

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-80 (CEJ)
)	
BURTON DOUGLAS MORRISS, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the motion of the receiver to return funds to investors in Acartha Special Situations Funding, LLC. No responses to the motion have been filed and the time for doing so has elapsed.

On December 8, 2011, the Acartha Group sent a letter to investors, stating that the company was on the verge of insolvency and requesting investors to provide additional funds to a new entity, Acartha Special Situations Funding, LLC (ASSF). The goal of the new fund was to support Acartha Group’s ongoing operations. Investors were told that all new funds would be held in escrow until certain conditions were satisfied, including receipt of a minimum of \$600,000 in new funds. See Ex. C and Ex. D [Docs. #121-3 and #121-4]. A demand deposit account for ASSF was established at Reliance Bank. A bank statement dated December 31, 2011, shows a total balance of \$128,486.00. The Acartha Group’s funds are now in receivership and no additional funds will be deposited in the ASSF account. Ex. F [Doc. #121-6]. Thus, the minimum balance condition for releasing the funds from escrow cannot be satisfied. The receiver requests leave to return the funds in the ASSF account to the investors.

Based on its review of the documents, the Court concludes that the requested relief is appropriate.

Accordingly,

IT IS HEREBY ORDERED that the receiver's motion to return funds to investors in Acartha Special Situations Funding, LLC [Doc. #120] is **granted**.

IT IS FURTHER ORDERED that the receiver is granted control over the Acartha Special Situations Funding, LLC, account, Number XXXXXXXXXXXX1977, held at Reliance Bank.

IT IS FURTHER ORDERED that the receiver is directed to return to investors the funds in the Acartha Special Situations Funding, LLC, account, in accordance with Reliance Bank's records of deposits and credits.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 25th day of April, 2012.