

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**IN THE MATTER OF THE
COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36,
AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF UNIVERSAL SETTLEMENTS INTERNATIONAL INC.**

Applicant

MOTION RECORD

June 4, 2009

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- D. Docket as of June 4, 2009
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- G. Copy of the Receiver's Motion for Authority to Employ NVI
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- I. Stipulated Motion for Order Authorizing Receiver to Employ NVI; Order
- J. Order granting said Motion
- K. Letter of Recommendation from Bruce Kramer
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- M. List of all the TPI portfolio policies that have matured since USI's purchase

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B E T W E E N:

**IN THE MATTER OF THE COMPANIES' CREDITORS
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**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF UNIVERSAL SETTLEMENTS INTERNATIONAL INC. (the "Applicant")**

NOTICE OF MOTION

The respondent NATIONAL VIATICAL, INC. will make a motion before Justice Wilton-Siegel of the Commercial List on *19th, day of June*, at 10:00 a.m., or soon after that time as the motion can be heard, at 330 University Avenue, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard

☐ in writing under subrule 37.12.1 (1) because it is (*insert one of* on consent, unopposed *or* made without notice);

☐ in writing as an opposed motion under subrule 37.12.1 (4);

☒ orally.

THE MOTION IS FOR an order appointing a receiver with the power to:

(A) Manage any and all assets of the applicant;

THE GROUNDS FOR THE MOTION ARE that the plan of compromise which has been proposed is not in the best interest of the creditors for a number of reasons:

a. There is no restructuring needed, the company is not required to carry on business in the future; and

b. The company proposes to stay in business to manage 155 life insurance policies. The applicant proposes to charge \$645.00 per month per policy to manage them. This far exceeds any commercially reasonable amount to perform such activities; and

c. USI has already contracted with National Viatical, Inc. To manage the policies and could simply have the 155 policies managed for no charge under that contract; however, USI has filed litigation in Michigan seeking to rescind the contract; and

d. The receiver could enforce the contract and have National Viatical, Inc. Manage the 155 policies for no future charge; and

e. a receiver could hire a third party to manage the 155 policies for a fee of approximately \$50.00 per month.

All of which choices provide an alternative which would increase the amount available to the creditors of the applicant by \$7,000,000.00.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

Affidavit of James Torchia and the exhibits thereto.

DATED: Hamburg, New York
June 5, 2009

CENTRE PC

By: John J. Keenan, Esq.
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KEENAN STONE LAW

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