

# **BRYANT UNITED CAPITAL FUNDING**

## **RECEIVERSHIP**

### **Claim Notification Procedures and Helpful Information**

*Last Updated January 31, 2019*

This page explains how you should proceed if you believe you have a claim against the Receivership or any or all of the Defendants. The “Defendants” include:

- The Bryant Defendants—
  - Thurman P. Bryant, III, and
  - Bryant United Capital Funding, and
  
- The Wammel Defendants—
  - Arthur F. Wammel,
  - Wammel Group Holdings Partnership, and
  - Wammel Group, LLC.

References to the Receivership, Receivership Assets, Receivership Estate, and Bryant United Capital Funding Receivership refer collectively to the assets of the Bryant Defendants *and* the Wammel Defendants and the claims and/or investors in both Bryant United Capital Funding and Wammel Group, LLC.

#### **Question 1: How do I provide information about my claim?**

**Answer:** You should complete a Claim Notification Form and send it along with supporting documentation to the Receiver. You may complete this form electronically by clicking on the “Complete Claim Form” link on the Receiver’s Website, at <https://bucfreceivership.tklaw.com>, or by completing the enclosed Claim Notification Form and mailing it to the address below.

The Bryant United Capital Funding Receivership  
***Claims Notification***  
c/o Jennifer R. Ecklund  
Thompson & Knight, LLP  
1722 Routh Street, Suite 1500  
Dallas, Texas 75201

#### **Question 2: What information am I required to provide?**

**Answer:** The Claim Notification Form requires you to provide basic information including your name and contact information, a description of your claim, and, if you know it, the amount of your claim. You may have already provided this information to the Receiver via the Receiver’s e-mail account but you should include it in your Claim Notification Form as well. If you

complete your Claim Notification Form electronically, you will have an option to upload this documentation at that time.

In order to expedite your claim, you will also need to identify the categories of claim(s) that apply to you. The categories are:

- Investor Claim
- Secured Creditor Claim
- Vendor Claim
- Landlord Claim
- Other Claim

**Question 3: Is there a deadline for me to file a Claim Notification Form?**

**Answer:** The current deadline for filing a Claim Notification Form is December, 31, 2017. The Receiver will provide at least thirty (30) days notice in advance of any deadline for filing claims that is established by the Receiver or the Court. Such notice will be published via the [Receiver's Website](#). The Receiver is seeking such information to analyze the above-listed claims. Please note that the deadline for the Receiver's initial analysis does not affect the possibility of recovering money through the Receivership.

**Question 4: How do I submit a Claim Notification Form?**

**Answer:** There are two ways to submit a Claim Notification Form.

1. Complete the form electronically by clicking on the "Complete Claim Form" link on the Receiver's website at <https://bucfreceivership.tklaw.com>.
2. Complete the enclosed paper copy of the form and mail to:

The Bryant United Capital Funding Receivership  
**Claims Notification**  
c/o Jennifer R. Ecklund  
Thompson & Knight, LLP  
1722 Routh Street, Suite 1500  
Dallas, Texas 75201

**Question 5: Should I send documents pertaining to my claim when I submit my Claim Notification Form?**

**Answer:** Yes. Please include with your Claim Notification Form *copies* of any documents that support your claim, including copies of any agreements, contracts, statements, correspondence with Defendants, and the like.

**Question 6: The Claim Notification Form requires me to sign a Declaration stating that I submit to exclusive jurisdiction before the United States District Court for the Eastern District of Texas. What does this mean?**

**Answer:** This means that you must agree that the Federal Court in Sherman, Texas, rather than another court in another location, is the proper court for resolving your claim(s). The United States District Court for the Eastern District of Texas is the Court in which the Receivership was instituted and is already knowledgeable about the facts in the ongoing case, *SEC v. Bryant, et al.*, Case No. 04:17-cv-00336-ALM. By signing the Declaration, you are not waiving any right to challenge the Receiver's determination about your claim. If you disagree with the Receiver's determination, there will be a non-binding dispute resolution process to allow you to challenge the determination. If that process does not resolve the issue, there will be a formal objection process for you to request Court review of your concerns. Given that your signing of the Declaration of Submission to Jurisdiction affects your legal rights, the Receiver encourages you to seek the assistance of counsel before signing and submitting the form.

**Question 7: What if I do not submit a Claim Notification Form? Will the Receiver notify me later that I may have a claim or the right to file a claim?**

**Answer:** It is your responsibility to determine whether you have a claim or not. At the proper time, the Receiver will file a report with the Court and notify claimants as to the list of claims against the Receiver that are recognized by her based on the Defendants' records. A process will be established to allow you to object if you are not satisfied with the amount of characterization of your claim as recognized by the Receiver.

**Question 8: Does the Receiver have a fiduciary duty to each investor? Is there an attorney-client relationship between each individual investor and the Receiver?**

**Answer:** There is no attorney-client relationship between the Receiver and any investor or creditor. The Receiver was appointed by the Court and is obligated to perform her duties pursuant to the Receivership Order. The Receiver was appointed to marshal Receivership Property. Once that property is marshaled, she will propose to the Court how it should be liquidated and/or distributed to affected investors and creditors. In that way, she is working to recover funds that investors have lost and return them.

**Question 9: Do I need a lawyer to assist me with my Claim Notification Form or the processing of my claim once I submit my Claim Notification Form?**

**Answer:** The Receiver cannot and will not give you legal advice with respect to this case, nor can her counsel. Therefore, if you believe you need an attorney, you should hire your own. Having a lawyer will not cause you to be paid any sooner than any other investor, and failure to hire a lawyer will not cause you to be paid any later than any other investor. The Receiver is charged with acting in the interests of all investors in trying to identify, secure, and liquidate assets; pay outstanding legitimate expenses; and make distributions to investors as soon as possible. Submission of the Claim Notification Form affects your legal rights, so you are encouraged to seek the assistance of counsel before submitting the form, though you are not required to do so.

**Question 10: If I have already provided claim information or submitted documentation pertaining to my claim to the Receiver, should I still submit a Claim Notification Form?**

**Answer:** Yes. Even if you have already filed a claim with another domestic or foreign body or agency, the Receiver may not have received that information. Submitting information to the Receiver through the Claim Notification Form will ensure that the receiver has your information and can process your claim.

**Question 11: After I submit my Claim Notification Form, how soon will I get paid?**

**Answer:** Submitting a Claim Notification Form at this time does not guarantee that you will receive any payment or that, if you do receive a payment, when such payment will take place. The Receiver's investigation is ongoing and considerable work remains to recover assets and funds and to convert assets to cash. Only after this process has been substantially completed will the Receiver be in a position to propose a plan to the Court for making distributions to claimants, including you. At this time, the Receiver cannot predict how long that process will take. Additionally, based on what the Receiver has discovered to date, it appears that the total assets of the Receivership are likely to be a mere fraction of the amount needed to satisfy the aggregate anticipated claims by investors and others. The Receiver cannot predict whether or when you will receive anything in response to your claim, but continues to work diligently to seize and liquidate cash and assets.