

Matthew T. Christensen
ANGSTMAN JOHNSON
3649 Lakeharbor Lane
Boise, Idaho 83703
Telephone: (208) 384-8588
Facsimile: (208) 853-0117
Christensen ISB: 7213

Attorney for the Independent Fiduciary, Jeanne Bryant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

HILDA L. SOLIS, Secretary of the United States
Department of Labor,

Plaintiff,

v.

MATTHEW D. HUTCHESON, HUTCHESON
WALKER ADVISORS LLC, GREEN VALLEY
HOLDINGS LLC, and the RETIREMENT
SECURITY PLAN AND TRUST, f/k/a PENSION
LIQUIDITY PLAN AND TRUST,

Defendants.

Case No.: 1:12-CV-00236-EJL

MARCH 2013 INDEPENDENT FIDUCIARY REPORT
AND FEE NOTICE OF COSTS AND EXPENSES

PURSUANT TO THE Preliminary Injunction entered on June 13, 2012 [Doc. 16], Jeanne B. Bryant, Independent Fiduciary for Retirement Security Plan & Trust (RSPT) submits this Eleventh Report and Notice for the period beginning March 1, 2013 – March 31, 2013.

MARCH 2013 INDEPENDENT FIDUCIARY REPORT AND FEE NOTICE OF COSTS AND EXPENSES – PAGE 1

I. ACTIVITY REPORT

There have been a number of issues that have occurred with RSPT since the last report of the Independent Fiduciary (“IF”). The IF informed the Employer members of the current status of their individual collections involving the monthly administration fee. Attached as **Exhibit 1** is a report noting the collections and payments made from the account for previously approved fees and cost through March 2013. With the collection of the outstanding amounts, there are currently sufficient funds expected from the monthly collections to pay the fees and costs for administration noted in this report.

As noted in the last report, the IF has now hired contingency counsel, and has received payment from ASpire for any amounts due for previously approved fees and costs concerning the PCB investment from those members holding such accounts. All costs will be paid by the RSPT and/or its Plans on an ongoing basis, pursuant to the payment submission and approval procedures previously outlined in the court’s Preliminary Injunction Order entered on June 13, 2012.

As a result of the process accepted by the Court, the voting concerning the settlement with Fletcher was approved by 88% of those members voting, and the settlement was finalized. The note concerning the PCB investment has been turned over to the RSPT counsel in Idaho, who is now working to finalize negotiations with Green Valley Holdings, LLC, for full ownership (by RSPT) of the PCB investment documents. At that point, RSPT can begin foreclosure proceedings on the golf course (or otherwise move to liquidate the PCB investment). The IF is also working with counsel to evaluate other asset recovery efforts.

II. ANTICIPATED FUTURE ACTIVITIES AND RESOLUTION OF ISSUES

The IF takes this opportunity to inform the Court and the parties to this litigation of the following issues, and anticipated means of resolution of same, involving the RSPT Plans. The IF will post a copy of this Report and Fee Notice on its web site and will inform the sponsors of the RSPT Plans of such posting as noted below after filing of same with this Court.

Early Withdrawal Procedures. As stated in earlier reports an early withdrawal process has been discussed with the Department of Labor and the IF filed information and the process that would be followed in the October Report filed with the Court in early December. There were no objections filed to that process. On January 28, 2013, withdrawal forms and draft resolutions were sent to eleven employers whose plans do not hold the PCB investment. On that same day, all of the remaining employers in RSPT whose plans do hold PCB investments were sent information regarding the amounts required to be paid, plus lost earnings calculations and requesting those employers to respond if they intend to participate in the early withdrawal process. As of this report, six employers have requested such termination.

Valuations for Individual Employers. Employers under the terms of the RSPT Plans' Documents are required to provide an annual independent business valuation to the Plans' trustee and administrator. A deadline of September 15, 2012 had already been established by the previous administrator. This business valuation is necessary to the valuation of qualified employer securities held in each of the RSPT Plans. All but forty submitted their independent business valuations in time for use in the 2011 Forms 5500 filed October 15, 2012. For those that did not, the form was filed utilizing last year's valuation. The Independent Fiduciary continues to work with Plans concerning their business valuations and is reviewing all forms for any corrections needed after discussion with the Department of Labor. Business Valuations for Plan

Year 2012 will be necessary not only for Form 5500 purposes but also for Early Withdrawal Process purposes. To that end, all employers were notified that the Business Valuations for Plan Year 2012 are due May 20, 2013. This will avoid any costly delays or needed extensions.

Forms 5500 for Plan Year 2011 filed. A completed Form 5500 along with audit was filed timely with the U.S. Department of Labor. Also, as now indicated by the U.S. Department of Labor, Forms 5500 for each employer sponsored plan within the RSPT were also filed timely. A total of 106 Forms 5500 were filed in connection with RSPT as of October 15, 2012. There have been continuing discussions with the Department of Labor concerning issues with these forms for the 2011 plan year and expected issues with the upcoming 2012 plan year filing. The IF is consulting with the accounting firm of Lattimore Black concerning these issues, and any costs for this work are noted.

Directed Investments by Members. The IF is contemplating amending the Plan Document to allow participants to direct individual investments as opposed to the Plan's current structure. Once the draft amendment is finalized, it will be discussed with participating employers with a date of implementation and notice to participants, with instructions and information.

III. ACCOUNTINGS REGARDING THE RSPT PLANS

As noted in Section 18 of the June 13, 2012 Preliminary Injunction, before causing the RSPT Plans to pay compensation, fees or expenses, the IF is to provide written notice (the "Fee Notice") of such compensation, fees or expenses, by filing the Fee Notice (such as set forth herein) with the Court, and by serving a copy of that filing to the Secretary of the U.S. Department of Labor, Employee Benefits Security Administration, Huteson and HWA. The IF intends to submit her Fee Notice and Activity Report on a monthly basis. If, within fifteen

MARCH 2013 INDEPENDENT FIDUCIARY REPORT AND FEE NOTICE OF COSTS AND EXPENSES – PAGE 4

(15) days after filing of a Fee Notice, no objection to the Fee Notice, nor to payment by the Plan of the compensation, fees or expenses described therein, is filed with the Court, such compensation, fees or expenses shall be deemed reasonable expenses of the RSPT Plans and shall be paid by the RSPT Plans without further action or approval of the Court. The fees and expenses will be allocated as outlined above. In an effort to reduce costs, copies of this Report and Fee Notice are being posted to a website of the IF's company Receivership Management, Inc. ("RMI") and the participating employers will be given notice of the filing.

Attached hereto as **Exhibit 2** is a schedule of the hourly rates for the Independent Fiduciary and the hourly rates of any staff of Receivership Management, Inc. that might be used to carry out the terms of the Court's June 13, 2012 Preliminary Injunction.

Attached hereto as **Collective Exhibit 3** are expense summaries for the period of March 1, 2013 – March 31, 2013. The March costs are within the expected payments from the monthly amounts at this time. There are no payments requested for the accounting firm of Latimore Black in this filing.

Total expenses, as listed on **Collective Exhibit 3** include \$2,070.00 in IF fees, \$3,944.24 in legal expenses, and \$5,120.54 in contract labor expenses (which include auditor fees and identified charges for other fees, postage, copies, telephone, travel, etc.) for the period of March 1, 2013 – March 31, 2013.

Please note that counsel have, as necessary, redacted exact descriptions of litigation issues in order to protect applicable privileges, and the IF may also redact the names of employers and or members as to protect the companies or the members involved when responding to individual questions if required. The IF believes that the remaining descriptions are sufficient for approval of the charges requested. All expenses and fees are separated between

those costs necessary for administration and those costs necessary for asset recovery, and will be paid as noted in previous reports.

In the absence of any objection, total reimbursement for \$2,070.00 in IF fees, \$3,944.24 in legal expenses and \$5,120.54 in contract labor expenses for administration and litigation will be paid from the Plan's expense reserve in accordance with the Court's June 13, 2012 Preliminary Injunction. The exact amounts and the parties to be paid are listed below:

1.	Jeanne Barnes Bryant	\$2,070.00
2.	Angstman Johnson	\$86.00
3.	Berry & Tudor	\$3,858.24
4.	Receivership Management Inc.	\$5,120.54
	\$4,164.50/Contract labor	
	\$956.04/Other expenses	

Pursuant to the Court's June 13, 2012 Preliminary Injunction [Doc. 16], if no objection is filed with the Court within fifteen (15) days after the filing of this Notice and Report, the IF will proceed to authorize payments due counsel and any other parties listed.

DATED this 26th day of April, 2013.

/s/ Matt Christensen

MATTHEW T. CHRISTENSEN
Attorney for Trustee

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the individual(s) so noted below.

Jamila B. Minnicks	minnicks.jamila@dol.gov
Michael R. Hartman	hartman.michael@dol.gov
Michael A. Schloss	schloss.michael@dol.gov
Raymond E. Patricco	raymond.patricco@usdoj.gov
Michael J. Elia	mje@mbelaw.net
J. Graham Matherne	gmatherne@wyattfirm.com
Matthew T. Christensen	mtc@angstman.com

All others as listed on the Court's ECF Notice.

I further certify that on the 26th day of April, 2013, I served a copy of the foregoing notice on the following individuals or entities via US Mail, postage prepaid.

Matthew D. Hutcheson
33 Pinnacle Court
Donnelly, ID 83615

Matthew D. Hutcheson
14076 Morell Road
McCall, Idaho 83638

Monty W. Walker
c/o R. Bradford Huss
Trucker Huss, APC
One Embarcadero Center, 12th Floor
San Francisco, CA 94111

DATED: April 26, 2013

/s/ Matt Christensen
Matthew T. Christensen