

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 2:09-cv-229-FtM-29DNF

FOUNDING PARTNERS CAPITAL MANAGEMENT  
CO., WILLIAM L. GUNLICKS and PAMELA  
L. GUNLICKS,

Defendants,

---

**ORDER APPROVING RECEIVER'S  
MOTION FOR APPROVAL OF CLAIMS PROCESS**

This matter comes before the Court on the Receiver's Amended Motion for Approval of Claims Process (Doc. #338) (the Amended Motion) filed on April 10, 2012. The Securities and Exchange Commission does not oppose the granting of the relief sought by Receiver in the Motion. In an Amended Opinion and Order in Case No. 2:09-cv-449 entered this date, the Court approved the Settlement Agreement in that case.

Having considered the Amended Motion, and being otherwise fully advised, it is

**ORDERED and ADJUDGED:**

1. The Receiver's Amended Motion for Approval of Claims Process (Doc. #338) is **GRANTED**.

2. Each investor, creditor, or interested party ("Claimant") that wishes to assert a claim against the Receivership, arising out

of or related in any way to the acts, conduct, or activities of Founding Partners Capital Management Company, Founding Partners Stable-Value Fund, LP, Founding Partners Stable-Value Fund II, LP, Founding Partners Global Fund, Ltd., and Founding Partners Hybrid-Value Fund, LP (collectively, the Receivership Entities), must file a Proof of Claim Form with the Receiver, in the form attached to the Amended Motion as Exhibit A, and, if such investor wishes to participate in the settlement transaction with the Sun-Related Parties, must submit a validly executed Investor Release to the Receiver, in both cases so as to be received by Daniel S. Newman, c/o Jonathan Etra, Esq., Broad and Cassel, One Biscayne Tower, 2 South Biscayne Boulevard, 21st Floor, Miami, FL 33131, no later than 45 days from the entry of this Order (the "Claim Bar Date"). Any Claimant who fails to file a Proof of Claim Form with the Receiver on or before the Claim Bar Date, i.e. fails to take the necessary steps to ensure that the Proof of Claim Form is received by the Receiver on or before the Claim Bar Date, shall be forever barred and precluded from asserting any claim against the Receivership or Receivership Entities. In the event that the requisite number of investors do not participate in the Settlement Agreement, or that closing does not otherwise occur, the Receiver shall immediately provide Notice to the Court and this Order shall cease to have effect.

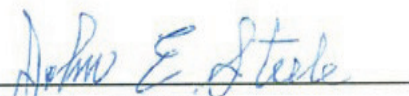
4. The notice procedures detailed in the Amended Motion shall be sufficient and reasonably calculated to provide notice to all Claimants if made by: (a) first class U.S. mail to the last known addresses of all known Claimants; (b) publication in The New York Times at least one day per week for two consecutive weeks, and at least 30 days prior to the Claim Bar Date; and (c) on the Receiver's website at [www.foundingpartners-receivership.com](http://www.foundingpartners-receivership.com). The notice shall be in the form attached to the Amended Motion as Exhibit B (the "Notice"). The Court hereby authorizes the cost of publication of the Notice to be paid directly from the Receivership Entities' Assets.

5. The Claims Process as set forth in the Amended Motion, the Proof of Claim Form attached to the Amended Motion as Exhibit A, and the Notice attached to the Amended Motion as Exhibit B are approved in all respects.

6. The Receiver's original Motion for Approval of Claims Process [D.E. 337] is deemed **WITHDRAWN**.

7. The Receiver is permitted to provide copies of the Investor Releases to counsel for the Sun-Related Parties prior to closing, subject to the limitations described in the Amended Motion, once an appropriate agreement has been executed by the Parties.

**DONE AND ORDERED** at Fort Myers, Florida, this 28th day of August, 2012.

  
\_\_\_\_\_  
**JOHN E. STEELE**  
United States District Judge

Copies: Counsel of record