

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:)	NO. 3:07-mc-135
)	
A MATTER UNDER INVESTIGATION)	FILED UNDER SEAL
BY GRAND JURY NUMBER 1)	
(#2007R00845))	

ORDER

Comes now counsel for the Receiver, Beattie B. Ashmore, appointed by this Court via Order filed, UNDER SEAL, on September 5, 2007, seeking permission to have funds converted from expired, unnegotiated Bank of America cashier's checks, purchased by and issued to companies and individuals under control of the Receiver, back into their respective accounts of which the Receiver has control.

The Receiver's authority is set forth in this Court's superseding Order of October 10, 2008, granting, inter alia, the Receiver control over the financial and business affairs for a number of individuals (and related companies), including Messrs. Tony Pough, Tim McQueen, Joseph Brunson, Multiplex Educational Ministries, Meshak Holdings, M&M Holdings, Bethel Construction, and PMB Logistics, LLC, (collectively, "3HB") as well as family members that have and continue to receive money on behalf of the 3HB.

It is the Court's understanding that the Receiver has made attempts to have Bank of America return funds used by 3HB to purchase seven (7) cashier's checks, and further complied with Bank of America's request to have the Receiver's counsel write certified letters to the payees advising as to the void, unnegotiable status of the seven (7) checks in question. On May 30, 2008, the Receiver's counsel sent letters to the responsible parties for each of the aforementioned checks. The letters went to Mr. Tony Pough (regarding check #490240 to PMB Logistics, LLC and check

#490211 to Tony Pough), Mrs. Edna Pough (regarding checks #490349, #490381, and #490382, all to Edna Pough), and Mr. Rody Egister (regarding checks #490384 and #490386, both to Bethel Construction). The checks at issue are attached to this Order (Exhibit A). Bank of America has confirmed that all checks are still outstanding.

Cashier's check #490240 was purchased by Meshak/M&M Holdings on July 18, 2007 and made payable to PMB Logistics, LLC, a company that was in its infancy when the Receiver took control. On July 26, 2007, Multiplex Educational Ministries purchased cashier's check #490211 made payable to Tony Pough for \$15,000.00.

On October 9, 2007, a month after this Court appointed Mr. Ashmore as Receiver for 3HB, Meshak/M&M Holdings purchased cashier's check #490349 made payable to Edna Pough, Tony Pough's mother, for \$4,033.97. On the same day, Meshak Holdings purchased cashier's checks #490381 and #490382, both made payable to Edna Pough for \$25,000.00 each.

Cashier's check #490384 was purchased by Multiplex Educational Ministries on October 9, 2007 and made payable to Bethel Construction for \$48,152.93. On the same day, Meshak Holdings purchased cashier's check #490386, also made payable to Bethel Construction for \$21,826.71. Mr. Egister testified during his June 19, 2008 deposition that he does not have nor does he know the location of these expired cashier's checks. (Deposition, pages 345-347).

It is this Court's belief that the Receiver has done everything possible to seek the return of the original cashier's checks and to protect Bank of America against any future holder in due course claims. In consideration of Bank of America turning the funds over to the Receiver, this Court will provide, if warranted, adequate protection pursuant to Uniform Commercial Code Section 3-309, if claims to the checks are made by any legitimate holder in due course. The Court hereby orders and the Receiver agrees that the Receiver shall reimburse Bank of America if the checks are required

to be paid, within two (2) years of the date on the checks, by Bank of America to a person having the legitimate rights of a holder in due course as defined under applicable law if and only if Bank of America has defended the holder in due course claim to the fullest extent before submitting a request for reimbursement to the Receiver.

Bank of America consents to an Order of this Court declaring the seven (7) checks identified herein void and ordering Bank of America to return these funds to the Receiver via the specific remitter accounts.

IT IS THEREFORE ORDERED that Bank of America return funds from cashier's checks #490240, #490211, #490384, #490386, #490349, #490381, and #490382 into the respective remitter accounts. This Court's Order will be served upon all parties necessary.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

November 25, 2008