

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

JUL 07 2008

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

SECURITIES AND EXCHANGE COMMISSION,)

Plaintiff,)

v.)

TERRY L. DOWDELL, both individually and)
d/b/a "T.L. Dowdell & Associates,")
BIRGIT MECHLENBURG,)
KENNETH G. MASON,)
DOWDELL, DUTCHER & ASSOCIATES, INC.,)
VAVASSEUR CORPORATION,)
EMERGED MARKET SECURITIES, DE-LLC,)
and DANIEL DEROUARD,)

Defendants,)

MARY DOWDELL, MARCIA DOWDELL,)
REBECCA DOWDELL, ADAM DOWDELL,)
WENDY DOWDELL, DAVID DOWDELL,)
TERRY DOWDELL, JR., NONA PIERCE,)
CYNTHIA PIERCE, STEPHEN PIERCE,)
WILLOWOOD DESIGN CORPORATION,)
and AUTHORIZED AUTO SERVICE, INC.,)

Relief Defendants.)

CIVIL ACTION NO. 3:01CV00116

ORDER

JUDGE NORMAN K. MOON

Hearing was held June 30, 2008 on the *Second Motion for Final Claim Determination* (docket #742) filed by the Receiver on June 2, 2008, and supplemented by proposed exhibits. At the conclusion of the hearing, the Court took the Motion under advisement. Having reviewed the Motion and exhibits, and giving due consideration to Claimants' objections, it is this day

ADJUDGED, ORDERED AND DECREED

1. That the Motion is GRANTED in part and DENIED in part.
2. That the determinations set forth in the Amended and Restated Schedule of Claim Determinations in Exhibit A of this Order are APPROVED.
3. Claim # 0165 is REFERRED to United States Magistrate Judge B. Waugh Crigler, pursuant to 28 U.S.C. § 636(b), to conduct such proceedings as will enable him to submit to this Court proposed findings of fact and recommendations for the disposition of the Receiver's determination and Claimant's objection.¹
4. Claim # 0126: The Claimant's objection is SUSTAINED, and the Settlement and Compromise Agreement is APPROVED.
5. Claim # 0272: The Receiver's determinations, as amended, are APPROVED and Claimant's objections are OVERRULED.
6. Claim # 0285: The Claimant's objection is SUSTAINED as to classification, and the Settlement and Compromise Agreement is APPROVED.
7. Claim # 0095: The Receiver's determination, as amended, is APPROVED, and the Settlement and Compromise Agreement is APPROVED.
8. Claim # 0148: The Receiver's determination, as amended, is APPROVED, and the Settlement and Compromise Agreement is APPROVED.
9. Claim # 0218: The Receiver's determination, as amended, is APPROVED, and the Settlement and Compromise Agreement is APPROVED.
10. Claim # 0275: The Receiver's determination, as amended, is APPROVED, and the Settlement and Compromise Agreement is APPROVED.

¹ Accordingly, the Receiver's requests for an evidentiary hearing and for a pre-hearing order permitting and setting deadlines for discovery are commended to the discretion of Magistrate Judge Crigler.

11. Claims ## 0332 through 0346: The Receiver's determinations are APPROVED.

12. The Receiver is authorized to make distributions of up to 70% of funds originally on hand, less reserves for unresolved claims and administrative expenses in an amount the Receiver deems appropriate, to holders of Approved Claims as soon as reasonably practicable.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to Magistrate Judge Crigler, all counsel of record, the Receiver, and counsel for Claimant # 0165 (Neil E. McCullagh, Esq., Cantor Arkema P.C., Bank of America Center, 1111 East Main Street, PO Box 561, Richmond, VA 23218-0561).

Entered this 11 day of July, 2008.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

EXHIBIT A

S.E.C. v. Dowdell, No. 3:01cv00116 (W.D. Va.)
Amended and Restated Schedule of Claim Determinations
as of June 30, 2008

Claim Number	Determination Code	Determination	Classification of Approved Claim	Amount of Approved Claim
0001	1	Allowed	Non-Marketer	\$ 1,143,427.50
0002	7	Disallowed		\$ -
0003	3	Disallowed		\$ -
0004	3	Disallowed		\$ -
0005	1	Allowed	Non-Marketer	\$ 20,133.00
0006	unused			
0007	1	Allowed	Non-Marketer	\$ 21,857.00
0008	1	Allowed	Non-Marketer	\$ 270,000.00
0009	5	Disallowed		\$ -
0010	5	Disallowed		\$ -
0011	5	Disallowed		\$ -
0012	5	Disallowed		\$ -
0013	1	Allowed	Non-Marketer	\$ 77,125.00
0014	unused			
0015	5	Disallowed		\$ -
0016	5	Disallowed		\$ -
0017	5	Disallowed		\$ -
0018	5	Disallowed		\$ -
0019	5	Disallowed		\$ -
0020	1	Allowed	Non-Marketer	\$ 25,849.00
0021	6	Disallowed		\$ -
0022	5	Disallowed		\$ -
0023	1	Allowed	Non-Marketer	\$ 26,401.00
0024	5	Disallowed		\$ -
0025	5	Disallowed		\$ -
0026	5	Disallowed		\$ -
0027	5	Disallowed		\$ -
0028	5	Disallowed		\$ -
0029	5	Disallowed		\$ -
0030	5	Disallowed		\$ -
0031	1	Allowed	Non-Marketer	\$ 115,125.00
0032	1	Allowed	Non-Marketer	\$ 6,500.00
0033	5	Disallowed		\$ -
0034	1	Allowed	Non-Marketer	\$ 25,000.00
0035	5	Disallowed		\$ -
0036	1	Allowed	Non-Marketer	\$ 75,000.00
0037	1	Allowed	Non-Marketer	\$ 324,950.00
0038	5	Disallowed		\$ -
0039	1	Allowed	Non-Marketer	\$ 70,034.00
0040	1	Allowed	Non-Marketer	\$ 144,750.00
0041	5	Disallowed		\$ -
0042	5	Disallowed		\$ -
0043	1	Allowed	Non-Marketer	\$ 21,468.00
0044	5	Disallowed		\$ -
0045	5	Disallowed		\$ -
0046	5	Disallowed		\$ -
0047	1	Allowed	Non-Marketer	\$ 71,468.00
0048	1	Allowed	Non-Marketer	\$ 50,000.00
0049	6	Disallowed		\$ -
0050	5	Disallowed		\$ -
0051	1	Allowed	Non-Marketer	\$ 121,274.00
0052	5	Disallowed		\$ -
0053	5	Disallowed		\$ -
0054	1	Allowed	Non-Marketer	\$ 369,700.00
0055	5	Disallowed		\$ -
0056	5	Disallowed		\$ -
0057	5	Disallowed		\$ -
0058	5	Disallowed		\$ -
0059	5	Disallowed		\$ -
0060	5	Disallowed		\$ -
0061	5	Disallowed		\$ -

S.E.C. v. Dowdell, No. 3:01cv00116 (W.D. Va.)
Amended and Restated Schedule of Claim Determinations
as of June 30, 2008

Claim Number	Determination Code	Determination	Classification of Approved Claim	Amount of Approved Claim
0062	5	Disallowed		\$ -
0063	1	Allowed	Non-Marketer	\$ 50,000.00
0064	5	Disallowed		\$ -
0065	5	Disallowed		\$ -
0066	5	Disallowed		\$ -
0067	1	Allowed	Non-Marketer	\$ 22,895.00
0068	6	Disallowed		\$ -
0069	1	Allowed	Non-Marketer	\$ 45,020.00
0070	1	Allowed	Non-Marketer	\$ 43,012.59
0071	1	Allowed	Non-Marketer	\$ 25,571.98
0072	1	Allowed	Non-Marketer	\$ 44,076.86
0073	1	Allowed	Non-Marketer	\$ 105,358.19
0074	1	Allowed	Non-Marketer	\$ 101,341.51
0075	1	Allowed	Non-Marketer	\$ 50,006.80
0076	1	Allowed	Non-Marketer	\$ 40,564.23
0077	1	Allowed	Non-Marketer	\$ 238,588.27
0078	6	Disallowed		\$ -
0079	1	Allowed	Non-Marketer	\$ 35,290.00
0080	1	Allowed	Non-Marketer	\$ 58,373.00
0081	1	Allowed	Non-Marketer	\$ 71,857.00
0082	1	Allowed	Non-Marketer	\$ 20,345.00
0083	1	Allowed	Non-Marketer	\$ 21,468.00
0084	1	Allowed	Non-Marketer	\$ 21,857.00
0085	1	Allowed	Non-Marketer	\$ 25,070.00
0086	unused			
0087	unused			
0088	unused			
0089	5	Disallowed		\$ -
0090	5	Disallowed		\$ -
0091	1	Allowed	Non-Marketer	\$ 33,777.00
0092	5	Disallowed		\$ -
0093	5	Disallowed		\$ -
0094	5	Disallowed		\$ -
0095	7	Allowed	Non-Marketer	\$ 100,000.00
0096	5	Disallowed		\$ -
0097	1	Allowed	Non-Marketer	\$ 50,000.00
0098	1	Allowed	Non-Marketer	\$ 104,124.00
0099	1	Allowed	Non-Marketer	\$ 50,000.00
0100	5	Disallowed		\$ -
0101	1	Allowed	Non-Marketer	\$ 44,330.00
0102	5	Disallowed		\$ -
0103	1	Allowed	Non-Marketer	\$ 106,371.00
0104	1	Allowed	Non-Marketer	\$ 32,021.00
0105	1	Allowed	Non-Marketer	\$ 75,000.00
0106	1	Allowed	Non-Marketer	\$ 121,468.00
0107	1	Allowed	Non-Marketer	\$ 64,831.00
0108	5	Disallowed		\$ -
0109	1	Allowed	Non-Marketer	\$ 124,822.00
0110	5	Disallowed		\$ -
0111	1	Allowed	Non-Marketer	\$ 110,179.00
0112	5	Disallowed		\$ -
0113	1	Allowed	Non-Marketer	\$ 50,000.00
0114	1	Allowed	Non-Marketer	\$ 125,000.00
0115	1	Allowed	Non-Marketer	\$ 82,343.00
0116	5	Disallowed		\$ -
0117	1	Allowed	Non-Marketer	\$ 25,000.00
0118	1	Allowed	Non-Marketer	\$ 20,345.00
0119	5	Disallowed		\$ -
0120	6	Disallowed		\$ -
0121	5	Disallowed		\$ -
0122	5	Disallowed		\$ -

S.E.C. v. Dowdell, No. 3:01cv00116 (W.D. Va.)
Amended and Restated Schedule of Claim Determinations
as of June 30, 2008

Claim Number	Determination Code	Determination	Classification of Approved Claim	Amount of Approved Claim
0123	5	Disallowed		\$ -
0124	1	Allowed	Non-Marketer	\$ 60,750.00
0125	3	Disallowed		\$ -
0126	7	Allowed	Non-Marketer	\$ 150,000.00
0127	5	Disallowed		\$ -
0128	5	Disallowed		\$ -
0129	5	Disallowed		\$ -
0130	1	Allowed	Non-Marketer	\$ 140,625.00
0131	5	Disallowed		\$ -
0132	6	Disallowed		\$ -
0133	1	Allowed	Non-Marketer	\$ 34,125.00
0134	unused			
0135	1	Allowed	Non-Marketer	\$ 90,000.00
0136	5	Disallowed		\$ -
0137	5	Disallowed		\$ -
0138	5	Disallowed		\$ -
0139	5	Disallowed		\$ -
0140	1	Allowed	Non-Marketer	\$ 95,587.00
0141	1	Allowed	Non-Marketer	\$ 19,088.00
0142	5	Disallowed		\$ -
0143	5	Disallowed		\$ -
0144	5	Disallowed		\$ -
0145	1	Allowed	Non-Marketer	\$ 38,375.00
0146	5	Disallowed		\$ -
0147	5	Disallowed		\$ -
0148	7	Allowed	Non-Marketer	\$ 100,000.00
0149	5	Disallowed		\$ -
0150	5	Disallowed		\$ -
0151	5	Disallowed		\$ -
0152	5	Disallowed		\$ -
0153	5	Disallowed		\$ -
0154	5	Disallowed		\$ -
0155	5	Disallowed		\$ -
0156	3	Disallowed		\$ -
0157	3	Disallowed		\$ -
0158	5	Disallowed		\$ -
0159	1	Allowed	Non-Marketer	\$ 89,437.50
0160	2	Disallowed		\$ -
0161	1	Allowed	Non-Marketer	\$ 336,500.00
0162	5	Disallowed		\$ -
0163	5	Disallowed		\$ -
0164	1	Allowed	Non-Marketer	\$ 23,399.00
0165		pending	Non-Marketer	\$ 5,812,320.00
0166	5	Disallowed		\$ -
0167	5	Disallowed		\$ -
0168	1	Allowed	Non-Marketer	\$ 76,625.00
0169	5	Disallowed		\$ -
0170	1	Allowed	Non-Marketer	\$ 155,375.00
0171	1	Allowed	Non-Marketer	\$ 241,750.00
0172	5	Disallowed		\$ -
0173	4	Disallowed		\$ -
0174	1	Allowed	Non-Marketer	\$ 85,025.00
0175	5	Disallowed		\$ -
0176	5	Disallowed		\$ -
0177	5	Disallowed		\$ -
0178	5	Disallowed		\$ -
0179	5	Disallowed		\$ -
0180	5	Disallowed		\$ -
0181	5	Disallowed		\$ -
0182	5	Disallowed		\$ -
0183	5	Disallowed		\$ -

S.E.C. v. Dowdell, No. 3:01cv00116 (W.D. Va.)
Amended and Restated Schedule of Claim Determinations
as of June 30, 2008

Claim Number	Determination Code	Determination	Classification of Approved Claim	Amount of Approved Claim
0184	1	Allowed	Non-Marketer	\$ 589,000.00
0185	5	Disallowed		\$ -
0186	1	Allowed	Non-Marketer	\$ 37,250.00
0187	5	Disallowed		\$ -
0188	5	Disallowed		\$ -
0189	5	Disallowed		\$ -
0190	5	Disallowed		\$ -
0191	5	Disallowed		\$ -
0192	1	Allowed	Non-Marketer	\$ 144,000.00
0193	5	Disallowed		\$ -
0194	5	Disallowed		\$ -
0195	5	Disallowed		\$ -
0196	5	Disallowed		\$ -
0197	5	Disallowed		\$ -
0198	5	Disallowed		\$ -
0199	5	Disallowed		\$ -
0200	5	Disallowed		\$ -
0201	5	Disallowed		\$ -
0202	5	Disallowed		\$ -
0203	1	Allowed	Non-Marketer	\$ 202,500.00
0204	5	Disallowed		\$ -
0205	5	Disallowed		\$ -
0206	5	Disallowed		\$ -
0207	5	Disallowed		\$ -
0208	5	Disallowed		\$ -
0209	1	Allowed	Non-Marketer	\$ 15,150.00
0210	1	Allowed	Non-Marketer	\$ 19,250.00
0211	5	Disallowed		\$ -
0212	5	Disallowed		\$ -
0213	5	Disallowed		\$ -
0214	5	Disallowed		\$ -
0215	5	Disallowed		\$ -
0216	5	Disallowed		\$ -
0217	5	Disallowed		\$ -
0218	7	Allowed	Non-Marketer	\$ 100,000.00
0219	5	Disallowed		\$ -
0220	6	Disallowed		\$ -
0221	5	Disallowed		\$ -
0222	2	Disallowed		\$ -
0223	5	Disallowed		\$ -
0224	5	Disallowed		\$ -
0225	5	Disallowed		\$ -
0226	1	Allowed	Non-Marketer	\$ 57,500.00
0227	5	Disallowed		\$ -
0228	5	Disallowed		\$ -
0229	5	Disallowed		\$ -
0230	5	Disallowed		\$ -
0231	5	Disallowed		\$ -
0232	5	Disallowed		\$ -
0233	5	Disallowed		\$ -
0234	2	Disallowed		\$ -
0235	1	Allowed	Non-Marketer	\$ 68,125.00
0236	unused			
0237	1	Allowed	Non-Marketer	\$ 1,128,375.54
0238	4	Disallowed		\$ -
0239	4	Disallowed		\$ -
0240	4	Disallowed		\$ -
0241	4	Disallowed		\$ -
0242	4	Disallowed		\$ -
0243	4	Disallowed		\$ -
0244	4	Disallowed		\$ -

S.E.C. v. Dowdell, No. 3:01cv00116 (W.D. Va.)
Amended and Restated Schedule of Claim Determinations
as of June 30, 2008

<u>Claim Number Assigned</u>	<u>Determination Code</u>	<u>Determination</u>	<u>Classification of Approved Claim</u>	<u>Amount of Approved Claim</u>
0245	4	Disallowed		\$ -
0246	4	Disallowed		\$ -
0247	4	Disallowed		\$ -
0248	4	Disallowed		\$ -
0249	4	Disallowed		\$ -
0250	4	Disallowed		\$ -
0251	4	Disallowed		\$ -
0252	4	Disallowed		\$ -
0253	4	Disallowed		\$ -
0254	4	Disallowed		\$ -
0255	4	Disallowed		\$ -
0256	4	Disallowed		\$ -
0257	4	Disallowed		\$ -
0258	4	Disallowed		\$ -
0259	4	Disallowed		\$ -
0260	4	Disallowed		\$ -
0261	5	Disallowed		\$ -
0262	1	Allowed	Non-Marketer	\$ 76,625.00
0263	1	Allowed	Non-Marketer	\$ 192,470.00
0264	5	Disallowed		\$ -
0265	5	Disallowed		\$ -
0266	5	Disallowed		\$ -
0267	5	Disallowed		\$ -
0268	5	Disallowed		\$ -
0269	5	Disallowed		\$ -
0270	5	Disallowed		\$ -
0271	1	Allowed	Non-Marketer	\$ 506,000.00
0272.1	7	Allowed	Non-Marketer	\$ 68,500.00
0272.2	7	Allowed	Non-Marketer	\$ 298,437.50
0272.3	7	Allowed	Substantial Marketer	\$ -
0273	5	Disallowed		\$ -
0274	5	Disallowed		\$ -
0275	7	Allowed	Non-Marketer	\$ 100,000.00
0276	5	Disallowed		\$ -
0277	5	Disallowed		\$ -
0278	1	Allowed	Non-Marketer	\$ 160,250.00
0279	5	Disallowed		\$ -
0280	5	Disallowed		\$ -
0281	5	Disallowed		\$ -
0282	5	Disallowed		\$ -
0283	1	Allowed	Non-Marketer	\$ 227,500.00
0284	5	Disallowed		\$ -
0285	7	Allowed	Non-Marketer	\$ 1,796,558.00
0286	5	Disallowed		\$ -
0287	2	Disallowed		\$ -
0288	1	Allowed	Non-Marketer	\$ 38,375.00
0289	5	Disallowed		\$ -
0290	5	Disallowed		\$ -
0291	5	Disallowed		\$ -
0292	5	Disallowed		\$ -
0293	5	Disallowed		\$ -
0294	5	Disallowed		\$ -
0295		pending	UK Liquidator	\$ -
0296	5	Disallowed		\$ -
0297	1	Allowed	Non-Marketer	\$ 46,324.00
0298	5	Disallowed		\$ -
0299	5	Disallowed		\$ -
0300	5	Disallowed		\$ -
0301	5	Disallowed		\$ -
0302	5	Disallowed		\$ -
0303	5	Disallowed		\$ -

S.E.C. v. Dowdell, No. 3:01cv00116 (W.D. Va.)
 Amended and Restated Schedule of Claim Determinations
 as of June 30, 2008

<u>Claim Number Assigned</u>	<u>Determination Code</u>	<u>Determination</u>	<u>Classification of Approved Claim</u>	<u>Amount of Approved Claim</u>
0304	1	Allowed	Non-Marketer	\$ 200,000.00
0305	5	Disallowed		\$ -
0306	5	Disallowed		\$ -
0307	5	Disallowed		\$ -
0308	5	Disallowed		\$ -
0309	5	Disallowed		\$ -
0310	5	Disallowed		\$ -
0311	5	Disallowed		\$ -
0312	5	Disallowed		\$ -
0313	5	Disallowed		\$ -
0314	5	Disallowed		\$ -
0315	5	Disallowed		\$ -
0316		pending	ODBT/IBT Receiver	\$ -
0317	1	Allowed	Non-Marketer	\$ 156,625.00
0318	5	Disallowed		\$ -
0319	5	Disallowed		\$ -
0320	5	Disallowed		\$ -
0321	5	Disallowed		\$ -
0322	5	Disallowed		\$ -
0323	5	Disallowed		\$ -
0324	5	Disallowed		\$ -
0325	5	Disallowed		\$ -
0326	5	Disallowed		\$ -
0327	5	Disallowed		\$ -
0328	5	Disallowed		\$ -
0329	5	Disallowed		\$ -
0330	5	Disallowed		\$ -
0331	1	Allowed	Non-Marketer	\$ 95,875.00
0332	1	Allowed	Non-Marketer	\$ 54,741.40
0333	1	Allowed	Non-Marketer	\$ 8,285.00
0334	1	Allowed	Non-Marketer	\$ 37,969.79
0335	1	Allowed	Non-Marketer	\$ 12,211.00
0336	1	Allowed	Non-Marketer	\$ 17,350.00
0337	1	Allowed	Non-Marketer	\$ 2,600.00
0338	1	Allowed	Non-Marketer	\$ 16,734.00
0339	1	Allowed	Non-Marketer	\$ 1,537.00
0340	1	Allowed	Non-Marketer	\$ 8,142.14
0341	1	Allowed	Non-Marketer	\$ 16,233.00
0342	3	Disallowed		\$ -
0343	1	Allowed	Non-Marketer	\$ 5,015.00
0344	1	Allowed	Non-Marketer	\$ 84,554.00
0345	1	Allowed	Non-Marketer	\$ 25,235.81
0346	2	Disallowed		\$ -
				<u>\$ 19,484,647.61</u>

Determination Code

- 1 Allowed Claim
- 2 Disallowed Claim because prior Principal Returns plus Profit Payments exceeds the Gross Amount Invested
- 3 Disallowed Claim because the documentation submitted does not adequately support the Claim
- 4 Disallowed Claim because subsumed as part of Claim of Danish liquidator over ReviService Danmark ApS
- 5 Disallowed Claim because subsumed as part of Claim of UK Liquidator over Dobb White & Company
- 6 Disallowed Claim because duplicated by another Claim that the Receiver will process
- 7 Redetermined as an Allowed Claim