

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

Case No. : 6:16-CV-02123-Orl-31DCI

v.

J. WILLIAM ENTERPRISES, LLC, a Florida
limited liability company, also d/b/a PRO
TIMESHARE RESALES;

PRO TIMESHARE RESALES OF FLAGLER
BEACH, LLC, Florida limited liability company;

JESS KINMONT, individually and as an officer
of J. WILLIAM ENTERPRISES, LLC and PRO
TIMESHARE RESALES, LLC;

and

JOHN P. WENZ, JR., individually and as an
officer of PRO TIMESHARE RESALES OF
FLAGLER BEACH, LLC,

Defendants.

FIFTH INTERIM REPORT OF RECEIVER BRIAN A. MCDOWELL

(covering the period from April 1, 2017 through April 28, 2017)

Brian A. McDowell, as Permanent Receiver (“Receiver”) of J. William Enterprises, LLC (“JWE”) and Pro Timeshare Resales of Flagler Beach, LLC (“Pro Timeshare Flagler”) (JWE and Pro Timeshare Flagler are collectively referred to as the “Receivership Defendants”), and pursuant to this Court’s Order dated January 4, 2017 (Doc. No. 61), by and through his undersigned counsel, files this Fifth Interim Report of Receiver (“Fifth Report”).

I. ACCOUNTS, RECEIPTS, AND DISBURSEMENTS.

The Receiver's total receipts to date and disbursements for the period of April 1, 2017 through April 28, 2017, are as follows:

Total Receipts:	\$ 2,311,892.14
Disbursements from all Prior Periods:	\$ 214,545.28
Disbursements for Period of April 1, 2017 through April 28, 2017:	\$ 49,343.58
Current Balance:	\$ 2,048,003.28

An itemization of disbursements for the period covered by this Fifth Report is attached as **Composite Exhibit A**¹.

II. RECEIVER'S ACTIVITIES

a. Providing Access to Receivership Locations

During the period covered by this Fifth Report, Receiver's counsel traveled to the Receivership Defendants' former office properties to provide (i) Defendant John P. Wenz Jr. ("Mr. Wenz") access to the Bunnell office and (ii) Defendant Jess Kinmont ("Mr. Kinmont") access to the DeLand office. Mr. Wenz and Mr. Kinmont were provided access to the offices, at their request, to allow them to review and copy various hard copy documents that were located at each office. At the conclusion of each visit, Receiver's counsel secured each office before departing.

¹ Seaside Account Number xxxxxx0309 related to JWE and Mr. Kinmont, and Seaside Account Number xxxxxx7799 related to Pro Timeshare Flagler and Mr. Wenz (collectively, the "Receivership Accounts").

b. Continued Preservation and Recovery of Assets of the Estate

The Receiver is continuing to preserve the real property, physical assets, and electronically stored data of the Receivership Defendants. The Receiver intends to maintain the Receivership Defendants' former office properties through the pendency of the Receivership, and continues to store the office equipment and other business related assets at those office properties at no charge to the estate.

The Receiver is also still in the process of obtaining and reviewing the financial records of the Receivership Defendants for the potential recovery of additional assets. If, upon review of all of the information available, the Receiver discovers any transfers that may be susceptible to avoidance actions, the Receiver will consider whether the pursuit of such actions would provide a material benefit to the Receivership Estate in light of the cost to the estate to seek avoidance of the transfers.

c. Observation of FTC Depositions

On April 24, 2017 through April 26, 2017, the FTC conducted several depositions at the Orlando office of Holland & Knight LLP. On April 24, 2017, the FTC deposed Cathy Bernish-Jones, a former employee of JWE. On April 25, 2017, the FTC continued and concluded the deposition of Cathy Bernish-Jones, and also deposed the corporate representative of Pro Timeshare Flagler, Mr. Wenz. On April 26, 2017, the FTC continued and concluded the deposition of the corporate representative of Pro Timeshare Flagler, Mr. Wenz, and also deposed the corporate representative of JWE, Mr. Kinmont. The deposition of the corporate representative of JWE, Mr. Kinmont, was continued to a later date. Receiver's counsel observed the depositions, but did not ask any independent questions.

Receiver's counsel reserves the right to conduct a separate deposition of each witness regarding the scope of the receivership estate and the recovery of additional assets.

Dated this day 28th day of April, 2017.

Respectfully submitted,

/s/ Robert W. Davis, Jr.
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Counsel for Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF System, which will send electronic filing to all counsel of record.

/s/ Robert W. Davis, Jr.
Robert W. Davis, Jr., Esq.
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JWE Account History				
DATE HONORED	DESCRIPTION	DEPOSITS	WITHDRAWALS	BALANCE
	Beginning Balance as of April 1, 2017			\$2,080,321.41
4/4/2017	Check to Santa Cruz Capital Contribution (quarterly contribution)		\$58.24	\$2,080,263.17
4/4/2017	Check to Santa Cruz Property Owners Association (quarterly dues)		\$751.99	\$2,079,511.18
4/17/2017	Check to Spectrum Business (formerly Bright House Networks)		\$304.26	\$2,079,206.92
4/18/2017	Check to Holland & Knight LLP (payment of Receiver's Fees)		\$47,916.81	\$2,031,290.11
4/19/2017	Check to Duke Energy		\$73.17	\$2,031,216.94
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Pro Timeshares Flagler Account History				
DATE HONORED	DESCRIPTION	DEPOSITS	WITHDRAWALS	BALANCE
	Beginning Balance as of April 1, 2017			\$17,025.45
4/4/2017	Check to ADT Security Services		\$47.24	\$16,978.21
4/12/2017	Check to City of Bunnell, Florida - Utilities		\$136.08	\$16,842.13
4/17/2017	Check to Florida Power and Light		\$55.79	\$16,786.34
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