

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION

OFFICE OF THE ATTORNEY
GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA,

Plaintiff,

CASE NO.: 51-2010-CA-2912-WS/G

v.

BOTFLY L.L.C., DAVID R. LEWALSKI,
JON J. HAMMILL, and JON J. HAMMILL, P.A.

Defendants.

**NOTICE OF DEADLINE REQUIRING
FILING OF PROOFS OF CLAIM ON OR BEFORE AUGUST 26, 2011**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST BOTFLY, LLC, DAVID R. LEWALSKI, AND JON J. HAMMILL:

On April 1, 2010, the Office of the Attorney General, Department of Legal Affairs initiated this action. That same day, the Court entered an order appointing Michael E. Moecker or his designee employed by Michael Moecker & Associates, Inc. as Receiver for Botfly LLC (“**Botfly**”), David R. Lewalski (“**Lewalski**”) and Jon J. Hammill (“**Hammill**”) (collectively, the “**Receivership Entities**”). Mr. Moecker has the full and exclusive power, duty, and authority to administer and manage the business affairs, funds, investments, property, assets, causes in action, and any other property of the Receivership Entities; to marshal and safeguard all of the Receivership Entities’ assets; and to take whatever actions are necessary for the protection of Botfly’s investors. The estates for the Receivership Entities have been consolidated into a single Receivership administered by the Receiver principally for the payment of valid claims by Botfly investors.

To the extent the Receivership does not have sufficient funds to pay all valid claims, the recipients and amounts of the Receiver’s distributions for claims brought for investments in Botfly will be based on the Net Investment Amounts. The Net Investment Amount for an investor is calculated by adding all amounts contributed by the pertinent investor(s) to as an investment in Botfly and subtracting all payments made and/or in connection with that investment, regardless of whether those payments were characterized as interest, earnings, profits, returns or redemptions of principal, incentive fees, management fees or by any other terminology.

On April 28, 2011, the Court entered an order (the “**Claim Bar Date Order**”) establishing Friday, August 26, 2011 (the “**Claim Bar Date**”) as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) to file a Proof of Claim against Botfly, LLC, or David Lewalski or Jon Hammill arising out of or relating in any way to the acts, conduct or activities of Botfly, LLC.

Any person or entity that submits a Proof of Claim submits to the exclusive jurisdiction of the Sixth Judicial Circuit, in and for Pasco County, Florida for all purposes, including, without limitation, as to any claims, objections, defenses, or counterclaims that could be or have been asserted by the Receiver against such claimant or the holder of such claim in connection with the Receivership, including those arising out of (1) any dealing or business transacted by or with the Receivership Entities or (2) any dealing or business transacted that relates in any way to any property in the possession of the Receivership Entities. Further, claimants waive any right to a jury trial with respect to such claims, objections, defenses, and counterclaims.

The procedures set forth below for filing a Proof of Claim and the requirement that Proofs of Claims be received on or before **Friday, August 26, 2011** apply to all claims against any of the Receivership Entities.

1. WHO MUST FILE A PROOF OF CLAIM

If you think that you may have a claim, you **MUST** file a Proof of Claim to share in distributions from the Receivership. A claim based on acts or omissions of the Receivership Entities must be filed on or before **Friday, August 26, 2011**, even if such claim is not now mature, fixed, liquidated, or certain, or does not become mature, fixed, liquidated, or certain before **Friday, August 26, 2011**.

2. WHAT TO FILE

If your claim is based upon a payment made to Botfly as either an investment or a loan, with the Proof of Claim you must also provide to the Receiver by **Friday, August 26, 2011** (1) copies of all checks, bank or other financial account statements, wire transfer confirmations, and other documents substantiating the payments; (2) promissory notes from Botfly; (3) copies of all checks, bank or other financial account statements, wire transfer confirmations, 1099's, correspondence (including e-mail correspondence) and any other documentation reflecting the payments.

If you were not an investor in Botfly or did not make a loan to Botfly, but believe you are or may be a creditor of Botfly, Lewalski or Hammill, with the Proof of Claim you must also provide to the Receiver by **Friday, August 26, 2011** (1) the amount you contend you are owed from Botfly, Lewalski or Hammill; (2) any amounts received from Botfly, Lewalski or Hammill; and (3) legible copies of all documents on which you base your claim (i.e., all invoices for services or goods provided, loan documents, etc.) or, if any such documents are not available, a detailed explanation as to why any such documents are not available.

Each Proof of Claim you file **must** conform substantially to the Proof of Claim Form and provide responses to all of the questions in the Proof of Claim Form that either (1) was mailed to you along with this Notice or (2), if you have not received one by mail, was posted on the Receiver's website at www.botflyreceivership.com. A copy of a Proof of Claim Form also may be obtained from Karen Cox, Esq., Bush Ross, P.A., P.O. Box 3913, Tampa, FL 33601-3913 (813) 224-9620.

Each Proof of Claim you file must be signed under penalty of perjury by the claimant or, if the Claimant is not an individual, by an authorized agent of the claimant. Each Proof of Claim must be legible, written in English, and denominated in United States currency.

3. WHEN AND WHERE TO FILE

All Proofs of Claim must be delivered by mail or otherwise so as to be **received on or before Friday, August 26, 2011** at the following address:

Michael E. Moecker, Receiver
c/o Michael Moecker & Associates, Inc.
3613 N. 29th Ave.
Hollywood, FL 33020

Do not send your proof of claim form to the court or judge presiding over this case.

4. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATE

Any holder of a claim or potential claim that fails to file a Proof of Claim (1) that fully complies with all requirements set forth in this notice and (2) that is received on or before **Friday, August 26, 2011** will be forever barred, estopped, and enjoined from asserting such claim against Botfly, Lewalski, Hammill, their respective property, the Receiver, or the Receivership Estate, and from participating in any distribution from the Receivership.

A holder of a claim or potential claim against Botfly, Lewalski or Hammill may wish to consult an attorney regarding matters in connection with this Notice.

Dated May 6, 2011, Tampa, Florida.

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