

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
NO. 3:13-CV-196

U.S. COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

vs.

JAMES HARVEY MASON,

Defendant,

JHM Forex Only Pool and  
Forex Trading At Home,

Relief Defendants.

**RECEIVER'S MOTION FOR  
APPROVAL OF FINAL RECEIVER'S  
REPORT AND ACCOUNTING AND  
DISMISSAL OF RECEIVER**

Joseph W. Grier, III as the duly appointed Receiver (the "Receiver") in this case, files this *Receiver's Motion for Approval of Final Receiver's Report, Accounting and Dismissal of the Receiver* (the "Motion").

1. As shown in the collective Receiver Reports filed in this case, the Receiver has thoroughly investigated the assets and liabilities of the Defendants and Relief Defendants. The Receiver believes that he has identified and liquidated all assets of value for the Receivership Estate. The Receiver, with the assistance of the U.S. Commodity Futures Trading Commission, identified to the best of his ability all individuals who provided funds to Defendant (the "Customers"). The Receiver used his best efforts to contact each Customer and completed a claims process and analysis to establish valid Customer claim amounts. The Receiver made an interim distribution to allowed claimants.

2. Ultimately, the Receiver has and will, with Court approval, disburse all proceeds of the Receivership Assets to the Customers after the cost of administration of the Estate pursuant to the rising-tide distribution method approved by the Court.

3. At this time, the Receiver has filed his *Ninth Receiver's Report* setting forth in detail all assets, liquidation efforts, collections, and disbursements. The Receiver has filed detailed professional fee applications for compensation to Edward Bowers and Middleswarth Bowers & Company, Accountants for the Receiver and of Grier Furr & Crisp, PA, Attorneys for Receiver. These professional fee applications include accrued fees and expenses as well as projected fees and expenses to wind down the Receivership. Further, *Receiver's Motion (I) for Authority to Make Final Distribution and to Establish Distribution Amounts and (II) for Authority to Pay Social Security Funds to the Court Registry* filed simultaneously herewith anticipates the distribution of the balance of the assets in the Receivership Estate while proposing to deposit collected social security benefits into the Court registry.

#### **WINDING UP**

4. Upon satisfying outstanding and projected professional fees and administrative expenses and distributing the Receivership Assets to the allowed claimants, the Receiver believes that he will have fulfilled his duties as Receiver in this matter.

5. After making the distribution of Receivership Assets and after all distribution checks have cleared, the Receiver proposes to file with the Court a Final Report and Accounting reflecting the exhaustion of Receivership Assets along with a proposed Order approving the same, dismissing the Receiver and relieving the Receiver of any and all liability for any and all taxes, interest and penalties in or on account of or alleged in any manner to be due by Receivership Entities or the Receiver.

### NOTICE

4. If you do not want the Court to approve this Motion, or if you want the Court to consider your views, then on or before **March 28, 2016**, you or your attorney must file with the Court a written response explaining your position. The response must be filed electronically with the U.S. District Court for the Western District of North Carolina, [www.ncwd.uscourts.gov](http://www.ncwd.uscourts.gov). If you are an individual who is not represented by an attorney, under certain circumstances, you may deliver your response to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. On or before the date stated above for filing your written response, you must also mail (101 N. Tryon St., Ste. 1240, Charlotte, NC 28246), fax (704/332.0215) or email ([masonreceivership@grierlaw.com](mailto:masonreceivership@grierlaw.com)) a copy of your written response to “Joseph W. Grier, III, Receiver.”

5. If the Court schedules a hearing, you or your attorney must attend the hearing, which will be held at a time and date which will be noticed only to any party who files a response, at the United States District Court, 401 West Trade Street, Charlotte, NC 28202. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief the Receiver requests and may enter an order approving the Motion.

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

- (1) Granting this Motion;
- (2) Order that, upon the filing of a Final Report and Accounting showing that all Receivership Assets have been distributed and without further hearing or notice to parties in interest, the Receiver be dismissed as outlined herein and relieved of any and all liability for any and all taxes, interest and penalties in or on account of or alleged in

any manner to be due by Receivership Entities or the Receiver; and

(3) Grant such other and further relief as is just.

Dated this 8 day of March, 2016.

*/s/ Joseph W. Grier, III* \_\_\_\_\_

Joseph W. Grier, III (State Bar No. 7764)

Anna S. Gorman (State Bar No. 20987)

Michael L. Martinez (State Bar No. 39885)

Grier Furr & Crisp, PA

101 North Tryon Street, Suite 1240

Charlotte, North Carolina 28246

Phone: 704.375.3720

Fax: 704.332.0215

[jgrier@grierlaw.com](mailto:jgrier@grierlaw.com)

[agorman@grierlaw.com](mailto:agorman@grierlaw.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
NO. 3:13-CV-196

U.S. COMMODITY FUTURES TRADING  
COMMISSION,

**Plaintiff,**

v.

JAMES HARVEY MASON,

**Defendant, and**

THE JHM FOREX ONLY POOL (f/k/a  
THE JHM FOREX ONLY POOL, LP), and  
FOREX TRADING AT HOME,

**Relief Defendants.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that copies of the foregoing *Receiver's Motion for Approval of Final Receiver's Report, Accounting and Dismissal of the Receiver* was served by electronic notification on those parties registered with the United States District Court, Western District of North Carolina electronic case filing system to receive notices for this case, unless otherwise noted below.

Barry R. Blankfield (bblankfield@cftc.gov)  
Joseph A. Konizeski (jkonizeski@cftc.gov)  
Jennifer E. Smiley (jsmiley@cftc.gov)  
Commodity Futures Trading Commission

Prosser D. Carnegie (sandy@mcintoshlawfirm.com)  
The McIntosh Law Firm  
*Attorneys for the Secured Claimants*

John A. Fagg, Jr. (johnfagg@mvalaw.com)  
Frank E. Schall (frankschall@mvalaw.com)  
Moore & Van Allen PLLC  
*Attorneys for James Harvey Mason*

Customers  
*Via email and online publication*

The JHM Forex Only Pool and  
Forex Trading At Home  
c/o James Harvey Mason  
PID: 0000425831  
P.O. Box 34429  
Charlotte, NC 28234-4429  
*Via U.S. Mail*

Amy N. Holthouser (amyh@mcintoshlawfirm.com)

This is the 8 day of March, 2016.

/s/ Michael L. Martinez

Michael L. Martinez  
Grier Furr & Crisp, PA  
101 North Tryon Street, Suite 1240  
Charlotte, NC 28246