

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants.

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**RECEIVER JONATHAN E. PERLMAN'S AGREED MOTION TO TURN OVER AND  
TRANSFER TITLE TO CERTAIN REAL PROPERTY AND SALE PROCEEDS**

Jonathan E. Perlman, "Permanent Receiver" over the Receivership Defendants<sup>1</sup> (the "Receiver"), pursuant to S.D. Fla. L.R. 7.1(E), submits this Agreed Motion to Turn Over and Transfer Title to Certain Real Property and Sale Proceeds.

The Receiver's counsel has conferred with counsel for Defendants Jeremy Marcus ("Marcus"), JLMJP Pompano, LLC, Halfpay International, LLC, Halfpay NV LLC, and Nantucket Cove of Illinois, and they each consent to the relief sought herein. In addition,

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<sup>1</sup> Pursuant to the Preliminary Injunction Order (the "PI"), the "Receivership Defendants" mean Financial Freedom National, Inc. f/k/a Institute for Financial Freedom, Inc. and Marine Career Institute Sea Frontiers, Inc. also d/b/a 321 Loans, Instahelp America, Inc., Helping America Group, United Financial Support, Breeze Financial Solutions, 321Financial Education, Credit Health Plan, Credit Specialists of America, American Advocacy Alliance, and Associated Administrative Services, 321Loans, Inc., f/k/a 321 Loans, Inc. also d/b/a 321Financial, Inc., Instahelp America, Inc. f/k/a Helping America Team, Inc. also d/b/a Helping America Group, Breeze Financial Solutions, Inc. also d/b/a Credit Health Plan and Credit Maximizing Program, US Legal Club, LLC, Active Debt Solutions, LLC f/k/a Active Debt Solutions, Inc. also d/b/a Guardian Legal Center, Guardian LG, LLC also d/b/a Guardian Legal Group, American Credit Security, LLC f/k/a America Credit Shield, LLC, Paralegal Support Group LLC f/k/a Paralegal Support LLC, and Associated Administrative Services, LLC also d/b/a Jobfax, and their divisions, subsidiaries, affiliates, predecessors, successors, assigns, and any fictitious business entities or business names created or used by these entities, or any of them. [ECF No. 21, pg. 5].

Marcus, as owner, manager, officer, authorized representative and/or director, with full authority, and Jack Marcus, as trustee, manager and/or authorized representative, consent to the relief sought herein on behalf of the Affiliated Entity Property Owners<sup>2</sup> whose properties are the subject of this Motion. The Receiver appreciates Marcus' cooperation in this matter.<sup>3</sup>

Defendants Yisbet Segrea and Craig Smith have authorized the Receiver to represent that they take no position with respect to this Motion.

Plaintiffs FTC and Office of the Attorney General, State of Florida, Department of Legal Affairs ("State of Florida") have authorized the Receiver to represent that they have no objection to this Motion.

## I. INTRODUCTION

The Court's Preliminary Injunction Order appointing the Receiver defined the Receivership as including eleven named "Receivership Defendants," "and any of their affiliates, subsidiaries, divisions, or sales or customer service operations, wherever located..." [ECF No. 21 at p.17]. The Receiver filed an Agreed Motion to Expand the Receivership contemporaneously herewith over certain affiliates. The Receiver has also identified numerous parcels of commercial and residential real estate that Defendant Marcus has confirmed were purchased with customer monies, which are currently titled in the names of affiliated entities that

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<sup>2</sup> The "Affiliated Entity Property Owners" are: JLMJP Pompano, LLC, 1609 Belmont Place Business Trust, 630 SE 25<sup>th</sup> Avenue Business Trust, 114 SW 2<sup>nd</sup> Street Business Trust, 603 Renaissance Lane Business Trust, 16 S H Street Lake Worth Business Trust, 412 Bayfront Drive, LLC, 111 SW 2<sup>nd</sup> Street Business Trust, 114 Southwest 2<sup>nd</sup> Street DBF LLC, 80 Nottingham Place Business Trust, 211 SE 4<sup>th</sup> Ave Business Trust, 311 SE 3<sup>rd</sup> Street Business Trust, Brick7190 LLC, Jean Pierre Trust #3, 412 Bayfront Drive Business Trust and 72 SE 6<sup>th</sup> Avenue Business Trust.

<sup>3</sup> The Receiver acknowledges that, by cooperating and agreeing to this Motion, Marcus makes no additional agreements or admissions with respect to any other actual or prospective matters in this case. Marcus' agreement to this Motion should not be construed as an agreement with respect to any case law cited herein in support of this Agreed Motion.

Marcus owns and controls.<sup>4</sup> These assets are already subject to this Court's Asset Freeze. By this Agreed Motion, the Receiver seeks entry of an Order authorizing and compelling turnover and transfer of title and sales proceeds to the Receiver of these 18 parcels of real property having the following addresses:

1410 SW 3rd St. Pompano Beach, FL 33069	1609 Belmont Place Boynton Beach, FL 33436	630 SE 25th Ave. Fort Lauderdale, FL 33301
114 SW 2nd St. Delray Beach, FL 33444	603 Renaissance Lane Delray Beach, FL 33483	16 S H Street 1 Lake Worth, FL 33460
422 Bayfront Drive Boynton Beach, FL 33435	111 SW 2nd St. Delray Beach, FL 33444	116 SW 2nd St. Delray Beach, FL 33444
80 Nottingham Place Boynton Beach, FL 33426	211 SE 4th Ave. Delray Beach, FL 33483	311 SE 3rd St. Delray Beach, FL 33483
7190 Brickyard Cir. Lake Worth, FL 33467	225 N H Street 1 Lake Worth, FL 33460	221 N H Street 1 Lake Worth, FL 33460
219 N H Street 1 Lake Worth, FL 33460	412 Bayfront Drive Boynton Beach, FL 33435 (proceeds held by Receiver)	72 SE 6th Ave., Apt F Delray Beach, FL 33483 (proceeds held by Receiver)

(collectively, the "Real Property"). In several instances, the Receiver is already acting as *de facto* receiver over the Real Property, with the consent of Marcus in order to preserve the Property. Marcus and his father and mother have cooperated with the Receiver and agree to transfer title of the Real Property and any proceeds therefrom to the Receiver upon entry of an order. The Receiver estimates the Real Property to have a collective market value in excess of \$8 million. The Receiver respectfully submits that the Agreed Motion should be granted.

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<sup>4</sup> In further support of this Agreed Motion, the Receiver is contemporaneously filing the Declaration of Soneet Kapila. The Receiver reserves the right to supplement Mr. Kapila's declaration as his forensic investigation is preliminary and ongoing.

## II. DESCRIPTION OF REAL PROPERTY

### A. 1410 SW 3rd St., Pompano Beach, FL 33069

This property is the Common Enterprise Entities'<sup>5</sup> headquarters, and public records reflect that it is owned by Relief Defendant JLMJP Pompano, LLC. JLM is Marcus' initials. Marcus incorporated JLMJP Pompano LLC on December 9, 2014 as its 100% membership owner and authorized representative. (Dec. 9, 2014 Articles of Incorporation; Assignment). On December 23, 2014, Marcus assigned his membership interest to Relief Defendant Halfpay International. (Assignment). This property was purchased with monies that Receivership Defendant Active Debt Solutions, Inc. ("Active Debt Solutions") transferred through Relief Defendant Halfpay International, LLC ("Halfpay"). (SK Declaration at Table 17, ¶41). Marcus confirmed that this property was purchased with consumer funds and has agreed to the turnover of this property to the Receiver. The Receiver has been managing and maintaining this property since entry of the Temporary Restraining Order.

### B. 1609 Belmont Place, Boynton Beach, FL 33436

This property is a townhouse owned by the 1609 Belmont Place Business Trust<sup>6</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 1609 Belmont Place Business Trust. This property was purchased with monies that Receivership

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<sup>5</sup> The Receivership Defendants, along with the twelve additional entities that are the subject of the Receiver's Agreed Motion to Expand the Receivership, filed simultaneously herewith, shall constitute the "Common Enterprise Entities." The twelve additional entities are Blue42, LLC, HP Properties Group, Inc., Cockburn & Associate, LLC, JLMJP Pompano, LLC, Discount Marketing USA S.A., Nantucket Cove of Illinois, LLC, Halfpay International, LLC, Omni Management Partners LLC, Halfpay NV, LLC, Viking Management Services, LLC, HP Media, Inc. and White Light Media LLC.

<sup>6</sup> On March 11, 2015, Marcus purchased this property in his individual name. On April 14, 2015, Marcus executed a quit claim deed transferring this property to Relief Defendant 1609 Belmont Place LLC, an entity wholly owned by Marcus. On March 16, 2017, this property was quit claimed to the 1609 Belmont Place Business Trust of which Marcus is the sole beneficiary.

Defendant Active Debt Solutions transferred through Relief Defendant Halfpay. (SK Declaration at Table 17, ¶¶42 & 43). Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**C. 630 SE 25th Ave., Fort Lauderdale, FL 33301**

This property is a single family home owned by the 630 SE 25<sup>th</sup> Avenue Business Trust<sup>7</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 630 SE 25<sup>th</sup> Avenue Business Trust. This property was purchased with monies that Receivership Defendants Active Debt Solutions and American Credit Shield, LLC transferred through Relief Defendant Halfpay. (SK Declaration at Table 17, ¶¶51 & 52). Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**D. 114 SW 2nd St., Delray Beach, FL 33444**

This property is a triplex owned by the 114 SW 2<sup>nd</sup> Street Business Trust<sup>8</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 114 SW 2<sup>nd</sup> Street Business Trust. This property was purchased with monies received from Receivership

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<sup>7</sup> On February 20, 2015, Marcus purchased this property in his individual name. On February 21, 2017, Marcus executed a quit claim deed transferring this property to the 630 SE 25<sup>th</sup> Avenue Business Trust of which Marcus is the sole beneficiary.

<sup>8</sup> On January 10, 2014, Marcus purchased this property in his individual name. On June 6, 2014, Marcus executed a quit claim deed transferring this property to 114 SW 2<sup>nd</sup> Street JM, LLC, an entity wholly owned by Marcus. On December 16, 2014, Marcus executed a Corrective Warranty Deed to changing the grantee to Relief Defendant Halfpay. On January 12, 2015, Marcus executed a Corrective Warranty Deed correcting a scrivener's error. On February 26, 2015, Marcus executed a quit claim deed transferring this property to Relief Defendant 114 Southwest 2<sup>nd</sup> Street DBF, LLC, an entity solely owned by Marcus. On March 16, 2017, this property was quit claimed to the 114 SW 2<sup>nd</sup> Street Business Trust of which Marcus is the sole beneficiary.

Defendant Paralegal Staff Support LLC [ECF No. 6, Exhibit 3, Jason Simpson Dec. ¶¶22-33]. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**E. 603 Renaissance Lane, Delray Beach, FL 33483**

This property is a townhouse owned by the 603 Renaissance Lane Business Trust<sup>9</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 603 Renaissance Lane Business Trust. This property was purchased with monies received from Receivership Defendant Paralegal Staff Support LLC. (*Id.* at ¶¶48-51). Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**F. 16 S H Street 1, Lake Worth, FL 33460**

This property is a 12-plex owned by the 16 S H Street Lake Worth Business Trust<sup>10</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 16 S H Street Lake Worth Business Trust. This property was purchased with monies that Receivership Defendant Active Debt Solutions transferred through Relief Defendant Halfpay. (SK Declaration at Table 17, ¶44). Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

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<sup>9</sup> On January 7, 2014, Marcus purchased this property in his individual name. On February 26, 2015, Marcus executed a quit claim deed transferring this property to Fast Pace 69, LLC, an entity wholly owned by Marcus. On March 16, 2017, this property was quit claimed to the 603 Renaissance Lane Business Trust of which Marcus is the sole beneficiary.

<sup>10</sup> On October 17, 2014, Marcus purchased this property in his individual name. On December 22, 2014, Marcus executed a quit claim deed transferring this property to Relief Defendant 16 S H Street Lake Worth, LLC, an entity wholly owned by Marcus. On January 12, 2015, Marcus executed a Corrective Warranty Deed to correct a scrivener's error. On March 16, 2017, this property was quit claimed to the 16 S H Street Lake Worth Business Trust of which Marcus is the sole beneficiary.

**G. 422 Bayfront Drive, Boynton Beach, FL 33435**

This property is a townhouse owned by 412 Bayfront Drive LLC<sup>11</sup>. Jeremy Marcus owns 100% of the membership interests of 412 Bayfront Drive LLC. The articles of incorporation list Relief Defendant Halfpay International as manager. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**H. 111 SW 2nd St., Delray Beach, FL 33444**

This property is a duplex owned by the 111 SW 2<sup>nd</sup> Street Business Trust<sup>12</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 111 SW 2<sup>nd</sup> Street Business Trust. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**I. 116 SW 2nd St., Delray Beach, FL 33444**

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<sup>11</sup> On January 10, 2014, Marcus purchased this property in his individual name. On June 6, 2014, Marcus executed a quit claim deed transferring this property to 114 SW 2<sup>nd</sup> Street JM, LLC, an entity wholly owned by Marcus. On December 16, 2014, Marcus executed a Corrective Warranty Deed changing the grantee to Relief Defendant Halfpay. On January 12, 2015, Marcus executed a Corrective Warranty Deed to correct a scrivener's error. On February 26, 2015, Marcus executed a quit claim deed transferring this property to Relief Defendant 114 Southwest 2<sup>nd</sup> Street DBF, LLC, an entity solely owned by Marcus. On March 16, 2017, this property was quit claimed to the 114 SW 2<sup>nd</sup> Street Business Trust of which Marcus is the sole beneficiary.

<sup>12</sup> On May 30, 2014, Marcus purchased this property in his individual name. On June 6, 2014, Marcus executed a quit claim deed transferring this property to 114 SW 2<sup>nd</sup> Street JM, LLC, an entity wholly owned by Marcus. On December 16, 2014, Marcus executed a Corrective Warranty Deed changing the grantee to Relief Defendant Halfpay. On January 12, 2015, Marcus executed a Corrective Warranty Deed to correct a scrivener's error. On February 26, 2015, Marcus executed a quit claim deed transferring this property to Relief Defendant 114 Southwest 2<sup>nd</sup> Street DBF, LLC, an entity solely owned by Marcus. On March 16, 2017, this property was quit claimed to the 111 SW 2<sup>nd</sup> Street Business Trust of which Marcus is the sole beneficiary.



This property is a vacant lot owned by Relief Defendant<sup>13</sup>. Jeremy Marcus owns 100% of the membership interests of 114 Southwest 2<sup>nd</sup> Street DBF LLC. The articles of incorporation list Relief Defendant Halfpay as manager. This property was purchased with monies received from Receivership Defendant Paralegal Staff Support LLC [ECF No. 6, Exhibit 3, Jason Simpson Dec. ¶¶22-33]. Marcus told the Receiver that this property was purchased with consumer funds and has agreed to the turnover of this property to the Receiver.

**J. 80 Nottingham Place, Boynton Beach, FL 33426**

This property is a townhouse owned by the 80 Nottingham Place Business Trust<sup>14</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 80 Nottingham Place Business Trust. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**K. 211 SE 4th Ave., Delray Beach, FL 33483**

This property is a vacant lot owned by the 211 SE 4<sup>th</sup> Ave Business Trust<sup>15</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the

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<sup>13</sup> On May 30, 2014, Marcus purchased this property in his individual name. On June 6, 2014, Marcus executed a quit claim deed transferring this property to 114 SW 2<sup>nd</sup> Street JM, LLC, an entity wholly owned by Marcus. On December 16, 2014, Marcus executed a Corrective Warranty Deed changing the grantee to Relief Defendant Halfpay. On January 12, 2015, Marcus executed a Corrective Warranty Deed to correct a scrivener's error. On February 26, 2015, Marcus executed a quit claim deed transferring this property to Relief Defendant 114 Southwest 2<sup>nd</sup> Street DBF, LLC, an entity solely owned by Marcus.

<sup>14</sup> On February 5, 2015, Marcus purchased this property in the name of Nott8PB LLC, an entity wholly owned by Marcus. On March 16, 2017, the property was quit claimed to the 80 Nottingham Place Business Trust of which Marcus is the sole beneficiary.

<sup>15</sup> On May 24, 2014, Marcus purchased this property in his individual name. On December 22, 2014, Marcus executed a quit claim deed transferring the property to 211 SE 4<sup>th</sup> Ave, LLC, an entity wholly owned by Marcus. On January 12, 2015, Marcus executed a Corrective Warranty Deed to correct a scrivener's error. On January 23, 2017, the property was quit claimed to the 211 SE 4<sup>th</sup> Ave. Business Trust of which Marcus is the sole beneficiary.



211 SE 4<sup>th</sup> Ave Business Trust. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**L. 311 SE 3rd St., Delray Beach, FL 33483**

This property is a vacant lot owned by the 311 SE 3<sup>rd</sup> Street Business Trust<sup>16</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 311 SE 3<sup>rd</sup> Street Business Trust. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**M. 7190 Brickyard Cir., Lake Worth, FL 33467**

This property is a single family home owned by Brick7190 LLC<sup>17</sup>. Jeremy Marcus owns 100% of the membership interests of Brick7190 LLC. The articles of incorporation list Relief Defendant Halfpay as manager. Marcus told the Receiver that this property was purchased with consumer funds and has agreed to the turnover of this property to the Receiver.

**N. 225 N H Street 1, Lake Worth, FL 33460**

This property is a 4-plex owned by the Jean Pierre<sup>18</sup> Trust #3<sup>19</sup>. Jack Marcus (Jeremy

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<sup>16</sup> On May 20, 2014, Marcus purchased this property in his individual name. On November 3, 2014, Marcus executed a quit claim deed transferring the property to 311 SW 3<sup>rd</sup> St., LLC, an entity wholly owned by Marcus. On December 17, 2014, Marcus executed a Corrective Warranty Deed to change the grantee to Relief Defendant Halfpay. On February 26, 2015, Marcus executed a quit claim deed transferring this property to 311 SE 3<sup>rd</sup> St., LLC, an entity wholly owned by Marcus. On January 23, 2017, the property was quit claimed to the 311 SE 3<sup>rd</sup> Street Business Trust of which Marcus is the sole beneficiary.

<sup>17</sup> Marcus purchased this property in the name of Brick7190, LLC on February 5, 2015.

<sup>18</sup> Jean Pierre is the name of Jeremy Marcus' dog.

<sup>19</sup> Jack Marcus, "as Trustee of the Land Trust Agreement for Jean Pierre Trust #3" purchased this property on August 17, 2016.

Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the Jean Pierre Trust #3. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**O. 221 N H Street 1, Lake Worth, FL 33460**

This property is a 10-plex owned by the Jean Pierre Trust #3<sup>20</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the Jean Pierre Trust #3. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**P. 219 N H Street 1, Lake Worth, FL 33460**

This property is a 4-plex owned by the Jean Pierre Trust #3<sup>21</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the Jean Pierre Trust #3. Marcus told the Receiver that this property was purchased with consumer funds. Marcus and his father have agreed to the turnover of this property to the Receiver.

**Q. 412 Bayfront Drive, Boynton Beach, FL 33435**

This property is a townhouse formerly owned by the 412 Bayfront Drive Business Trust<sup>22</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 412 Bayfront Drive Business Trust. On May 16, 2017, with the consent of the

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<sup>20</sup> Jack Marcus, "as Trustee of the Land Trust Agreement for Jean Pierre Trust #3" purchased this property on August 17, 2016.

<sup>21</sup> Jack Marcus, "as Trustee of the Land Trust Agreement for Jean Pierre Trust #3" purchased this property on August 17, 2016.

<sup>22</sup> Marcus purchased this property in his individual name on November 28, 2012. On June 6, 2014, Marcus executed a quit claim deed transferring the property to Relief Defendant 412 Bayfront Drive, LLC, an entity wholly owned by Marcus. On December 16, 2014, Marcus executed a Corrective Warranty Deed changing the grantee to Relief Defendant Halfpay. On February 26, 2015, Marcus executed a quit claim deed transferring this property back to Relief Defendant 412 Bayfront Drive, LLC. On March 16, 2017, the property was quit claimed to the 412 Bayfront Drive Business Trust of which Marcus is the sole beneficiary.

Receiver, this property was sold to an unrelated third party, and proceeds<sup>23</sup> in the amount of \$173,719.82 were wired to the Receiver. Marcus told the Receiver that this property was originally purchased with consumer funds, and he has agreed that the sale proceeds held by the Receiver should be deemed property of the Receivership.

**R. 72 SE 6th Ave., Apt F, Delray Beach, FL 33483**

This property is a townhouse formerly owned by the 72 SE 6<sup>th</sup> Avenue Business Trust<sup>24</sup>. Jack Marcus (Jeremy Marcus' father) is the Trustee and Jeremy Marcus is the sole beneficiary of the 72 SE 6<sup>th</sup> Avenue Business Trust. This property was purchased with monies that Receivership Defendant Active Debt Solutions transferred through Relief Defendant Halfpay. (SK Declaration at Table 17, ¶48).

On June 26, 2017, with the consent of the Receiver, this property was sold to an unrelated third party and proceeds in the amount of \$466,422.31 were wired to the Receiver. Marcus told the Receiver that this property was originally purchased with consumer funds, and he has agreed that the sale proceeds held by the Receiver should be deemed property of the Receivership.

### **III. LEGAL ARGUMENT**

**A. This Court Has Authority to Order Turnover and Transfer of Title to the Real Property and Proceeds thereof to the Receiver**

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<sup>23</sup> Although the Palm Beach County Property Appraiser's Office and prior deeds indicate that the 412 Bayfront Drive Business Trust was the property owner of record, the Warranty Deed executed on May 16, 2017 lists 412 Bayfront Drive, LLC as the seller. In either event, the Receiver is entitled to the sale proceeds as Jeremy Marcus is the 100% owner of Relief Defendant 412 Bayfront Drive, LLC.

<sup>24</sup> Marcus purchased this property in his individual name on September 26, 2014. On November 3, 2014, Marcus executed a quit claim deed transferring the property to Relief Defendant 72 SE 6<sup>th</sup> Ave., LLC, an entity wholly owned by Marcus. On December 16, 2014, Marcus executed a Corrective Warranty Deed changing the grantee to Relief Defendant Halfpay. On January 12, 2015, Marcus executed a Corrective Warranty Deed to correct a scrivener's error. On February 26, 2015, Marcus executed a quit claim deed transferring this property to Relief Defendant 72 SE 6<sup>th</sup> Ave., LLC, an entity wholly owned by Marcus. On March 16, 2017, the property was quit claimed to the 72 SE 6<sup>th</sup> Avenue F Business Trust of which Marcus is the sole beneficiary.

The Preliminary Injunction appoints the Receiver as agent of the Court with the “full power of an equity receiver,” and directs the Receiver to “take exclusive custody, control, and possession of all assets ... of, or ... under the control of, the Receivership Defendants, wherever situated,” [*Id.* at pg. 17], as well as to file any motions or actions necessary to do so, in order to preserve the value of those assets for the benefit of consumers and creditors. [*Id.* at pp.18- 20].

This Court has the authority to conduct summary proceedings to determine the possession and ownership rights to the Real Property. *SEC v. Elliott*, 953 F.2d 1560 (11th Cir. 1992). The Eleventh Circuit in *Elliott* approved of this expedited format, observing that summary proceedings improve judicial efficiency, avoid formalities that would slow down the time necessary to settle disputes, decrease litigation costs and prevent further dissipation of receivership assets. *Id.* at 1566.

In addition, Defendant Marcus and his father Jack Marcus, to the extent he has any interest including as trustee, agree to this motion. Moreover, Marcus has confirmed that the Real Property was all purchased with Receivership Defendant monies that they received from consumers as part of their debt relief enterprise. The Real Property and all proceeds clearly should be turned over, and title transferred, to the Receiver.

**C. The Real Property Is also Subject to Turnover Pursuant to Equitable Grounds**

Pursuant to Florida law, the Real Property is subject to turnover based upon the equitable principles of constructive trust, equitable lien, resulting trust and unjust enrichment. A constructive trust is an equitable remedy imposed by operation of law where there has been a wrongful taking of the property of another, the intent of which is to restore the property to the rightful owner and to prevent unjust enrichment. *Brown v. Toscano*, 254 F.R.D. 690 (S.D. Fla. 2008). The elements of an unjust enrichment claim are met when a person voluntarily accepts

and retains a benefit from another under circumstances which would equitably require either disgorgement or the equivalent payment of value. *Zambrana v. Geminis Envios Corp.*, 2008 WL 2397624 \*5 (S.D. Fla. 2008).

For all of the reasons set forth above, equity also requires that title to the Real Property be restored to the Receiver.

**D. Turnover Is Appropriate Pursuant to Chapter 726 of the Florida Statutes**

For the same reasons set forth above, turnover is alternatively required pursuant to Chapter 726 of the Florida Statutes, which permits the avoidance of transfers made with actual intent to hinder, delay or defraud creditors, or for no consideration. Marcus acknowledges that the Real Property was purchased with consumer monies from the Common Enterprise Entities. None of the Affiliated Entity Property Owners paid consideration or provided reasonably equivalent value for the respective Real Property. Chapter 726 of the Florida Statutes clearly contemplates the avoidance of the transfers for the purchase of real estate under the circumstances set forth herein.

**IV. CONCLUSION**

Based upon the foregoing and the agreement of the parties, sufficient cause clearly exists to order turnover and transfer of title to the Real Property to the Receiver, including any proceeds associated therewith. Given Marcus' level of cooperation with respect to this Motion, the Receiver does not anticipate having to seek further orders of this Court with respect to the transfer of the Real Property. However, to the extent that Marcus or his father Jack fail to execute documents the Receiver deems advisable to obtain clear title or sell the Real Property within five days of request, the Receiver requests authority to submit an *ex-parte* motion to this

Court seeking the issuance of a deed conveying good title, and such other relief as may be appropriate.

WHEREFORE, the Receiver respectfully requests this Court to enter an Order confirming that the Real Property constitutes Receivership assets and requiring the Affiliated Entity Property Owners to turn over and transfer title of the Real Property, as well as any sale proceeds thereof, to the Receiver as assets of the Receivership, together with such other and further relief as this Court deems just and proper.

**Respectfully submitted this 12<sup>th</sup> day of July 2017.**

**GENOVESE JOBLOVE & BATTISTA, P.A.**

*Attorneys for Jonathan E. Perlman, Court-Appointed Permanent Receiver*

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing Motion was served via CM/ECF Notification and/or U.S. Mail to all parties on the attached service list on this 12<sup>th</sup> day of July 2017.

By: /s/ Gregory M. Garno

Gregory M. Garno, Esq.

**SERVICE LIST**

**Federal Trade Commission v. Jeremy Lee Marcus, et al.**  
**USDC, SD Fla., Case No. 17-cv-60907-ALTONAGA/Goodman**

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**Receivership Defendants**

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**Relief Defendants**

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c/o Seth E. Ellis, Esq., its Registered Agent  
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17866 Lake Azure Way Boca, LLC  
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114 Southwest 2nd Street DBF, LLC  
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Strategic Acquisitions Two, LLC  
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Halfpay International, LLC  
c/o Seth E. Ellis, Esq., its Registered Agent  
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c/o Seth E. Ellis, Esq., its Registered Agent  
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Nantucket Cove of Illinois, LLC  
c/o Registered Agents, Inc., its Registered Agent  
1900 E. Golf Rd., Suite 950A  
Schaumburg, IL 60173  
*Via U.S. Mail*

***Additional Receivership Entities (if not otherwise listed above)***

HP Properties Group, Inc.  
c/o Seth E. Ellis, Esq., its Registered Agent  
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Cockburn & Associate, LLC  
c/o Seth E. Ellis, Esq., its Registered Agent  
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Omni Management Partners LLC  
c/o Seth E. Ellis, Esq., its Registered Agent  
Tripp Scott  
4755 Technology Way, Ste 205  
Boca Raton, FL 33431  
*Via U.S. Mail & Electronic Mail to Seth E. Ellis, Esq., Registered Agent (see@trippscott.com)*

HP Media, Inc.  
c/o Seth E. Ellis, Esq., its Registered Agent  
Tripp Scott  
4755 Technology Way, Ste 205  
Boca Raton, FL 33431  
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Blue42, LLC  
c/o Blue42 LLC Business Trust, Manager  
Attn: Jack Marcus, Trustee  
6436 Grand Cypress Cir.  
Lake Worth, FL 33463-7362  
*Via U.S. Mail & Electronic Mail (jackmarcus@bellsouth.net)*

Discount Marketing USA S.A.  
c/o Jeremy Marcus, President  
300 Royal Plaza Dr.  
Fort Lauderdale, FL 33301  
*Via U.S. Mail*

Viking Management Services, LLC  
Capital Administrators, LLC  
Registered Agent  
1712 Pioneer Ave, Ste 115  
Cheyenne, WY 82001  
*Via U.S. Mail*

White Light Media, LLC  
c/o Jack Marcus, Managing Member  
6436 Grand Cypress Cir.  
Lake Worth, FL 33463-7362  
*Via U.S. Mail & Electronic Mail (jackmarcus@bellsouth.net)*

***Affiliated Entity Property Owners (if not otherwise listed above)***

1609 Belmont Place Business Trust  
Attn: Jack Marcus, Trustee  
6436 Grand Cypress Cir.  
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630 SE 25th Avenue Business Trust  
Attn: Jack Marcus, Trustee  
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Lake Worth, FL 33463-7362  
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114 SW 2nd Street Business Trust  
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603 Renaissance Lane Business Trust  
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16 S H Street Lake Worth Business Trust  
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111 SW 2nd Street Business Trust  
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80 Nottingham Place Business Trust  
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211 SE 4th Ave Business Trust  
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311 SE 3rd Street Business Trust  
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Jean Pierre Trust #3  
Attn: Jack Marcus, Trustee  
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Lake Worth, FL 33463-7362  
*Via U.S. Mail & Electronic Mail (jackmarcus@bellsouth.net)*

412 Bayfront Drive Business Trust  
Attn: Jack Marcus, Trustee  
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Lake Worth, FL 33463-7362  
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72 SE 6th Avenue Business Trust  
Attn: Jack Marcus, Trustee  
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Brick7190 LLC  
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