

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
FOURTH DIVISION  
CIVIL ACTION NO. 20-CI-00332  
FILED ELECTRONICALLY**

**HAYNES PROPERTIES, LLC,  
MITCH AND SCOTT HAYNES DBA  
ALVIN HAYNES & SONS AND  
S&GF MANAGEMENT, LLC  
ON BEHALF OF THEMSELVES AND  
ALL OTHERS SIMILARLY SITUATED**

**PLAINTIFFS**

**BTGCA MOTION TO DISTRIBUTE ANNUITY INCOME  
AS APPROVED GRANT**

**v.**

**BURLEY TOBACCO GROWERS  
COOPERATIVE ASSOCIATION**

**DEFENDANT**

\*\*    \*\*    \*\*    \*\*    \*\*    \*\*

The Burley Tobacco Growers Cooperative Association ("BTGCA"), by counsel, moves the Court for an Order approving distribution of the sum of \$62,443.11 to Burley and Dark Tobacco Producer Association, Inc., a Kentucky nonprofit corporation, representing the accrued interest on an annuity that BTGCA reserved as the source of funding for the new nonprofit pursuant to paragraph 31 of the Court's Amended Opinion and Order entered July 28, 2021, which is a final and non-appealable Order. As grounds, BTGCA states the following:

1. At the time of the Court's Amended Opinion and Order, the principal value of an investment annuity owned by BTGCA issued by Brighthouse Life Insurance was \$1,401,758.89. The Court ordered that all accrued interest income on said annuity could be paid by BTGCA as part of a grant to the new nonprofit, Burley and Dark Tobacco Producer Association, Inc. once the annuity matured, to avoid any penalty.

2. The Brighthouse annuity matured November 22, 2022 and was cashed in. The

gross sale proceeds were received and deposited on December 30, 2022 into the Traditional Bank ICS Partial Distribution Account so the full amount would be FDIC-insured, since the BTGCA regular Wells Fargo checking account is only insured up to \$250,000. Chuck Hord, CPA for BTGCA calculated the amount of accrued income.

3. Burley and Dark Tobacco Producer Association, Inc. has submitted a Report and Financial Summary of its First Year 2022 activities to Class Counsel, and appears to be operating in compliance with the Court's parameters. Copies of same will be emailed to Chambers.

4. The principal sum of \$1,401,758.89 at Traditional Bank will remain as security for whatever net sums are determined to be divided and allotted to opting-out Settlement Class Members or to the new nonprofit after the opt-out notice and process is administered by Class Counsel over the next few months.

5. The proposed distribution to Burley and Dark Tobacco Producer Association, Inc. should not generate any tax liability to BTGCA. BTGCA has separately filed its Status Report on all other current liabilities and its liquidated assets.

Respectfully Submitted,

/s/ Kevin G. Henry

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*Counsel for Defendant, Burley Tobacco Growers  
Cooperative Association and BTGCA Dissolution  
Committee Members, Al Pedigo, Donald Mitchell  
and Eddie Warren*

### **NOTICE OF HEARING**

The foregoing Motion will come on for hearing on February 24, 2023 at 10:00 a.m. or as soon thereafter as shall be heard.

**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2023, the foregoing document was electronically filed with the Clerk of this Court using their filing system and served electronically by the Clerk of this Court upon the following:

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/s/ Kevin G. Henry  
*Counsel for Defendant, Burley Tobacco  
Growers Cooperative Association and BTGCA  
Dissolution Committee Members, Al Pedigo,  
Donald Mitchell and Eddie Warren*

**COMMONWEALTH OF KENTUCKY  
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ON BEHALF OF THEMSELVES AND ALL  
OTHERS SIMILARLY SITUATED**

**PLAINTIFFS**

**v.**

**ORDER**

**BURLEY TOBACCO GROWERS COOPERATIVE  
ASSOCIATION**

**DEFENDANT**

\*\*    \*\*    \*\*    \*\*    \*\*    \*\*

Upon motion of Defendant Burley Tobacco Growers Cooperative Association (“BTGCA”) for approval of an amount equal to accrued interest to be distributed from the liquidation proceeds of a Brighthouse investment annuity held by BTGCA to the Kentucky nonprofit corporation, Burley and Dark Tobacco Producer Association, Inc., the Court having considered the motion and there being no objections, and said payment being consistent with the Amended Opinion and Order by this Court dated July 28, 2021, IT IS HEREBY ORDERED that the motion by BTGCA is GRANTED, and an approved signatory for the BTGCA Dissolution Committee may cause distribution of the sum of \$62,443.11 to Burley and Dark Tobacco Producer Association, Inc. from the Traditional Bank Partial Distribution account.

No just cause for delay being shown, this is a final Order.

Dated: \_\_\_\_\_, 2023.

\_\_\_\_\_  
JUDGE, FAYETTE CIRCUIT COURT

**CLERK’S CERTIFICATE OF SERVICE**

I hereby certify that on February \_\_\_\_, 2023, the foregoing document was electronically filed with the Clerk of this Court using the e-filing system and served electronically by the Clerk of this Court upon the following:

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*Counsel for Defendant, Burley Tobacco Growers  
Cooperative Association and BTGCA Dissolution  
Committee Members, Al Pedigo, Donald Mitchell  
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CLERK, FAYETTE DISTRICT COURT