

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Civil Action No. 4:11-CV-00655

JAMES G. TEMME,  
STEWARDSHIP FUNDS, LP

Defendants.

**NOTICE OF POTENTIAL CLAIMANT FINCH AND BARRY GROUP WITH RESPECT  
TO RECEIVER'S MOTION FOR SHOW CAUSE HEARING REGARDING  
RECOVERY OF RECEIVERSHIP ESTATE ASSETS**

TO THE HONORABLE JUDGE:

MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, and LF Realty Holdings, LLC (hereinafter, collectively the "Finch and Barry Group"), non-parties to this SEC Receivership proceeding, file this their Notice of Potential Claimant With Respect to Receiver's Motion for Show Cause Hearing Regarding Recovery of Receivership Estate Assets, and would respectfully show the Court the following:

1. The Receiver has apparently located documents regarding hundreds of real estate mortgages in the records of the receivership estate, with apparently conflicting claims of ownership. The Receiver has now filed a Motion to Show Cause regarding these mortgages, requesting that any parties asserting a claim of actual or contingent ownership of any such mortgages come forward with some proof of ownership or claim to such mortgages at this time.

2. The purpose of this Response is to demonstrate and document the claim of the Finch and Barry Group to 440 of the mortgages which may be the subject of the Receiver's Motion to Show Cause.

3. The Declaration of Leroy Finch dated October 12, 2011 and attachments thereto, were filed by the SEC in this action on October 14, 2011 (the "Finch Declaration"), and are incorporated by reference into this Response. See Document No. 3 in the Court's file. In addition, the Affidavit of Jacob T. Fain, with exhibits, attached hereto, is incorporated by reference herein. See Exhibit A and attachments thereto.

4. As shown by the Finch Declaration, the Finch and Barry Group entered into certain contracts to purchase 440 mortgages from Home Solutions Partners, LP. These mortgages are listed by secured property address on Exhibit "B" to Exhibit "1" to the Finch Declaration (hereinafter, the "Subject 440 Mortgages"). See Document No. 3-1 in the Court's file.

5. The Finch and Barry Group wire-transferred \$3,139,667.00 to the Comerica Bank account of Home Solutions Partners I, LP on April 27, 2011, which had exactly \$100.00 on deposit at the time. See Exhibit A-1. Someone then wire-transferred this money, less \$100.00, to the Destiny Fund II, LP account at Comerica Bank that same day. See Exhibits A-1, A-2. That Destiny Fund II, LP account had less than \$100.00 in funds at the time of this transfer. See Exhibit A-2. Because of the nominal balances in these accounts prior to the subject activity, the tracing of the money from the Finch and Barry Group described herein is beyond question.

6. Someone then immediately, that same day, transferred from the Destiny Fund II account at Comerica Bank \$211,785.00 to Harbour Portfolio I, LLC and \$183,670.00 to Harbour Portfolio II, LLC, two more of the Home Solutions group of companies, both of whom also had accounts at Comerica. See Exhibit A-2.

7. A weekend passed, and then on May 2, 2011, there was a wire transfer of \$1,821,306.00 from the Destiny Fund II account to the Comerica account of Home Solutions Partners III, LP. See Exhibit A-3.

8. As shown by the Texas Secretary of State's public website, Home Solutions Partners I, LP, Home Solutions Partners III, LP, Harbour Portfolio I, LLC and Harbour Portfolio II, LLC are all part of the Home Solutions group of companies. Charles Vose III is the registered agent and/or manager of each of these entities, and they all do business at the same addresses. See Exhibits A-6 through A-9.

9. Therefore, the Home Solutions group of companies, which apparently claim ownership of the Subject 440 Mortgages, initially received the entire \$3,139,667.00 wire transfer, and through a series of transactions over 3 business days, ended up with \$1,821,306.00 of the Finch and Barry Group's money.

10. Based upon the alleged owner of the Subject 440 Mortgages having received all or most of the Finch and Barry Group's money, the Finch and Barry Group hereby assert a claim of possible ownership of the Subject Mortgages.

WHEREFORE, the Finch and Barry Group pray that the Court take note of their potential claim to the Subject 440 Mortgages, and not allow any sale, pledge or other disposition of such mortgages in this matter, and that they be granted such other and further relief in this regard as they show themselves justly entitled.

Respectfully submitted,

PENNINGTON HILL, LLP.

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**CERTIFICATE OF SERVICE**

I certify that on March 20, 2012, a true and correct copy of the foregoing document was served on the following counsel of record via electronic case filing or certified mail, return receipt requested.

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