

**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,
and JON J. HAMMILL,**

Defendants.

**RECEIVER'S THIRD INTERIM REPORT,
FINDINGS AND ACTIONS TAKEN
FROM JULY 22, 2010 THROUGH OCTOBER 21, 2010**

**BUSH ROSS, P.A.
Jeffrey W. Warren
Karen Cox, Esq.
1801 N. Highland Ave.
Tampa, Florida 33601-3913
(813) 224-9255
(813) 223-9620 (fax)**

INTRODUCTION

Michael E. Moecker, the Court-appointed Receiver files his Third Interim Report to inform the Court, the investors, and others interested in this Receivership of activities to date as well as the proposed course of action. The Receiver was appointed on April 1, 2010 by the Order of the Honorable Stanley R. Mills (the “**Receivership Order**”), in the case styled *Office of the Attorney General, Department of Legal Affairs, State of Florida v. Botfly L.L.C., David R. Lewalski, and Jon J. Hammill*, in the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida, case no. 51-2010-CA-2912-WS/G. As of the date of filing this Report, the Court has appointed Michael E. Moecker or his designee employed by Michael Moecker & Associates, Inc. as Receiver over the following:

- a) Defendant Botfly L.L.C. (“**Botfly**”) and all other entities operated, controlled or otherwise associated with Botfly’s activities;
- b) Defendant David R. Lewalski (“**Lewalski**”) and all other entities operated, controlled or otherwise associated with Lewalski’s activities;
- c) Defendant Jon J. Hammill (“**Hammill**”) and all other entities operated, controlled or otherwise associated with Hammill’s activities.¹

This Report is intended to provide a synopsis of the Receiver’s actions from July 22, 2010 through October 21, 2010 (the “**Reporting Period**”) and an overview of the Receiver’s ongoing efforts to discharge his duties to marshal, preserve, protect, maintain, manage, and safeguard the assets of the Receivership Entities. Thus, unless otherwise indicated, the information reported herein reflects the information in the Receiver’s possession as of October 21, 2010.

The Receiver has established an informational website, www.botflyreceivership.com.

¹ The foregoing are collectively referred to as the “**Receivership Entities**.”

The Receiver has updated this website periodically and will continue to update it as the case progresses with court filings in the proceeding and general information regarding any litigation commenced by the Receiver to (1) recover property or other assets of the Receivership Entities; (2) pursue claims or causes of action on behalf of the Receivership Entities or on the behalf of any creditor of the Receivership Entities; (3) avoid any conveyance or transfer void or voidable by applicable law; and (4) to pursue other claims or causes of action as may be authorized or directed by further order of the Court. The Receiver will also update the website with information relating to the submission of claims against the Receivership Entities once a procedure to file claims has been established and approved by the Court.

As required by Rule 1.620(b), Fla. R. Civ. P., and the Receivership Order, the Receiver will continue to file quarterly reports to update interested parties on all material developments in the Receivership.

BACKGROUND

Botfly is a Florida limited liability company, which was formed on September 13, 2005. Beginning in at least July, 2007, Botfly solicited loans from investors in the State of Florida and throughout the United States (the “**Investors**”) promising payment of interest at the rate of 10% compounded monthly. Lewalski and Hammill advised the Investors that the funds transferred to Botfly would be invested in a foreign exchange market. Hundreds of persons and entities have been identified as having made loans to Botfly. Lewalski was a member of Botfly and at all material times served as its president. Lewalski was principally involved in Botfly’s financial transactions. Hammill directly solicited Investors and was a signer on one of Botfly’s bank accounts.

On April 1, 2010, the Office of the Attorney General, Department of Legal Affairs, State of Florida (“OAG”) filed a complaint against Botfly, Lewalski, and Hammill for violations of the Florida Securities and Investor Protection Act, Fla. Stat. §§ 517.011 et seq. and the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201 et seq. The complaint is founded on the allegation that Botfly was utilized by Lewalski and Hammill to perpetrate a Ponzi scheme and that the funds obtained from the Investors were principally used for Lewalski and Hammill’s personal benefit and were not invested in the foreign currency exchange market as represented.

On that same day, on the OAG’s motion, the Court entered (i) the Order Appointing Receiver and (ii) a Temporary Injunction. The orders were entered pursuant to the Court’s finding that it was likely that the Defendants had made false statements to the Investors, that the Defendants had misappropriated the Investors’ funds, and that an injunction was necessary to prevent the Defendants from dissipating or transferring the Investors’ funds out of the country. Among other things, these orders froze the personal and business bank accounts of the Defendants and enjoined the Defendants from transferring or disposing of any of their personal property; (ii) receiving money or property, directly or indirectly from investors or lenders; (iii) soliciting loans or investments in Botfly; and (iv) concealing, altering, or disposing of any of the books, records, or computer data of the Defendants.

Also on that same day, the Court appointed Michael E. Moecker to be the Receiver over the Receivership Entities. The Receiver has engaged Moecker & Associates to assist in the performance of his duties and the law firm of Bush Ross, P.A., and its attorneys Jeffrey W.

Warren and Karen Cox, to serve as his counsel and provide the legal services necessary to properly perform his duties.²

During the Reporting Period, counsel entered an appearance for Lewalski and Botfly and accepted service on their behalf. On information and belief, however, Lewalski remained in Europe throughout the Reporting Period contrary to his representations to Investors in April that he would soon return.

Like Hammill, Lewalski refuse to cooperate or provide information regarding the assets of the Receivership Entities. On the financial disclosure forms ordered by the record, Lewalski on behalf of himself and as an agent of Botfly invoked his privilege against self-incrimination as to providing financial information ordered by the Court including the production of Botfly records.³ Thus, throughout the Reporting Period, Lewalski and Hammill persisted in the obstruction of the Receiver's request for information relevant to the assets of the Receivership Entities.

OVERVIEW OF PRELIMINARY FINDINGS

During the Reporting Period, the Receiver continued reviewing records and information provided by Investors and third parties in response to discovery requests. Those records included trading records obtained for foreign currency exchange accounts utilized by Lewalski. The preliminary findings are unchanged from those set for in the Receiver's Second Interim Report and are restated herein. While these conclusions are not final, based upon the amount of

² The Court authorized the Receiver's employment of Bush Ross, P.A. to serve as his general counsel in this case.

³The financial statements and the correspondence from counsel refusing to provide the requested information on the grounds of the right against self-incrimination have been filed in this case and are attached to this report as Exhibit "A".

information available to the Receiver by the end of the Reporting Period, it is unlikely that they will change as the review becomes more complete.

In the OAG's Emergency Motion for Temporary Injunction Without Notice and for Appointment of Receiver and supporting papers, the OAG presented evidence showing that Lewalski and Hammill utilized Botfly to perpetrate a Ponzi scheme and thereby defrauded the Investors. While the OAG's evidence showed that the scheme began at least as early as January, 2008, the additional documents since obtained and reviewed by the Receiver indicate that the may have begun as early as 2005.

During the Reporting Period, the Receiver continued to investigate the nature and amount of trading engaged in by Botfly and the actual results of any trading. The information obtained does not reveal the deposit of income associated with foreign exchange trading in any of the bank accounts from which payments were made to Investors. The source for the funds distributed to Investors was the additional funds paid by Investors – the hallmark of a Ponzi scheme. The records of the accounts maintained for Botfly reflect that the Investor funds were significantly depleted by the personal expenditures of Lewalski, Hammill, and others and by the diversion of the funds to accounts controlled by Lewalski or Hammill. Documentation and other information obtained by the Receiver also reveal that money derived from the Investors was used by Lewalski and Hammill to fund other businesses unrelated to foreign exchange trading.

Further, it appears that although Botfly provided the Investors individual monthly statements reflecting the amount of each Investor's investment and the accrual of interest and payment of fees, in reality there was no segregation of each Investor's funds into individual accounts. The Investors' money was treated as a single source, was commingled in the various accounts utilized by Lewalski and Hammill during the scheme, and disbursements were made to

individual Investors without regard to whether that Investor's funds had been deposited in the account.

In sum, the Receiver has not been provided with any evidence supporting representations made by Hammill, Lewalski, and their agents throughout the Reporting Period that that full payment would be made to the Investors from money in trading accounts. All information collected to date supports the conclusions set forth in the March 31st Affidavit of Tim Bivins, II, filed by the OAG in support of the entry of the Temporary Injunction and the Order Appointing Receiver; namely that the majority of the Investor funds received by Botfly were deposited in ordinary bank accounts and were never invested but instead used by Lewalski and Hammill for personal expenditures or for the payment of fictitious returns to certain Investors. Indeed the records obtained of foreign exchange trading accounts demonstrate that Lewalski's trading resulted in significant losses, not gains.

ACTIONS TAKEN BY THE RECEIVER

Since his appointment, the Receiver has taken a number of steps to fulfill his mandates under the Order Appointing Receiver. The Order Appointing Receiver requires the Receiver to "marshal, preserve, protect, maintain, manage and safeguard the Assets of Defendants in a reasonable, prudent, diligent, and efficient manner." The Court instructed the Receiver to take possession of assets and granted him the exclusive right to pursue collect and control all monies belonging to or otherwise generated by Botfly, Lewalski or Hammill. The Court empowered the Receiver to file suit against persons or entities to recover property of Botfly, Lewalski or Hammill including fraudulent conveyances and other claims and causes of action of Botfly, Lewalski or Hammill or any of their creditors.

A. Securing the Receivership Entities' Assets

As stated above, the Court mandated the Receiver to “take possession and control of all of the assets in the possession or under the control of Defendants whether such property is held by Defendants directly, beneficially or otherwise.” (Order Appointing Receiver at 6.) In discharge of this responsibility, the Receiver continued to investigate the activities of the Receivership Entities.

As of October 21, 2010, approximately **\$3,711,191.55** in cash in financial accounts titled in the name of the Receivership Entities and in proceeds of the sale of a 2010 Porsche had been transferred to the Receiver pursuant to the Temporary Injunction and the Order Appointing Receiver.

B. Securing Additional Funds

One of the Receiver’s highest priorities is to locate and recover any additional funds. During the Reporting Period, the Receiver recovered **\$5,085.04** of additional funds. The Receivership funds are held in an interest-bearing money market account at the Bank of America. During the Reporting Period, **\$1,890.82** in interest was credited to the Receivership account.

The Receiver continued to work to obtain possession of funds held in other accounts of the Receivership Entities and deposits and prepayments for executory contracts. These accounts include foreign accounts in England and Switzerland.⁴ The Receiver will continue to pursue recovery of all funds in accounts or held as deposits for the Receivership Entities.

⁴ Accounts have been identified at Deutsche Bank, in England, and Dukascopy in Switzerland. The records obtained by the Receiver reflect the transfer of funds to those institutions from accounts in the United States. The Receiver has not obtained access to current account information for those accounts, and the amount of funds remaining in the accounts can not be confirmed by the Receiver. The OAG took immediate steps to notify those institutions of the

C. Securing Additional Non-Cash Assets

During the Reporting Period the Receiver' continued to investigate the location of additional assets belonging to the Receivership Entities. In particular, the Receiver continued in his efforts to locate four missing vehicles purchased with Investor funds. Lewalski would not provide the Receiver with information regarding the location of those vehicles.

The Receiver has not been able to extract data from the computers that were taken into his possession pursuant to the Order Appointing Receiver because the data on the computers had either been removed, is password protected, or was encrypted. The Receiver has not been able to obtain access to Botfly's website which was hosted by a Panamanian company and was taken down shortly after the commencement of the case. Despite these circumstances, the Receiver expects to secure additional recoveries of non-cash assets.

The Receiver will pursue causes of action for transfers made by the Receivership Entities and expects to commence such actions in the next several months.

D. Receivership Accounting Report

Attached as Exhibit B to this Report the cash accounting report showing the amount of money on hand at the inception of the Receivership less operating expenses plus revenue through October 21, 2010 and the cash accounting report for the Reporting Period. The cash accounting reports do not reflect non-cash or cash equivalent assets. The value of the property discussed in this and prior reports, therefore, is not included in the cash accounting reports.

No payment has been made to the Receiver or Bush Ross, P.A. for the fees incurred since April 30, 2010. The Receiver and Bush Ross have received payment of costs expended from

entry of the Temporary Injunction and the freezing of the accounts, and the Receiver has continued to coordinate with the OAG to attempt to require these foreign institutions to honor the Court's mandate that the funds be transferred to the Receivership.

April 1, 2010 to April 30, 2010, and the payment of certain of the fees pursuant to an order of this Court.⁵ The payments of these fees and costs are reflected on the cash accounting reports the Reporting Period.

The Receiver has filed a motion for an order awarding fees and the reimbursement of certain costs incurred by Michael Moecker & Associates, Inc. and Bush Ross, P.A. for the period from May 1, 2010 through September 30, 2010 (the “**Second Interim Fee Motion**”). The Court has set the matter for a hearing on November 22, 2010. The fees and expenses sought in the Second Interim Fee Motion will not be paid until authorized by the Court and are not reflected on the cash accounting report.

THE NEXT QUARTER

The Receiver continues to receive and analyze documents requested from third parties. In order to complete his understanding of the flow of funds through the Receivership Entities, to identify any additional sources of recovery, and to prepare an accounting, it will be necessary for the Receiver to obtain and review all such documents. The Receiver continues to work diligently on this task and will make additional inquiry arising from the information received.

The Receiver will continue to compile and analyze information regarding payments made and received by individual Investors to begin to assess the Investors’ claims against the Receivership Entities. The Receiver will commence the claims process as soon as practical taking into consideration the progress of the litigation of the OAG’s claims against the Receivership Entities. To this end the Receiver prepared a proposed proof of claim form and has

⁵ Pursuant to the Order Appointing Receiver, the Receiver is authorized to pay from the Receivership Estate’s funds 80% of Bush Ross Fees and 100% of its costs, with the remaining amount to be held back pending final application to the Court.

requested the Court's approval of a claims process for the distribution of Botfly funds to investors with valid claims.

The Receiver will also continue to investigate issues relating to the potential liability of third parties to the Receivership Entities or Investors. In this regard, based on the information obtained during the Reporting Period in furtherance of his on-going investigation of the Receivership Entities business and affairs, the Receiver anticipates that he will bring actions in the future.

CONCLUSION

Creditors of and Investors in the Receivership Entities are encouraged to periodically check the informational website (www.botflyreceivership.com) for current information regarding the Receivership. The Receiver encourages individuals or attorneys representing Investors who may have information that may be helpful in securing further assets for the Receivership estate or identifying other potential parties who may have liability to either the Receivership estate or Investors directly to either email kcox@bushross.com or call Karen Cox at (813) 204-6433.

Dated: Tampa, Florida
November 22, 2010

BUSH ROSS, P.A.
Post Office Box 3913
Tampa, Florida 33601-3913
(813) 224-9255 (telephone)
(813) 223-9620 (facsimile)
Attorneys for the Receiver

By: Karen Cox
Jeffrey W. Warren
Florida Bar No. 150024
jwarren@bushross.com
Karen Cox
Florida Bar No. 456667
kcox@bushross.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22th day of November, 2010 a true and correct copy

of the foregoing has been furnished via email Mail to the following:

R. Scott Palmer, Esq.
Gregory S. Slempp, Esq.
Nicholas J. Weilhammer, Esq.
PL-01: The Capitol
Tallahassee, Florida 32399-1050

Jon J. Hammill
P.O. Box 530181
St. Petersburg, FL 33747

Erik R. Matheney, Esq.
Hill, Ward & Henderson, P.A.
P.O. Box 2231
Tampa, FL 33601-2231

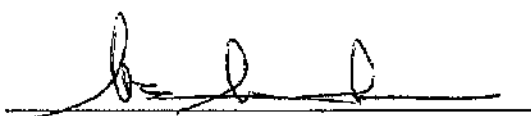
Kristine McAlister Brown , Esq.
Michael Brown, Esq.
Alston & Bird, LLP
1201 W. Peachtree St.
Atlanta, GA 30309

Craig Carpenito, Esq.
Alston & Bird, LLP
90 Park Ave.
New York, NY 10016-1387

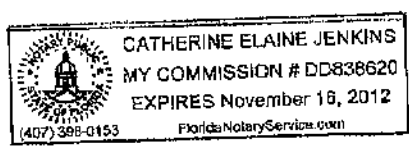
Karen Cox

Attorney

In witness whereof, the undersigned, Michael Moecker, hereby files this ^{icc}~~Second~~ ^{Third} Report of Inventory, Findings and Actions Taken from July 22, 2010 to October 21, 2010 with the Honorable Stanley R. Mills, Circuit Court Judge of the Sixth Judicial Circuit in and for Pasco County, Florida, and declare under penalty of perjury and under the laws of the United States that the foregoing statements are true and correct on this 22nd day of November, 2010.


Michael Moecker
P.O. Box 1757
Mt. Dora, Florida 32756

Sworn and subscribed before me this 22nd day of November, 2010 by Michael Moecker, who is personally known to me or who produced FL DL # M260-545-43-446 as identification.





Notary Public, State of Florida
Printed Name: Catherine Elaine Jenkins
My Commission Expires: 11/16/2012

EXHIBIT A

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

----- X	
OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA,	
Plaintiff,	Case No. 51-2010-CA-2912-WS/G
-against-	NOTICE OF COMPLIANCE
BOTFLY L.L.C., DAVID R. LEWALSKI, and JON J. HAMMILL,	
Defendants.	
----- X	

In accordance with the Amended Order Appointing Receiver, dated April 14, 2010, I submit this Notice of Compliance on behalf of my clients, Defendants Botfly L.L.C. ("Botfly") and David R. Lewalski ("Lewalski"), certifying that each submitted Financial Statements, pursuant to paragraph 18 of the Order, via electronic mail to Karen Cox at kcox@bushross.com on August 6, 2010. A copy of the transmittal email and Financial Statements are attached hereto.

Dated: Atlanta, Georgia
August 10th, 2010

ALSTON & BIRD LLP

By: *Kristine M. Brown*

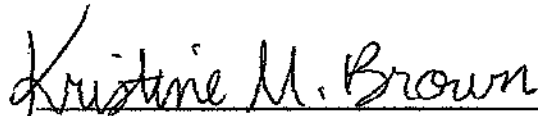
Kristine McAlister Brown
Florida Bar # 433640

1201 West Peachtree Street
Atlanta, GA 30309-3424
Phone: 404-881-7584

*Attorney for Defendants Botfly L.L.C. and
David R. Lewalski*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Compliance has been furnished by U.S. mail to Jeffrey W. Warren and Karen Cox, Bush Ross, P.A., P.O. Box 3913, Tampa, FL 33601-3913; Bill McColhum and Gregory S. Slemp, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and by email to Jon J. Hammill at jonhammill@yahoo.com on this 10th day of August, 2010.



Kristine McAlister Brown

Plucknett, Leticia

From: Brown, Mike
Sent: Friday, August 06, 2010 4:55 PM
To: Karen Cox
Cc: Carpenito, Craig; Plucknett, Leticia
Subject: FW: Office of the Attorney General v. Botfly LLC, et al., Case No. 51-2010-CA-2912-WS/G

Ms. Cox,

Attached please find the financial statements of David Lewalski and Botfly, LLC. As you know we have only recently appeared for Mr. Lewalski in this matter. Though Mr. Lewalski has filled out some of the basic information on the forms, he will be invoking his Fifth Amendment right against self incrimination as to the balance of the questions at this time. Similarly, Botfly, through Mr. Lewalski, has provided answers to some basic questions, but will be invoking its Fifth Amendment right as well. We are currently working diligently to determine what records, if any, Mr. Lewalski has in his possession and/or control given the searches and various freeze orders currently in place and may be able to supplement this information in the future.

It is unclear whether you still intend to proceed with an Order to Show Cause against Mr. Lewalski and Botfly given the fact that they have responded to certain of your request and/or invoked the privilege as to others; however, should you proceed with a motion, August 12th will not work for us. First, we have conflicts and cannot appear on that date. Second, we will want time to submit an opposition to any such motion and would need to set down a reasonable briefing schedule.

Please let me know if you have any questions.

Best regards,

Mike Brown
Craig Carpenito



LEWALSKI_SIPA -- LEWALSKI_SIPA --
Botfly Financ... Lewalski Fina...

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,
and JON J. HAMMILL,

Defendants.

FINANCIAL STATEMENT FOR BOTFLY, L.L.C.

Name of Entity: Botfly LLC
Name and title of person filling out this form: DAVID R. LEWALSKI
Telephone number: 727-656-3058
Place of Business: 4813 SW 91 ST DRIVE GAINESVILLE FL 32608
Mailing Address (if different): 5745 SW 75 ST GAINESVILLE FL 32609
Gross/taxable income reporter for federal income tax purpose last three years:
\$ _____ / \$ _____ / \$ _____ / \$ _____
Taxpayer Identification Number: 20-3507746
Is this entity an S corporation for federal income tax purposes? YES NO
Average number of employees per month: _____
Name of each shareholder, member, or partner owing 5% or more of the entity's common stock, preferred stock, or other equity interest:

Names of officers, directors, members, or partners: _____

Checking account at: _____ Account #: _____
Savings account at: _____ Account #: _____
Does the entity own any vehicles? YES NO
For each vehicle please state:
Year/Make/Model: _____ Color: _____ Vehicle I.D. No.: _____
Tag No.: _____ Mileage: _____
Names on Title: _____

Present Value: \$ _____ Loan owed to: _____
Balance on Loan: \$ _____ Monthly payment: \$ _____
Does the entity own any real property? _____ YES _____ NO
If yes, please state the address(es): _____

Please check if the entity owns the following:

_____ Boat
_____ Camper
_____ Stocks/bonds
_____ Other real property
_____ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All cancelled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meeting of the entity's members, partners, shareholder, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

BOTFLY, L.L.C.

By: [Signature]

Title: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by _____, on behalf of BOTFLY, L.L.C., who is personally known to me or has produced _____ as identification and who _____ did/did not _____ take an oath.

WITNESS my hand and official seal, this _____ day of _____, 2010

Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

BOTFLY, L.L.C. SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE RECEIVER'S ATTORNEY, JEFFREY W. WARREN, BUSH ROSS, P.A., 1801 N. HIGHLAND AVE., TAMPA, FL 33602.

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,
and JON J. HAMMILL,

Defendants.

FINANCIAL STATEMENT FOR DAVID R. LEWALSKI

Full Legal Name: David R Lewalski
Nicknames or Aliases: _____
Residence Address: 4813 SW 91ST DRIVE GAINESVILLE FL 32608
Mailing Address (if different): 5745 SW 75TH #201 GAINESVILLE FL 32608
Telephone Numbers: (Home) 727-656-3058
(Business) _____
Name of Employer: Botfly LLC
Address of Employer: 4813 SW 91ST DRIVE GAINESVILLE FL 32608
Position or Job Description: Sole Proprietor / MANAGING MEMBER
Rate of Pay: \$ _____ per _____ Average Paycheck: \$ _____ per _____
Average Commissions or Bonuses: \$ _____ per _____
Commissions or bonuses are based on: _____
Other Personal Income: \$ _____ from _____
(Explain details on the back of this sheet or an additional sheet if necessary.)
Social Security Number: 012-46-7312 Birthdate: 05-15-1963
Driver's License Number: _____
Marital Status: _____ Spouse's Name: _____

SPOUSE RELATED PORTION

Spouse's Address (if different): _____
Spouse's Social Security Number: _____ Birthdate: _____
Spouse's Employer: _____
Spouse's Average Paycheck or Income: \$ _____ per _____

Other Family Income: \$ _____ per _____

(Explain details on back of this sheet or on additional sheet if necessary.)

Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or on an additional sheet if necessary.

Names and Ages of All Your Children (and addresses if not living with you): _____

Child Support or Alimony Paid: \$ _____ per _____

Names of Others You Live With: _____

Who is Head of Your Household? _____ You _____ Spouse _____ Other Person _____

Checking Account at: _____ Account # _____

Savings Account at: _____ Account # _____

For Real Estate (and) You Own or Are Buying:

Address: _____

All Names on Title: _____

Mortgage Owed to: _____

Balance Owed: \$ _____

Monthly Payment: \$ _____

(Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

For All Motor Vehicles You Own or Are Buying:

Year/Make/Model: _____ Color: _____

Vehicle ID No.: _____ Tag No: _____

Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to: _____

Balance on Loan: \$ _____

Monthly Payment: \$ _____

(List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property, market value, and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? _____ Amount Owed: \$ _____

Name and Address of Person Owing Money: _____

Reason money is owed: _____

c) All persons

d) Any debt

submitted to any person or entity within the last 3 years.

f) Your last 3 filed income tax returns and all schedules thereto.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.


David R. Lewalski

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by _____, who is personally known to me or has produced _____ as identification and who _____ did/did not _____ take an oath.

WITNESS my hand and official seal, this _____ day of _____, 2010

Notary Public, State of Florida
Print Name: _____
My Commission Expires: _____

DAVID R. LEWALSKI SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE RECEIVER'S ATTORNEY, JEFFREY W. WARREN, BUSH ROSS, P.A., 1801 N. HIGHLAND AVE., TAMPA, FL 33602.

EXHIBIT B

Account Summary by Category Code - Detail

All Transactions Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXX - DEFAULT JUDGE

Date	Received From	Item Description	Bank Account	Transaction	Amount
Deposits					
04/30/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	188.37
05/28/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	271.85
06/30/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	272.76
07/30/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	288.41
08/31/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	99.42
08/31/10	FIFTH THIRD BANK	INTEREST REC'D FROM BANK	7432858426	Interest	631.99
09/30/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	9.08
09/30/10	FIFTH THIRD BANK	INTEREST REC'D FROM BANK	7432858426	Interest	861.92
3362 - Interest Income Total:					2,623.80
04/09/10	FLORIDA CITIZENS BANK - (4192)	RECOVERY OF BANK A/C-BOTFLY	4437417013	Deposit 1	294,216.67
04/12/10	BOTFLY	BOA - (6691) LEWALSKI	4437417013	Adjust-In	17,950.81
04/12/10	BOA - (5458) HAMMILL	RECOVERY OF BANK ACCOUNT	4437417013	Adjust-In	35,740.55
04/12/10	BOA - (7098) BOTFLY	RECOVERY OF BANK ACCOUNT	4437417013	Adjust-In	85,886.93
04/12/10	BOA - (1660) LEWALSKI	RECOVERY OF BANK ACCOUNT	4437417013	Adjust-In	128,699.21
04/12/10	BOA - (7434) BOTFLY	RECOVERY OF BANK ACCOUNT	4437417013	Adjust-In	145,176.10
04/12/10	BOA - (5540) BOTFLY	RECOVERY OF BANK ACCOUNT	4437417013	Adjust-In	286,973.17
04/12/10	BOA - (5586) BOTFLY	RECOVERY OF BANK ACCOUNT	4437417013	Adjust-In	2,511,075.83
04/21/10	FIFTH THIRD - (2101)-LEWALSKI	RECOVERY OF BANK A/C	4437417013	Deposit 2	29,922.79
04/29/10	DEPOSIT-LEWALSKI	RECOVERY OF CASH	4437417013	Deposit 3	67.60
05/24/10	WACHOVIA	RECOVERY OF BANK A/C-HAMMILL	4437417013	Deposit 5	167,898.91
07/08/10	PEREGRINE FINANCIAL GROUP	RECOVERY OF BANK A/C	4437417013	Deposit 0	15,145.53
07/16/10	FX SOLUTIONS LLC	RECOVERY OF BANK A/C IFX	4437417013	Adjust-In	997.99
08/27/10	FOREX BANK	WIRE	4437417013	Adjust-In	100.01
09/14/10	GROW FINANCIAL	RECOVERY OF BANK A/C	4437417013	Deposit 0	4,985.03
3525 - Recovery Bank Accounts Total:					3,724,837.13

Account Summary by Category Code - Detail

All Transactions Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXX - DEFAULT JUDGE

Date	Received From	Item Description	Bank Account	Transaction	Amount
Deposits					
05/11/10	UNITED STATES TREASURY	REFUND	4437417013	Deposit 4	190.29
			3660	- Refunds Total:	190.29
07/15/10	KEITH SHAW/PRINCETON PORCHE N.J.	WIRE-VEHICLE SALE	4437417013	Adjust-In	140,000.00
			3775	- Sale of Assets Total:	140,000.00
				Deposits Total:	3,867,651.22

Disbursements

05/24/10	LITIGATION SOLUTIONS LLC	INV # SUR000039762	4437417026	Check 1013	-650.00
07/08/10	LITIGATION SOLUTIONS LLC	INV # SUR000039564	4437417026	Check 1023	-650.00
			3365	- Professional Fees Total:	-1,300.00
06/28/10	ANDREWS INTERNATIONAL	INV # 4775-001-01	4437417026	Check 1022	-1,561.75
			4178	- Computer/Technology Total:	-1,561.75
04/26/10	TANENBAUM HARBOR OF FLORIDA	2006 EDGEWATER POWERBOAT	4437417026	Check 1005	-2,482.74
			4210	- Insurance Total:	-2,482.74
09/02/10	BUSH ROSS, P.A.	LEGAL FEES	4437417026	Check 1032	-35,202.28
			4260	- Legal Fees Total:	-35,202.28
05/13/10	VYSTAR CREDIT UNION	INV # 1826	4437417026	Check 1011	-19.75
06/03/10	WELLS FARGO BANK NA	INV # 61701 CASE # 1762221	4437417026	Check 1016	-66.80
06/09/10	LEXISNEXIS RISK SOLUTIONS GA INC.	ACCT # 5212501	4437417026	Check 1017	-268.50
			4265	- Legal Costs Total:	-355.05
08/06/10	GROW FINANCIAL FEDERAL CREDIT UNION	ACCT # 0000956788, LOAN # 80	4437417026	Check 1029	-509.88

Account Summary by Category Code - Detail

All Transactions Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXX - DEFAULT JUDGE

Date	Disbursed To	Item Description	Bank Account	Transaction	Amount
09/30/10	GROW FINANCIAL FEDERAL CREDIT UNION	ACCT # 0000956788, LOAN # 80,	4437417026	Check 1040	-1,019.76
				4295 - Loan Total:	-1,529.64
06/18/10	WINDOWMAN AMOR INC	INV # 0067152	4437417026	Check 1020	-115.00
				4320 - Maintenance Total:	-115.00
04/12/10	LOGGERHEAD CLUB & MARINA	MARINA RENTAL HIN#DMA05124L506	4437417026	Check 1000	-864.56
05/26/10	LOGGERHEAD CLUB & MARINA	INV # 809430	4437417026	Check 1015	-432.28
06/25/10	LOGGERHEAD CLUB & MARINA	INV # 809782	4437417026	Check 1021	-432.28
07/27/10	LOGGERHEAD CLUB & MARINA	INV # 810161	4437417026	Check 1026	-432.28
08/26/10	LOGGERHEAD CLUB & MARINA	INV # 810524	4437417026	Check 1031	-432.28
09/22/10	LOGGERHEAD CLUB & MARINA	INV # 00619 OCTOBER	4437417026	Check 1038	-432.28
				4340 - Rent Total:	-3,025.96
04/15/10	TONY & SON TOWING & RECOVERY	INV DATED 04/09/10	4437417026	Check 1003	-435.00
04/27/10	A-AARON MOVERS INC	INV # 148	4437417026	Check 1006	-1,920.10
05/07/10	TONY & SON TRUCKING AND TOWING	INV # 1748	4437417026	Check 1009	-660.00
				4350 - Moving Expense Total:	-3,015.10
09/27/10	THE UPS STORE # 2715	STMT DATED 08/31/10	4437417026	Check 1039	-47.55
				4400 - Office Expense Total:	-47.55
09/02/10	M. MOECKER & ASSOCIATES	FEES	4437417026	Check 1033	-91,247.21
				4479 - Receiver Fees Total:	-91,247.21
09/14/10	FIFTH THIRD	SERVICE FEE	7432858426	Adjust-Out	-431.25
10/14/10	FIFTH THIRD	SERVICE FEE	7432858426	Adjust-Out	-420.00
				4553 - Service Fees Total:	-851.25

Account Summary by Category Code - Detail

All Transactions Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXX - DEFAULT JUDGE

Date	Disbursed To	Item Description	Bank Account	Transaction	Amount
Disbursements					
04/14/10	MARSHALL SECURITY SERVICES INC	ORDER # 2302	4437417026	Check 1002	-3,134.56
05/05/10	SIU CENTRAL	INV # 5991	4437417026	Check 1008	-581.50
05/25/10	SECURITAS SECURITY SERVICES USA INC	INV # E1681008 & E1684189	4437417026	Check 1014	-2,841.47
4560 - Security Total:					-6,557.53
04/20/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17	4437417026	Check 1004	-154.79
05/05/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1007	-215.64
05/13/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1010	-215.64
05/18/10	INTERSTAJE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1012	-309.58
06/10/10	TONY & SON TRUCKING AND TOWING	INV # 60110-3-1	4437417026	Check 1018	-1,590.00
06/17/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1019	-309.58
07/09/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1024	-215.64
07/22/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1025	-309.58
07/30/10	TONY & SON TRUCKING AND TOWING	INV # DATED 07/14/10	4437417026	Check 1027	-1,290.00
08/05/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1028	-215.64
08/19/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1030	-309.58
09/07/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1034	-215.64
09/14/10	TONY & SON TRUCKING AND TOWING	INV # DATED 08/30/10	4437417026	Check 1035	-1,380.00
09/17/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1036	-309.58
09/17/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1037	-215.64
10/14/10	TONY & SON TRUCKING AND TOWING	INV # DATED 10/13/10	4437417026	Check 1041	-1,350.00
10/21/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1042	-309.58
4575 - Storage Total:					-8,916.11
04/12/10	INTERNATIONAL SURETIES, LTD.	BOND # 016040909	4437417026	Check 1001	-252.50
4580 - Surety Bond Total:					-252.50
Disbursements Total:					-156,459.67

Account Summary by Category Code - Detail

All Transactions Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXXX - DEFAULT JUDGE

Date	Disbursed To	Item Description	Bank Account	Transaction	Amount
Net Balance:					3,711,191.55

Account Summary by Category Code - Detail

Transactions From 07/21/10 Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXX - DEFAULT JUDGE

Date	Received From	Item Description	Bank Account	Transaction	Amount
Deposits					
07/30/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	288.41
08/31/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	99.42
08/31/10	FIFTH THIRD BANK	INTEREST REC'D FROM BANK	7432858426	Interest	631.99
09/30/10	Bank of America	INTEREST REC'D FROM BANK	4437417013	Interest	9.08
09/30/10	FIFTH THIRD BANK	INTEREST REC'D FROM BANK	7432858426	Interest	861.92
		3362 - Interest Income Total:			1,890.82
08/27/10	FOREX BANK	WIRE	4437417013	Adjust-In	100.01
09/14/10	GROW FINANCIAL	RECOVERY OF BANK A/C	4437417013	Deposit 0	4,985.03
		3525 - Recovery Bank Accounts Total:			5,085.04
		Deposits Total:			6,975.86
Disbursements					
09/02/10	BUSH ROSS, P.A.	LEGAL FEES	4437417026	Check 1032	-35,202.28
		4260 - Legal Fees Total:			-35,202.28
08/06/10	GROW FINANCIAL FEDERAL CREDIT UNION	ACCT # 0000956788, LOAN # 80	4437417026	Check 1029	-509.88
09/30/10	GROW FINANCIAL FEDERAL CREDIT UNION	ACCT # 0000956788, LOAN # 80,	4437417026	Check 1040	-1,019.76
		4295 - Loan Total:			-1,529.64
07/27/10	LOGGERHEAD CLUB & MARINA	INV # 810161	4437417026	Check 1026	-432.28
08/26/10	LOGGERHEAD CLUB & MARINA	INV # 810524	4437417026	Check 1031	-432.28
09/22/10	LOGGERHEAD CLUB & MARINA	INV # 00619 OCTOBER	4437417026	Check 1038	-432.28
		4340 - Rent Total:			-1,296.84
09/27/10	THE UPS STORE # 2715	STMT DATED 08/31/10	4437417026	Check 1039	-47.55
		4400 - Office Expense Total:			-47.55

Account Summary by Category Code - Detail

Transactions From 07/21/10 Thru 10/21/10

Trustee: 293400 - Michael Moecker & Associates, Inc.

Case: 10-04063

Debtor: BOTFLY L.L.C

Judge: XXX - DEFAULT JUDGE

Date	Disbursed To	Item Description	Bank Account	Transaction	Amount
Disbursements					
09/02/10	M. MOECKER & ASSOCIATES	FEES	4437417026	Check 1033	-91,247.21
4479 - Receiver Fees Total:					-91,247.21
09/14/10	FIFTH THIRD	SERVICE FEE	7432858426	Adjust-Out	-431.25
10/14/10	FIFTH THIRD	SERVICE FEE	7432858426	Adjust-Out	-420.00
4553 - Service Fees Total:					-851.25
07/22/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1025	-309.58
07/30/10	TONY & SON TRUCKING AND TOWING	INV # DATED 07/14/10	4437417026	Check 1027	-1,290.00
08/05/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1028	-215.64
08/19/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1030	-309.58
09/07/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1034	-215.64
09/14/10	TONY & SON TRUCKING AND TOWING	INV # DATED 08/30/10	4437417026	Check 1035	-1,380.00
09/17/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1036	-309.58
09/17/10	SOUTH WEST SELF STORAGE	UNIT # 0506	4437417026	Check 1037	-215.64
10/14/10	TONY & SON TRUCKING AND TOWING	INV # DATED 10/13/10	4437417026	Check 1041	-1,350.00
10/21/10	INTERSTATE MINI STORAGE INC	UNIT # 00N17, 00L10	4437417026	Check 1042	-309.58
4575 - Storage Total:					-5,905.24
Disbursements Total:					-136,080.01
Net Balance:					-129,104.15