, Sarasota, Florida	\$913,000	\$863,654.69

2. Defendant Montie's Real Property

Defendant Montie owned real estate in Hauppauge, New York. He expressed a desire to sell the property and identified a potential purchaser. The Receiver commissioned an independent appraisal and confirmed that the proposed sale price of \$505,000 reflected market value. Montie conferred with the CFTC and the Receiver, and the parties agreed to the sale. On December 22, 2020, the Court granted Montie's unopposed motion to permit the sale. Doc. 342. The transaction closed on April 23, 2021. After payment of a mortgage and closing costs, the net proceeds of the sale were \$278,274.46. Those funds are being held in escrow pending the resolution of claims against Montie.

Montie also owns property in Jackson, New Hampshire, which he valued at \$1,412,800, based on "local property assessor figures." A recent estimate from Zillow.com was \$1,645,100, but Realtor.com listed the value as \$2,242,400. As of June 15, 2019, the property carried a mortgage of \$845,747. Finally, Montie owns property in Lake Ariel, Pennsylvania, which he valued at \$926,700, based on "local property assessor figures." A recent estimate from Zillow.com was \$1,988,100, and Realtor.com listed the value as \$1,346,800. As of August 1, 2019, the property carried a mortgage of \$658,254. Montie's currently unsold properties thus carried positive net equity of approximately \$835,499 in 2019. The Receiver is in the process of obtaining more accurate, updated valuations and mortgage balances through settlement and other

negotiations. “Montie is responsible for making mortgage, property tax, and insurance payments and for the general upkeep of these residences.” Doc. 177 ¶ 20. The Receiver will pursue these properties and any other disclosed (or undisclosed) assets when the circumstances warrant.

3. Defendant Haas’s Real Property

Defendant Haas owns a property in New York, which he estimated to be worth approximately \$502,000. As of August 2021, it had a mortgage in the amount of \$97,000. As such, Haas’s property carried positive net equity of approximately \$405,000 but might need certain repairs before any liquidation. “Haas is responsible for making mortgage, property tax, and insurance payments and for the general upkeep of this residence.” Doc. 177 ¶ 21. The Receiver will pursue this property and any other disclosed (or undisclosed) assets when the circumstances warrant.

D. Securing Personal Property

1. Vehicles

On April 18, 2019, FBI agents executed search warrants and seized, among other things, luxury automobiles purchased by certain defendants and relief defendants. The FBI then instituted administrative forfeiture proceedings against the vehicles. On October 11, 2019, the Receiver filed a motion seeking the Court’s approval of his plan to auction the vehicles pursuant to the MOU. Doc. 192. The Court granted the motion on October 29,

2019. Doc 194. Orlando Auto Auction sold the vehicles that were not underwater, which resulted in a recovery of approximately \$307,714. The Receiver obtained the sale proceeds in January 2020. The Receiver has now sold all forfeited vehicles and collected all related funds.¹⁰ For more information, please see the Receiver's prior reports.

2. Cash and Precious Metals

Law enforcement agents also seized cash, gold, and silver from certain defendants or their residences. On November 4, 2019, the Receiver moved the Court to approve a procedure for the sale of the metals, and the Court granted the motion on November 7, 2019. *See* Docs. 197, 200. After obtaining several bids from companies that deal in precious metals, the Receiver sold the gold and silver to International Diamond Center for \$657,382.25. *See* Doc. 205. The Receiver has now sold all forfeited metals and collected all related funds.¹¹ For more information, please see the Receiver's prior interim reports.

3. Other Personal Property

When the Receiver and his representatives visited certain defendants' residences on April 18, 2019, they observed and photographed potentially valuable items, including art, antiques, collectibles, sports memorabilia, and

¹⁰ During a previous reporting period, the Receiver and defendant Montie coordinated to sell his 1996 Mercedes 500SL for \$10,500. Those funds are being held in escrow along with the proceeds from the sale of his New York property.

¹¹ This does not include certain assets in the possession of defendants Haas and Montie, as disclosed in their financial affidavits.

jewelry. The defendants have been instructed that all such personal property is subject to the asset freeze, and they are not to sell, transfer, or otherwise dispose of anything without the Receiver's authorization. To date, the Receiver has identified and/or seized the property listed in **Exhibit C**.¹² He has sold most items as set forth in the exhibit. The Receiver is working with the defendants and their counsel to identify additional property that rightfully belongs to the Receivership Estate.

E. Securing the Receivership Entities' Books and Records

As explained in prior interim reports, the Receiver and his professionals have taken substantial steps to secure the Receivership Entities' books and records, including computer systems, emails, and other documents. The Receiver has also obtained documents from numerous nonparties under the Consolidated Order or through subpoenas. During this reporting period, the Receiver has obtained documents directly from investors in connection with his demand letters, clawback litigation, and/or the claims process. The Receiver continues to encourage investors who dispute the Receiver's calculations of gains or losses related to the scheme to provide documents substantiating the dispute. This will conserve resources and avoid unnecessary litigation.

¹² Importantly, the values identified in Exhibit C were and are only estimates. Actual recoveries have been and will be subject to market conditions and other factors.

F. Operating or Related Businesses

In prior interim reports, the Receiver has provided information about three businesses: (1) relief defendant Roar of the Lion; (2) Mirror Innovations, LLC; and (3) Diamond Boa LLC d/b/a Kevin Johnson Reptiles. None of these businesses have material value to the Receivership Estate.

IV. Retention of Professionals

The Consolidated Order authorizes the Receiver “[t]o engage and employ persons in his discretion to assist him in carrying out his duties and responsibilities hereunder, including, but not limited to, accountants, attorneys, securities traders, registered representatives, financial or business advisors, liquidating agents, real estate agents, forensic experts, brokers, traders or auctioneers.” Doc. 177 at ¶ 8.F.

On May 30, 2019, the Receiver moved the Court to approve his engagement of the following legal, accounting, and other professionals: (1) Wiand Guerra King P.A. n/k/a Guerra King P.A. (“**WGK**” or “**GK**”), a law firm; (2) KapilaMukamal, LLP (“**KM**”), a forensic accounting firm; (3) PDR CPAs (“**PDR**”), a tax accounting firm; (4) RWJ Group, LLC (“**RWJ**”), an asset management and investigations firm; and (5) E-Hounds, Inc. (“**E-Hounds**”), a technology and computer forensics firm. *See* Doc. 87. On June 6, 2019, the Court granted the Receiver’s motion for approval to retain these professionals. Doc. 98. The Receiver has also retained special counsel to assist with the

repatriation of foreign assets: Wayne A. Piper and Flores Piper LLP in Belize (Doc. 488) and Maples Group in the Cayman Islands (Doc. 187).

On March 5, 2020, the Receiver filed a motion seeking to retain Sallah Astarita & Cox, LLC (the “**Sallah Firm**”) on a contingency fee basis to investigate and pursue claims against FAI. Doc. 238. Similarly, on March 20, 2020, the Receiver moved the Court to approve his retention of Sergio C. Godinho as a litigation consultant to assist the Receiver’s and the Sallah Firm’s investigation and prosecution of those claims. Doc. 253. FAI opposed both motions, and after related briefing, on April 7, 2020, the Court granted the Receiver’s motions, thereby approving his engagement of the Sallah Firm and Mr. Godinho. Doc. 261. As explained in Section V.1.a., the Receiver has since resolved his claims against FAI.

On March 24, 2020, the Receiver moved the Court to approve the engagement of John Waechter and Englander Fischer to assist the Receiver and his primary counsel with clawback litigation. Doc. 285. The Court granted the Receiver’s motion on April 13, 2010. Doc. 264. As explained in Section V.2.b. below, the Receiver was pursuing litigation against numerous defendants, but that litigation is now substantially complete, and the Receiver has begun collecting the judgments obtained.

On March 31, 2021, the Receiver filed a second motion seeking to retain the Sallah Firm on a contingency fee basis to investigate and pursue claims

against ATC Brokers Ltd. and its affiliates and principals. Doc. 385. On April 23, 2021, the Court granted the Receiver's motion, thereby approving his second engagement of the Sallah Firm. Doc. 390. On July 13, 2021, the Court also granted the Receiver's motion to approve the engagement of Thomas Bakas as a litigation consultant. *See* Docs. 412, 415.

In 2022, Jared Perez left GK and is now practicing through his own firm, Jared J. Perez P.A. Because Mr. Perez was the lead counsel and senior attorney on this matter, the Receiver intends to continue to use his services.

V. Pending and Contemplated Litigation

The Consolidated Order requires this Fifteenth Interim Report to contain “a description of liquidated and unliquidated claims held by the Receivership Estate, including the need for forensic and/or investigatory resources; approximate valuations of claims; and anticipated or proposed methods of enforcing such claims (including likelihood of success in (i) reducing the claims to judgment and (ii) collecting such judgments.)” Doc. 177 ¶ 56.E. The following subsections address both asserted and unasserted claims held by the Receivership Estate and certain related litigation.

1. Completed and Related Litigation

a. Fundadministration, Inc.

As explained above in Section IV, the Court authorized the Receiver to retain the Sallah Firm to investigate and pursue claims against FAI on a

contingency fee basis. The Receiver and FAI mediated their dispute on October 13, 2020, and subsequently reached an agreement regarding the Receiver's claims. On February 8, 2021, the Receiver moved the Court to approve the parties' agreement (Doc. 368), and on February 25, 2021, the Court granted the Receiver's motion (Doc. 376). On or about March 1, 2021, FAI transferred net settlement proceeds of \$3,555,000.00 to the Receiver. FAI also reached an agreement with the CFTC, which provided for its dismissal as a relief defendant from the agency's enforcement action. *See* Docs. 364, 366. As such, FAI is no longer a party to any litigation involving the Receiver or the CFTC.

b. The Government's Civil Forfeiture Action

The Department of Justice instituted administrative and civil forfeiture proceedings against certain assets of defendants in the CFTC Action. These actions are essentially complete. Judgments of forfeiture have been entered against all defendant properties in the civil forfeiture action. *See* FA Docs. 60, 63, 65, 67. The FBI's administrative forfeiture action against certain personal property is also complete. As of the Ninth Interim Report, the Receiver had sold all material, forfeited real and personal property in the Receivership Estate. As a result of the criminal convictions of defendants Anile and DaCorta, the government obtained more than \$53 million in additional forfeiture orders, but the debts are unlikely to be satisfied because those individuals have few, if any, remaining assets.

c. The Anile Criminal Action

As noted above, defendant Anile pled guilty to several felony charges regarding the scheme, and the court in the Anile Criminal Action accepted his guilty plea on October 15, 2019. ACA Docs. 19, 27. He was sentenced to imprisonment of 120 months (*i.e.*, 10 years) and supervised release of three years. He was also ordered to pay restitution of \$53,270,336.08. Anile reported to prison on June 1, 2022, in Rochester, Minnesota. Anile subsequently filed a motion seeking a downward departure (*i.e.*, sentence reduction) due to his cooperation with the government and other relevant factors. On January 24, 2023, the judge presiding over the Anile Criminal Action granted his motion and, in relevant part, reduced his term of imprisonment to “time served” plus 12 months of home confinement and an additional two years of supervised release. *See* ACA Docs. 76, 77.

2. Pending and Related Litigation

The Receiver is not aware of any litigation against Receivership Entities that was pending at his appointment, and the Consolidated Order enjoins the filing of any litigation against Receivership Entities without leave of Court.

a. The DaCorta Criminal Action

As also noted above, defendant DaCorta was indicted in a separate but related action. DCA Doc. 1. A copy of the initial indictment was attached as Exhibit A to the Receiver’s Third Interim Report, and a copy of the superseding

indictment was attached as Exhibit D to the Receiver's Eighth Interim Report. DaCorta stood trial in April 2022, and after two weeks of testimony and argument, a jury found him guilty on all counts, including mail and wire fraud and money laundering. On October 20, 2022, the Honorable William F. Jung sentenced DaCorta to imprisonment of 276 months (*i.e.*, 23 years) for his role in the Ponzi scheme underlying this enforcement action. Judge Jung also ordered DaCorta to pay restitution in the amount of \$53,270,336.08, jointly and severally with defendant Anile (although the Receiver has already recovered and sold both individuals' material assets). Although DaCorta has been taken into custody and is in prison, this matter is still pending because he is appealing his conviction.

b. The Receiver's General Clawback Litigation

The Court found that entry of the Consolidated Order was necessary and appropriate for the purposes of marshaling and preserving all assets, including in relevant part, assets that "were fraudulently transferred by the Defendants and/or Relief Defendants." Doc. 177 at 2. The Court also authorized the Receiver "to sue for and collect, recover, receive and take into possession all Receivership Property" (*id.* ¶ 8.B.) and "[t]o bring such legal actions based on law or equity in any state, federal, or foreign court as the Receiver deems necessary or appropriate in discharging his duties as Receiver" (*id.* ¶ 8.I.). Similarly, the Court authorized, empowered, and directed the Receiver to

“prosecute” actions “of any kind as may in his discretion, and in consultation with the CFTC’s counsel, be advisable or proper to recover and/or conserve Receivership Property.” *Id.* ¶ 43.

Pursuant to that mandate, the Receiver obtained pre-suit settlements collectively worth \$246,497.09. On April 14, 2020, the Receiver filed a clawback complaint against almost 100 non-settling investors, seeking to recover approximately \$4.4 million plus costs and prejudgment interest. A copy of the complaint can be found on the [Receiver’s website](#) (the “**Clawback Action**”). Through the Clawback Action, the Receiver obtained post-suit or post-judgment settlements worth approximately \$1,214,917.09, and default judgments worth approximately \$2,145,880.47. The liability portion of the Clawback Action is complete, but the Receiver continues to register default judgments, seek writs of garnishment, and employ other collection mechanisms, including post-judgment discovery.

c. The Receiver’s Litigation Against Montie

The Receiver sued Raymond P. Montie, III for (like others) the recovery of fraudulent transfers and unjust enrichment but also for breaching his fiduciary duties to Oasis International Group, Ltd. and related entities and for aiding and abetting the criminal breaches of fiduciary duties owed to those entities by Anile and DaCorta (the “**Montie Litigation**”). The Receiver seeks to recover fraudulent transfers in the amount of \$1.7 million that Montie

received from the scheme and more than \$50 million in damages based on his tortious conduct. On June 16, 2020, Montie filed a motion to dismiss the Receiver's complaint (ML Doc. 9), and on June 30, 2020, the Receiver filed a notice of his intent to amend the complaint, as a matter of right under the Federal Rules of Civil Procedure (ML Doc. 12). On July 2, 2020, Montie filed a motion seeking to strike the Receiver's notice and to dismiss the Receiver's case with prejudice. ML Doc. 13. During an in-person hearing on July 13, 2020, the judge presiding over the Montie Litigation denied the motion to strike. ML Doc. 22. The judge also denied Montie's motion to dismiss as moot. ML Doc. 23.

On July 7, 2020, the Receiver filed an amended complaint, a copy of which is available on the Receiver's website. On July 27, 2020, Montie filed a second motion to dismiss. ML Doc. 24. On November 2, 2020, the Court denied Montie's second motion to dismiss. ML Doc. 45. The parties mediated their dispute on April 30, 2021, but did not reach a resolution. On May 25, 2021, the DOJ moved to stay the litigation to protect its ongoing criminal investigation, including the impending trial of defendant DaCorta. The court granted that motion on May 28, 2021. ML Doc. 62. Because DaCorta's criminal trial concluded in 2022 (excluding the appeal), the Montie Litigation will resume, and the Receiver hopes to resolve it by settlement. Should that not be possible, the Receiver will aggressively pursue this action, as it appears a recovery may be possible. Montie's lawyers recently moved to withdraw from their

representation of him in the underlying enforcement action, and the Receiver understands that the lawyers will also move to withdraw from this ancillary litigation. Unless and until Montie retains new counsel, he is required to represent himself in both cases.

d. The Receiver's Litigation Against ATC Brokers Ltd., Spotex LLC, and Affiliates

As explained in Section IV above, the Court approved the engagement of the Sallah Firm to further investigate and prosecute claims against ATC and its affiliates. The Court also approved the engagement of Thomas Bakas as a litigation consultant. On May 28, 2021, the Receiver filed suit against ATC Brokers Ltd., David Manoukian, and Spotex LLC. The complaint asserts claims for aiding and abetting fraud, aiding and abetting breaches of fiduciary duties, recovery of fraudulent transfers from ATC, gross negligence, and simple negligence. The Receiver is seeking both compensatory and punitive damages. A copy of the complaint was attached as Exhibit D to the Receiver's Ninth Interim Report and is also available on the [Receiver's website](#). A mediation occurred in May 2022, but the parties did not resolve their dispute. The court supervising this action recently granted a motion to dismiss with prejudice filed by the defendants based on jurisdictional and standing issues, but the Receiver believes the judge misapplied relevant Eleventh Circuit precedent. The Receiver has filed a notice of appeal. He and his counsel are

considering the appropriate next steps and balancing any possible recovery against the uncertainty of further litigation. A recent appellate mediation was unsuccessful, and the Receiver's brief is currently due on March 3, 2023.

e. The Receiver's Litigation Against Doug Clark

On July 1, 2022, the Receiver filed a complaint against former Oasis sales agent Doug Clark and his entity, Clark Asset Management Co., alleging fraudulent transfers, unjust enrichment, and aiding and abetting breaches of fiduciary duty and seeking the recovery of \$120,000. *See Burton W. Wiand, as Receiver for Oasis International Group, Ltd, et al. v. Clark Asset Management Co. & Douglas Clark*, Case No. 8:22-cv-01512 (M.D. Fla.). A copy of the complaint is available on the [Receiver's website](#). The complaint alleges that Clark, a former registered investment advisor who had worked with DaCorta on a previous fraudulent scheme, helped onboard Oasis investors. The defendants failed to respond, and on September 26, 2022, the Clerk of the Court entered defaults against Clark and Clark Asset Management Co. On October 31, 2022, the Receiver filed motions for final default judgments against both defendants. Those motions are still pending.

3. Contemplated Litigation

In addition to clawback claims, the Receiver is considering tort and fraudulent conveyance claims against sales agents and others (like Doug

Clark) where the Receiver believes individuals have liability and an action appears to be of economic benefit to the Receivership.

a. Contemplated Litigation Against Insiders

The Receiver is considering litigation against certain OIG insiders, including principals, sales agents, employees, “traders,” and others. On the one hand, the Receiver can assert legal and equitable claims that are independent of and distinct from any claims the government can assert, either through the CFTC, the DOJ, or otherwise. On the other hand, the Receiver seeks to avoid duplicating efforts made (or to be made) by the government to conserve resources and avoid unnecessary litigation. For example, the Receiver likely will not pursue independent litigation against defendant Anile because the DOJ has already obtained a multi-million-dollar criminal forfeiture judgment against him. The Receiver and the government have seized “his” assets, including the house in which he was living (Founders Club), the cars he and his wife were driving, and other personal property. Most of these assets have already been sold. DaCorta is subject to a forfeiture judgement as part of his criminal conviction in an amount similar the judgment against Anile. To avoid unnecessary expenditures, the Receiver will rely on that judgement to acquire assets DaCorta might still retain.

The Receiver has entered into tolling agreements with defendants Haas and Duran. This will afford the parties additional time to resolve matters and

to reach agreements, establish liability, and recover assets with minimal need for litigation or at least litigation funded by the Receivership Estate. The Receiver will coordinate with the CFTC to avoid the duplication of efforts with respect to these defendants and possibly others.

VI. Claims Process

As explained more fully in prior interim reports, the Receiver – with this Court’s approval – has established a claims process through which he intends to distribute the proceeds of the Receivership Estate to creditors, including defrauded investors. The Claim Bar Date (as defined in Doc. 230 – *i.e.*, the deadline for submitting claims to the Receiver) was June 15, 2020. As of that date (with minimal exceptions), investors and other creditors submitted approximately 800 proof of claim forms totaling approximately \$70 million. Anyone who did not submit a proof of claim form by that date is barred from participating in a distribution from the Receivership Estate.

On March 7, 2022, the Court granted the Claims Determination Motion. Doc. 482. The Court also expressly approved and implemented the Receiver’s proposed Objection Procedure (*see* Doc. 439 at pp. 44-45):

The Objection Procedure as set forth in the Motion for objections to the plan of distribution and the Receiver’s claim determinations and claim priorities is logical, fair, and reasonable and is approved, and any and all objections to claim determinations and claim priorities as set forth in the Motion or Exhibits 1 through 5, or to the plan of distribution shall be presented to the Receiver in accordance with the Objection Procedure as set forth in the Motion.

Doc. 482 ¶ 5. The Receiver then posted a copy of the Court’s Order on the Receivership website.¹³ The Receiver also sent substantively identical information to claimants and other interested parties via email. On March 25, 2022, the Receiver mailed more than 1,000 customized letters to claimants, and if applicable, their attorneys. As such, the Court-ordered deadline for submitting objections to the Receiver’s claim determinations was April 14, 2022. See Doc. 439 § VIII.A.(c) at p. 45. Many claim determinations also required the associated claimant(s) to submit additional information to the Receiver – most commonly, a [Personal Verification Form](#) but, in some instances, supplemental information like bank statements or affidavits.

On December 9, 2022, the Receiver moved the Court for an order (1) approving a first interim distribution of \$10 million; (2) approving the Receiver’s final determinations regarding unperfected or incomplete claims; and (3) overruling limited objections to certain claim determinations. Doc. 695. The first interim distribution of \$10 million will satisfy approximately 17.51% of the “Allowed Amounts” (see Doc. 439 at 10) of claims receiving a distribution at this time (as set forth in Exhibits 1 and 2 of the motion). No party or nonparty timely opposed the motion or any of the matters discussed therein.

¹³ See www.oasisreceivership.com.

On January 27, 2023, the presiding Magistrate Judge issued an order recommending that the Receiver's distribution motion be granted. Doc. 705. Parties have 14 days from the date of the order to file objections with the Court. After that time, the Court will determine whether to adopt the Magistrate Judge's report and recommendation and approve the first interim distribution. The Receiver anticipates making multiple distributions, subject to cost/benefit concerns and the Court's orders.

VII. The Next Ninety Days

The Consolidated Order requires this Fifteenth Interim Report (and all subsequent reports) to contain "[t]he Receiver's recommendations for a continuation or discontinuation of the [R]eceivership and the reasons for the recommendations." Doc. 177 ¶ 56.G. At this stage, the Receiver recommends continuation of the Receivership because he still has (1) approximately \$500,000 to repatriate from Belize; (2) additional personal property to liquidate; (3) litigation to bring and/or prosecute; and (4) a claims process to complete and funds to distribute.

CONCLUSION

Investors and other creditors of the Receivership Entities are encouraged to periodically check the Receiver's website (www.oasisreceivership.com) for current information concerning this Receivership. The Receiver and his counsel have received an enormous amount of emails and telephone inquiries

and have had to expend significant resources to address them. While the Receiver and his staff are available to respond to any inquiries, to minimize those expenses, investors and other creditors are strongly encouraged to consult the Receiver's website before contacting the Receiver or his counsel. Should the website not answer your question, please reach out to us. The Receiver continues to encourage individuals or attorneys representing investors who have information that might be helpful in securing further assets for the Receivership Estate or identifying other potential parties who might have liability to either the Receivership Estate or investors to email (astephens@guerraking.com) or call Amanda Stephens at 813-347-5100. The Receiver can be contacted directly by email (Burt@BurtonWWiandPA.com) or by phone at 727-460-4679.

Dated this 2nd day of February 2023.

Respectfully submitted,

s/ Burton W. Wiand
Burton W. Wiand, Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 2, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

s/ Jared J. Perez

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