

*Filed Electronically*

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

HAYNES PROPERTIES, LLC, et al.

PLAINTIFFS

v.

**MOTION TO APPROVE  
FINAL DISPOSITION OF BTGCA NET ASSETS**

BURLEY TOBACCO GROWERS COOPERATIVE  
ASSOCIATION, et al.

**DEFENDANTS**

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

The Burley Tobacco Growers Cooperative Association (“BTGCA”), by and through its Dissolution Committee and counsel, respectfully moves the Court to approve the following plan and schedule for final distribution of BTGCA’s remaining net assets held at Traditional Bank and Wells Fargo Bank, in order to conclude all financial activity before September 30, 2023 and thereby be able to file as its final federal and state income tax returns for the fiscal year ending September 30, 2023:

1. As previously reported to the Court, BTGCA has fully insured deposits in an account at Traditional Bank labeled “Burley Partial Distribution” totaling \$2,763,273.78, of which \$1,438,273.78 represents BTGCA’s remaining funds from its dissolution and liquidation.<sup>1</sup> BTGCA proposes to have Traditional Bank wire transfer to McBrayer its 7.5% approved fee of \$107,870.53, and the balance of \$1,330,403.25 to Angion’s Qualified Fund Trust Account before September 30<sup>th</sup>.

<sup>1</sup> The balance of \$1,325,000.00 is earmarked to be distributed as the separate Fund in accordance with the Court’s August 4, 2023, Order regarding Fund Disposition.

2. BTGCA has on deposit in its regular accounts at Wells Fargo Bank the sum of \$30,089.14, which BTGCA proposes to close out and transfer to the Sturgill, Turner, Barker & Moloney, PLLC IOLTA client trust account before September 30<sup>th</sup>, as a reserve for all final legal and accounting professional fees needed to complete this case, prepare and file the 2022-2023 income tax returns, and pay, if properly presented and proven, unknown claims that may be authenticated as debts of BTGCA (although all debts on the books and records of BTGCA or otherwise known to its officers and two former office staff have been paid). Should any balance in Sturgill's IOLTA trust account remain after conclusion of this case and entry of any and all final mandates from any appeals affecting BTGCA, McBrayer may claim a 7.5% fee, and as the Court recently ordered with respect to the separate Fund, the remainder in the IOLTA trust fund could then be distributed twenty-five (25%) each to the Kentucky IOLTA Fund and the respective Colleges of Agriculture at Murray State University, Western Kentucky University and Morehead State University.

Wherefore, BTGCA respectfully prays the Court to approve the above plan and timetable so as to facilitate the complete cessation of all financial activity of BTGCA before September 30, 2023, with the requested reserve to be held in escrow outside the BTGCA.

#### NOTICE

The foregoing Motion shall come on for hearing on Friday, September 8, 2023, at the hour of 10:00 a.m., or as soon thereafter as may be heard. Parties wishing to participate via Zoom may use this link:

<https://us02web.zoom.us/j/5816111332#success>

Zoom Meeting ID: 581 6111 332

Zoom Passcode: 313612

Call in number: 1-253-215-8782

Respectfully Submitted,

/s/ Kevin G. Henry

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Committee Members, Al Pedigo, Donald Mitchell  
and Eddie Warren*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served this 24<sup>th</sup> day of August, 2023, upon counsel via the e-filing system and electronic mail and upon unrepresented persons via first class U.S. Mail, postage prepaid, as shown on the attached Service List.

/s/ Kevin G. Henry

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