

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 FOUR REAL PROPERTIES COMMONLY)
 KNOWN AS 814 PITT AVENUE,)
 SPRINGFIELD, ROBERTSON COUNTY,)
 TENNESSEE; 4676 HIGHWAY 41N,)
 SPRINGFIELD, TENNESSEE;)
 204 LAWRENCE LANE, SPRINGFIELD,)
 TENNESSEE; and 209 NEW CHAPEL ROAD,)
 SPRINGFIELD, TENNESSEE, and)
 PROCEEDS FROM ANY SALE OF THE)
 FOUR REAL PROPERTIES BY THE)
 CURRENT OWNERS,)
)
 Defendants.)

**CIVIL NO. 3:11-cv-00138
JUDGE WILLIAM J. HAYNES, JR.**

**ANSWER OF STATUTORY LIQUIDATOR/RECEIVER
TO VERIFIED COMPLAINT *IN REM***

Marie Murphy, in her capacity as Special Deputy Commissioner of Commerce and Insurance for the State of Tennessee, and as Statutory Liquidator/Receiver of Smart Data Solutions, LLC (SDS), American Trade Association, Inc., and American Trade Association, LLC (together, ATA), and Serve America Assurance (SAA) files this Answer to the Verified Complaint *In Rem*.

The Statutory Liquidator/Receiver neither admits nor denies the allegations set out in the Verified Complaint *In Rem*, but does not object to the forfeiture action brought by the U.S.A. As set out in the Verified Claim of Statutory Liquidator/Receiver (Doc. 22), it is the position of the Statutory Liquidator/Receiver that net forfeiture proceeds after payment of the F&M Bank

secured interest should be turned over to the Statutory Liquidator/Receiver for distribution to the victims. The Statutory Liquidator/Receiver has been doing and will complete the necessary work on some 12,000 claims and is best positioned to distribute available funds for the victims in a unified, efficient, equitable manner.

The marshalling of assets, claims processing and distribution by the Statutory Liquidator/Receiver are under the supervision of Davidson County, Tennessee, Chancery Court III, Case No. 10-507-III. That is the Court in which the Liquidation/Receivership has been administered since the March 24, 2010, seizure by the Commissioner of Commerce and Insurance for the State of Tennessee of the health insurance business that was operated by Bart Posey, Angie Posey and others under the name of ATA, SDS and SAA.

/s/ Robert M. Garfinkle

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Special Counsel for Marie Murphy,
Special Deputy Commissioner, in her
Official Capacity as Statutory Liquidator

CERTIFICATE OF SERVICE

As is evidenced by my signature below, I certify that a true and exact copy of the foregoing document has been filed with the court's ECF system and will be forwarded this 22nd day of April, 2011, to:

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/s/ Robert M. Garfinkle
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