

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

REX VENTURE GROUP, LLC
d/b/a ZEEKREWARDS.COM, and
PAUL BURKS,

Defendants.

Civil Action No. 3:12 cv 519

**RECEIVER'S MOTION TO EXTEND DEADLINE FOR FILING CLAIMS RELATING
TO FINANCIAL INSTRUMENTS PAID TO THE RECEIVER
ON OR AFTER AUGUST 1, 2013**

Kenneth D. Bell (the "Receiver"), the temporary receiver for and over the estate of Rex Venture Group, LLC d/b/a ZeekRewards.com, any of its subsidiaries, whether incorporated or unincorporated, and any business or business names under which it does business (the "Receivership Defendant"), hereby files this motion seeking an extension of the Bar Date for filing Claims as set by the May 8, 2013 Order Approving (I) Claims Process, (II) Setting of Bar Date, and (III) Approving Notice Procedures (the "May 8 Order") relating to cashier's checks and other financial instruments paid to the Receiver on or after August 1, 2013. In support of this motion, the Receiver respectfully represents and states as follows:

1. As the Receiver has previously indicated in status reports, in the fall of 2012, he located and presented for deposit more than 140,000 cashier's checks and other financial

instruments made payable to the Receivership Defendant. While many of these instruments were accepted and paid, many were also returned and not paid for various reasons.

2. The Receiver has worked diligently with his depository bank and forensic accountant to determine which of these instruments were properly returned because of previous payments or other reasons, and which instruments were improperly returned because of stop payments placed on cashier's checks, certified checks, teller's checks, and bank money orders.

3. On July 22, 2013, the Receiver sent letters through his counsel to more than 700 financial institutions that the Receiver believed improperly stopped payment on instruments payable to the Receivership Defendant, demanding payment of these instruments and the associated returned item fees incurred by the Receiver as a result of the stopped payments.

4. Many of these financial institutions subsequently paid these instruments and associated fees to the Receiver, but the Receiver is still working with numerous financial institutions to investigate the stopped payment instruments and resolve issues related to these instruments. The Receiver anticipates that the majority of the improperly stopped payment instruments should be paid to the Receivership by October 15, 2013.

5. Based on his communications with financial institutions and affiliates, the Receiver understands that when financial institutions have made payment to the Receiver for the stopped payment instruments, they are either (i) paying from their own funds because they have already refunded their customers for the amount of these instruments; or (ii) charging their customers for the amounts of these instruments where the funds had been frozen. In the former case, some financial institutions have indicated their desire to file a subrogation claim with the Receiver on behalf of their affiliate customers. In the latter case, the affiliate customers of these financial institutions may desire to file a claim or amend a previously submitted claim to include

the value of the stopped payment instruments which are now being paid by their financial institutions.

6. The Receiver believes that affiliates who are being charged by their financial institutions for previously stopped payment instruments, and financial institutions who are making payment for previously stopped payment instruments, should be afforded additional time to file or amend claims with the Receiver for the value of these investments with the Receivership Defendant.

7. The Receiver respectfully requests that the Court enter an order that extends the Claims Bar Date from the May 8 Order to November 15, 2013 only for (i) affiliates whose financial institutions pay the Receiver on or after August 1, 2013 for stopped payment instruments and are thereafter charged or debited by their financial institutions for these items, and (ii) financial institutions seeking to file a subrogation claim on behalf of their affiliate customers after paying stopped payment instruments to the Receiver on or after August 1, 2013.

8. If this motion is granted, the Receiver plans to notify the affected financial institutions and affiliates by (i) providing notice on the Receivership website; and (ii) contacting financial institutions that pay the Receiver on or after August 1, 2013 for stopped payment instruments to notify them of the extension of the Claims Bar Date, and informing them that to the extent they are charging their customers for payment of these stopped payment items, they must immediately notify those customers of the order extending the Claims Bar Date.

9. The Receiver requests that the Court require that any financial institution that (i) pays the Receiver on or after August 1, 2013 for stopped payment instruments; (ii) charges its customers for payments of these stopped payment items, and (iii) receives notice of the order

granting this motion from the Receiver or by any other means, be required to immediately provide a copy of the order to its affected customers and notify them that:

- (a) the stopped payment instruments have been paid to the Receivership;
- (b) they may have a right to file a late claim or amend a previous claim with the Receivership through November 15, 2013; and
- (c) they should consult the Receivership website (<http://www.zeekrewardsreceivership.com>) for additional details and answers to questions.

WHEREFORE, the Receiver respectfully requests that the Court:

- 1. Enter an Order granting this motion as set forth above; and
- 2. Grant the Receiver such additional relief as he may be entitled to under facts and applicable law.

This 26th day of September, 2013.

/s/ Kenneth D. Bell
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send copies to counsel of record registered to receive electronic service.

This the 26th day of September, 2013.

/s/ Kenneth D. Bell _____
Kenneth D. Bell