

I. THE RECEIVER COMPLIED WITH THE NOTICE REQUIREMENTS IN THE ORDER ESTABLISHING A CLAIMS PROCESS.

On May 1, 2019, Judge Kim granted the Receiver's motion for entry of an order approving a claims process and establishing a claims bar date of July 1, 2019. (Docket No. 349)

Pursuant to this Order, the Receiver was ordered to:

- (1) retain the services of Axos Fiduciary Services ("Axos") to send notices by U.S. Mail (eliminating the possibility of e-mail notices being redirected to junk folders) to all known potential claimants and to host a claims portal by no later than May 22, 2019;
- (2) notify the claimants that claims must be submitted through the online portal or by U.S. Mail by no later than July 1, 2019;
- (3) file a status report by August 1, 2019, confirming compliance with the Order and identifying liens that are neither disputed or contested by either the Receiver or competing liens; and
- (4) file a status report by August 15, 2019, identifying those liens that are contested and the Receiver's preliminary explanation for the dispute. (*Id.*)

On May 2, 2019, the Receiver sent e-mails to all known EquityBuild "investors" to obtain an updated mailing address for the claims notice. A copy of the form of this correspondence is attached as **Exhibit 1**. In turn, hundreds of potential claimants provided a mailing address. The Receiver then sent follow-up e-mails to investors who did not respond to the first e-mail and searched EquityBuild records to determine last known mailing addresses for potential claimants. Through these efforts, the Receiver compiled an updated list of 934 known potential claimants comprised of 761 "investors" and 173 other creditors.

The Receiver then caused Axos to distribute notice of the claims process by U.S. Mail on May 22, 2019. A copy of that notice is attached as **Exhibit 2**. Axos sent a total of 923 notices by U.S. Mail. On or after May 22, 2019, the Receiver sent an additional eleven notices by U.S.

Mail and ten notices via e-mail (to certain claimants for whom no mailing address was available).

The Receiver thereafter sent additional e-mail correspondence to all known potential claimants for whom the Receiver had an e-mail address on May 23, 2019, June 13, 2019, and June 24, 2019 to remind potential claimants of the bar date and the requirements for submitting a claim and to provide a direct link to the Axos claims portal. Copies of the form of these e-mails are attached as **Exhibits 3-5**, respectively.

Additionally, the Receiver's forensic consultant, Prometheus Technologies, Inc., updated the Receivership webpage to include a claims section with the bar date displayed prominently. A screenshot from the webpage showing how this information appeared is attached as **Exhibit 6**. This claims section on the Receivership webpage also included a link to the Axos claims portal, copies of the claims notice, general instructions, a proof of claim form, and a link for sending an e-mail to a claims-dedicated e-mail account the Receiver established for responding to questions or technical issues relating to the claims process.

The Receiver and his staff received approximately 740 e-mails sent to the dedicated claims e-mail account and sent approximately 622 e-mails from this account as of July 30, 2019. Additionally, some claimants sent e-mails to the EquityBuild Receiver e-mail address, others sent e-mails directly to the Receiver, his counsel, and his paralegals, and still others left voice-mails for the Receiver and his staff, who used their best efforts to respond to all questions in a timely and appropriate fashion.

II. CLAIMS RECEIVED AND RECEIVER'S PRELIMINARY REVIEW

At the outset, it is important to note that the information contained in this report is preliminary and based on the best information known at the time this report is submitted. This

report provides preliminary information but does not contain any conclusions or admissions. It also identifies some issues that may impact the claims analysis, but it is neither comprehensive nor exhaustive in that regard.

On or before July 1, 2019, a total of 1,892 claims were submitted through the claims portal.¹ Of these submissions, there are 1,549 claims that appear to have been submitted in connection with a debt or equity investment in a specific individual property and 343 claims that were either not investment-related (*i.e.*, claims submitted by employees, independent contractors, trade creditors, and others) or were submitted in connection with debt or equity investments in multiple properties. An additional 150 claims submissions were received by either mail and e-mail on or before July 1, 2019. Of these submissions, some consisted only of supporting documentation associated with claims submitted through the portal; others appear to be duplicate copies of submissions that were also made through the portal; and yet others include completed claim forms and documents submitted only to the Receiver. The Receiver also granted extensions of the bar date to ten claimants for whom extenuating circumstances appeared to preclude a timely filing (*e.g.*, due to lack of computer access, travel, death in the family, or lack of notice), and some of those claims have not yet been submitted. The Receiver also granted requests from certain institutional lenders to submit complete documentation after the July 1, 2019 bar date.

As reflected in the Receiver's most recent status report (Docket No. 467 at 2) there are 115 properties in the Estate. Based on the Receiver's preliminary review, each property in the

¹ Axos is obtaining key information (such as claimant name, claimed amount, type of claim, and, in certain instances, property address) from each claim form submitted through the claims portal. Axos is compiling this information into summary Excel spreadsheets for the Receiver and is hosting a database (at no additional charge) for all claims data (including this key information, proof of claim forms, and supporting documents). The compilation and quality review for these spreadsheets remains in process.

Receivership Estate appears to have been identified in at least one claim (whether secured or unsecured). Further, at this stage, the Receiver has not identified any secured claims that are clearly uncontested or undisputed. In addition to claims relating to these properties, claims were also submitted in connection with approximately 25 additional properties not presently identified as within the Receivership Estate. It appears that some, if not all, of these are properties that EquityBuild sold or otherwise disposed of prior to the inception of the Receivership.

Generally speaking, the claims submitted to the Receiver may present one or more of the following issues, without limitation:

- Whether, and to what extent, releases and payoff letters issued by EquityBuild Finance in connection with mortgage debt refinancings through institutional lenders were legally sufficient or insufficient to extinguish the “first in time” security interests of EquityBuild investor-lenders.
- Whether, and to what extent, unrecorded mortgages on various EquityBuild Receivership Estate properties are entitled to recognition and priority.
- As to properties encumbered exclusively by EBF-affiliate debt (*i.e.*, mortgage loans obtained from “investor-lenders”), whether, and to what extent, the EBF investor-lenders received payments of principal and interest.
- Whether, and to what extent, funds wired to EquityBuild Finance in connection with the closings of refinancings through institutional lenders were ever, in turn, distributed to the applicable “investor-lenders.”
- As to properties solely encumbered by institutional mortgage debt, whether and to what extent the lender is entitled to recover contract interest, default rate interest, prepayment penalties, attorneys’ fees, costs, and other sums.

- The amount of any lien the Receiver may assert for administrative expenses.

In addition, and based on a preliminary review, it appears some claims contain assertions that may not be supported by the documentation submitted with the claim (*e.g.*, the secured nature of the claim). Accordingly, the Receiver needs to compare the claims forms to the supporting documentation, and in some instances to other available records, whether recovered through EquityBuild or its outside counsel, accountants, and vendors, or obtained by the Receiver through the issuance of subpoenas, or gleaned from public records. In addition, there were a number of instances where investor-lenders “rolled over” their proceeds from one investment into one or more other investments in circumstances where the gains from the initial investment were illusory, resulting in the need for careful untangling by the Receiver.

Before a plan of distribution may be recommended to the Court, therefore, the Receiver will need to carefully parse through the supporting documentation received from all claimants – documentation that ranges up to 1,500 pages per claim – and then compare that documentation to, for example, EquityBuild and EquityBuild Finance bank statements, as well as closing statements from purchases, sales, and refinancings. The Receiver will also need to determine whether to recommend to commingle the unsecured proceeds of all property sales and make distributions to claimants without regard for the specific property in which they “invested” (*i.e.*, a common fund approach), whether to make distributions to unsecured claimants based on the specific properties in which they invested (a property-specific approach), or using another methodology.

The Receiver will file a second report on claims which he currently anticipates will identify those liens that are contested and provide a preliminary explanation for the dispute on August 15, 2019. That report will also provide more color to some of the issues touched upon in

this preliminary report, as well as the Receiver's recommendation for both a process and schedule in connection with the claims process.

Dated: August 1, 2019

Kevin B. Duff, Receiver

By: /s/ Michael Rachlis

Michael Rachlis (mrachlis@rdaplawn.net)
Nicole Mirjanich (nm@rdaplawn.net)
Rachlis Duff Peel & Kaplan, LLC
542 South Dearborn Street, Suite 900
Chicago, IL 60605
Phone (312) 733-3950; Fax (312) 733-3952

CERTIFICATE OF SERVICE

I hereby certify that I provided service of the foregoing Receiver's First Status Report on Claims, via ECF filing, to all counsel of record on August 1, 2019.

I further certify I caused to be served the Defendant Jerome Cohen via e-mail:

Jerome Cohen
1050 8th Avenue N
Naples, FL 34102
jerryc@reagan.com
Defendant

/s/ Michael Rachlis

Michael Rachlis
Rachlis Duff Peel & Kaplan, LLC
542 South Dearborn Street, Suite 900
Chicago, IL 60605
Phone (312) 733-3950
Fax (312) 733-3952
mrachlis@rdaplw.net

Exhibit 1

From: [EquityBuild Receiver](#)
To: REDACTED
Cc:
Subject: SEC v. EquityBuild, Inc., et al., Case No. 18-cv-5587 (N.D. Ill.) — YOUR PROMPT RESPONSE TO THIS EMAIL IS NEEDED
Date: Thursday, May 02, 2019 12:03:28 PM

On May 1, 2019, the Honorable Young B. Kim entered an Order establishing the procedures for a claims process in the above-referenced lawsuit. Pursuant to the Court's Order, you will receive notice of the claims process by U.S. Mail.

To ensure you receive notice of the claims process, we must receive confirmation of your current mailing address for U.S. Mail. Please note that your mailing address cannot be a P.O. Box.

Please respond to this email with your complete mailing address as soon as practicable.

Sincerely,

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Kevin B. Duff, Receiver
EquityBuild, Inc., et al.
c/o Rachlis Duff Peel & Kaplan, LLC
542 S. Dearborn St., Suite 900
Chicago, IL 60605
312-733-3950 main
312-733-3952 fax
equitybuildreceiver@rdaplaw.net

RACHLIS DUFF PEEL & KAPLAN, LLC E-MAIL CONFIDENTIAL NOTICE

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

Exhibit 2

Receiver may assess whether and to what extent you may have one or more valid claims for relief (including claims for monetary compensation) against, or in connection with your ownership interest in, any of the Receivership Defendants. The Receiver's distribution plan will likely observe distinctions between competing claimant classes, and therefore the amount of your recovery, if any, may be affected by your ability to produce documentation supporting your claim. Accordingly, you must be clear and precise when completing this form and you must submit legible copies of requested supporting documents so that your claim can be properly evaluated.

To be eligible for any distribution, you MUST do EACH of the following, even if you have previously submitted correspondence and/or documents to the Receiver, to a lawyer, to a government agency, or to law enforcement officials:

- 1. Complete and submit the proof of claim form to the Receiver by July 1, 2019.**
- 2. Submit documentation or other evidence to the Receiver to substantiate the basis for all amounts that you believe are due and owing to you by any of the Receivership Defendants.**
- 3. Attest under oath to verify the authenticity and accuracy of the documentation and information submitted with, or otherwise provided to the Receiver in support of, your proof of claim form.**

Please note that the Receiver retains the right to dispute and verify any information you provide, to dispute the amount of your claim, and to recommend a proper distribution amount to the Court. Your submission of a proof of claim, however, does not guarantee receipt of a distribution.

Any person or entity that submits a proof of claim thereby submits to the exclusive jurisdiction of the United States District Court for the Northern District of Illinois for all purposes related to the Receivership, the Receivership Estate, and/or any of the Receivership Defendants, including, without limitation, the litigation or resolution of any claims, objections, or defenses that could be, or could have been, asserted by the Receiver against such claimant in connection with any business transacted by or with any Receivership Defendant or otherwise related to any asset in the Receivership Estate. Furthermore, claimants waive any right to a jury trial with respect to such claims, objections, and defenses.

GENERAL BACKGROUND & INSTRUCTIONS

1. WHO MUST FILE A PROOF OF CLAIM

Any persons or entities seeking a distribution from the Receivership Estate in connection with any claim arising between January 1, 2010 and August 17, 2018 must complete and submit a proof of claim on or before **July 1, 2019**. You must provide information in connection with your proof of claim for the period from January 1, 2010 to August 17, 2018.

The following paragraphs will help you understand how to complete your proof of claim form, as well as the types of documents needed to substantiate your claim(s). This proof of claim form uses the following categories of claimants that also determine which sections of the proof of claim form you must complete.

Investor-Lenders

If you loaned money to one or more of the Receivership Defendants, but do not operate a commercial lending business and relied on EquityBuild or EquityBuild Finance to document your loan, then you may be an "investor-lender." If you are an investor-lender, you may have received, among other things, a Promissory Note evidencing your loan(s), a so-called "Collateral Agency & Servicing Agreement," a mortgage (either in recorded or unrecorded form), and, periodically, a document titled, "Lender Statement Of Account."

In most instances, investor-lenders were promised a mid-teen percentage annual return, with interest payable monthly and a maturity of approximately 18-24 months. In addition, you may have been given the opportunity or otherwise persuaded to "roll over" some or all of the outstanding amount of your loan(s) at maturity by extending a new loan, on new terms, to the same or a different entity, or by investing equity in an EquityBuild affiliate fund. Alternatively, you may have sold some or all of your loan(s) to a non-EquityBuild entity, with additional paperwork generated to document any of these transactions. If you are an investor-lender, you must complete Sections 1, 2, 3, 9, and 10 of this proof of claim form.

Equity Investors

If you invested in a fund that owned, or promised to acquire, one or more properties and therefore acquired a membership interest in a limited liability company (rather than a deeded interest in the land), then you may be an "equity investor." The Receivership Defendants formed a series of real estate funds for the alleged purpose of acquiring residential apartment buildings, performing substantial rehabilitation work, and either refinancing or selling the buildings upon stabilization of the improved asset. Examples of these real estate funds include "Chicago Capital Fund" (CCF) and "South Side Development Fund" (SSDF) (all known real estate funds are included on the list of Receivership Defendants identified on Exhibit A).

If you are an equity investor, you may have received a document titled, "Confidential Private Offering Memorandum" (with exhibits, some of which you may have completed and returned). Additionally, you may have become an equity investor because you were persuaded to "roll"

some or all of the outstanding amount of a loan you made to one of the Receivership Defendants into an equity interest in a fund entity. If you are an equity investor, you must complete Sections 1, 2, 4, 9, and 10 below.

Individuals and entities who were investor-lenders and who became equity investors by rolling over the proceeds of a loan to one of the Receivership Defendants must complete this proof of claim form as both an "investor-lender" and "equity investor" and must complete Sections 1, 2, 3, 4, 9, and 10 below.

Institutional Lenders

If you are a commercial or savings bank, savings and loan association, trust company, credit union, industrial loan association, insurance company, pension fund, or business trust (including but not limited to real estate investment trusts), or any other lender regularly engaged in the business of financing the acquisition, construction, improvement, or ownership of real estate, or if you purchased or received an assignment of any loan(s) made by such a lender, you may be an "institutional lender." Institutional lenders must complete Sections 1, 2, 5, 9, and 10 below.

Trade Creditors

If you supplied any of the Receivership Defendants with business goods or services, you may be a trade creditor. Trade creditors include actual or potential lien claimants, such as property managers, general contractors, subcontractors, materialmen, and insurance consultants. Trade creditors must complete Sections 1, 2, 6, 9, and 10 below.

Employees

If you are an individual who worked either part-time or full-time for any of the Receivership Defendants under a contract for hire or employment (whether express or implied), then you may be an employee. You may have earned wages or a salary and your earnings would have been subject to FICA (Social Security tax and Medicare) and income tax withholding. Employees must complete Sections 1, 2, 7, 9, and 10 below.

(If you are an employee, you may also have been an investor-lender or equity investor. If your claim relates to a loan or investment, then you must complete the proof of claim form as though you were an investor-lender or equity investor. If your claim relates to employment compensation, then you must complete the proof of claim form as an employee. If you have claims relating to more than one of the foregoing categories of claimants, then you must complete each applicable section for each instance in which you allege to be owed money or entitled to other relief.)

Independent Contractors

If you are an individual or entity who performed work or provided services to any of the Receivership Defendants but you were neither an employee nor a trade creditor, you may be an independent contractor. Independent contractors must pay their own Social Security and

Medicare taxes; the employer does not withhold any amounts with respect to FICA or taxes for an independent contractor. Independent contractors must complete Sections 1, 2, 7, 9, and 10 below.

(If you are an independent contractor, you may also have been an investor-lender or equity investor. If your claim relates to a loan or investment, then you must complete the proof of claim form as though you were an investor-lender or equity investor. If your claim relates to compensation from work or services provided, then you must complete the proof of claim form as an independent contractor. If you have claims relating to more than one of the foregoing categories of claimants, then you must complete each applicable section for each instance in which you allege to be owed money or entitled to other relief.)

Other Claimants

If you believe you are owed money by, or otherwise entitled to relief against, any of the Receivership Defendants, but your claim does not fit within any of the categories described above, you may submit a claim by completing Sections 1, 2, 8, 9, and 10 below.

2. WHEN AND WHERE TO FILE

The Receiver has retained Axos Fiduciary Services to create and host a claims portal for the Receiver (the “Axos Claims Portal”).

Here is a link to the Axos Claims Portal: <https://dash.axosfs.com/cases/EOY>

Claimants will be prompted to create login information and complete and submit a proof of claim form (which can be amended prior to the Bar Date). Each claimant must complete and verify the proof of claim under penalty of perjury, and the proof of claim must be submitted with all required supporting documentation to the Axos Claims Portal or via U.S. Mail on or before the Bar Date of **July 1, 2019**. While claimants are encouraged to submit their proof of claim form and supporting documentation to the Axos Claims Portal, claimants can also send via U.S. Mail to the following address:

Kevin B. Duff, Receiver
EquityBuild, Inc., et al.
c/o Rachlis Duff Peel & Kaplan, LLC
542 S. Dearborn Street, Suite 900
Chicago, IL 60605

THIS NOTICE APPLIES TO EVERY CLAIM AGAINST EQUITYBUILD, EQUITYBUILD FINANCE, ANY OF THEIR AFFILIATES, OR THE AFFILIATE ENTITIES OF JEROME COHEN AND SHAUN COHEN, OR ANY OTHER RECEIVERSHIP DEFENDANT. IF YOU FAIL TO SUBMIT A PROOF OF CLAIM, YOUR CLAIM MAY BE FOREVER BARRED. YOU MAY WISH TO CONSULT WITH YOUR OWN ATTORNEY. YOU BEAR SOLE RESPONSIBILITY FOR CORRECTLY AND TIMELY COMPLETING AND SUBMITTING YOUR PROOF(S) OF CLAIM.

3. WHAT TO FILE

A claimant should set forth on the claim form all claims that belong to him, her, or it.

If you made more than one investment or loan each of which was made in the same name, then only one proof of claim form must be completed and submitted.

For example, if you made two loans in your own name, then you should submit one proof of claim form reflecting both loans. If you made two loans made jointly with your spouse, then you should submit one proof of claim form reflecting yourself and your spouse as the joint claimants. If you made two loans on behalf of a corporate entity, then the corporate entity should submit one proof of claim form reflecting both loans. If you made two loans for an IRA account, then you should submit one proof of claim form reflecting the IRA account as the claimant on the two loans. If two loans were made for a trust account, then the trust account should submit a claim reflecting both loans.

On the other hand, if you have claims relating to loans, investments, and/or other amounts that belong to more than one “claimant” (as illustrated by the examples below), you must complete a separate proof of claim form for each such claimant. For example:

- If you made two separate loans, one in your individual capacity and one through an IRA account, you must complete and submit two separate proofs of claim: one reflecting your individual claim, and a separate one for the claim on behalf of your IRA.
- If you made two separate loans, one in your individual capacity and one through a trust account, you must complete and submit two separate proofs of claim: one reflecting your individual claim, and a separate one for the claim on behalf of your trust account.
- If you made two separate loans, one in your individual capacity and one through a brokerage account, you must complete and submit two separate proofs of claim: one reflecting your individual claim, and a separate one for the claim on behalf of your brokerage account.
- If you made two separate loans, one in your individual capacity and one through a corporate entity, you must complete and submit two separate proofs of claim: one reflecting your individual claim, and a separate one for the claim on behalf of the corporate entity.
- If you made two separate loans, one in your individual capacity and one as custodian for a minor, you must complete and submit two separate proofs of claim: one reflecting your individual claim, and a separate one for the claim on behalf of the custodial account.

If you serve as a representative for a claimant (for example, as a trustee for a trust or as a parent with control over a child’s custodial account), then the proof of claim form you submit must identify your relationship to the claimant in Section 1(B) below (Secondary Contact Information).

Using the Court-approved proof of claim form, you must submit through the Axos Claims Portal or via U.S Mail on or before the Bar Date: (1) the information requested in this proof of claim form and (2) legible copies of all documents on which you base your claim or, to the extent that any such documents are not available, a detailed explanation as to why they are not available. You must also attest under oath to the authenticity and accuracy of the documentation and information submitted with, or otherwise provided in support of, your claim.

Any claimant who fails to timely return a completed, signed, and sworn proof of claim may be forever barred from asserting a claim against the Receivership Estate.

You must inform the Receiver if you change your address after you submit your proof of claim. In addition, you should also inform the Receiver if the electronic or physical address to which this notice was delivered is incorrect.

You should retain for your records a copy of this proof of claim form and all documents submitted therewith.

If you are an investor-lender and/or equity investor, a submission solely containing EquityBuild lender statement(s) of account may not suffice to support your claim without additional documentation. You must also provide documentation such as bank records to reflect transfers and deposits of funds, to the extent such documents are available.

Please note that you may have previously provided some or all of the information requested on the proof of claim form directly to the Receiver. To be entitled to a distribution from the Receivership Estate, however, the only documents that matter are your proof of claim and the documents you submit to support it as described in the proof of claim form.

Regardless of whether you previously submitted documentation to the Receiver, or whether you are submitting documentation with this proof of claim, you must submit a sworn statement consistent with Section 10, verifying and attesting to the accuracy and completeness of all documentation you submit.

Claims lacking sufficient supporting documentation may be disallowed.

DATED: May 22, 2019

**EXHIBIT A
RECEIVERSHIP DEFENDANTS**

The Receivership Defendants include but are not limited to the entities listed below. Parenthetical information reflects state of organization.

- EquityBuild, Inc.
- EquityBuild Finance LLC
- 109 N. Laramie, Inc.
- 400 S. Kilbourn LLC
- 1422 E68 LLC
- 1632 Shirley LLC
- 1700 Juneway LLC
- 2136 W 83RD LLC
- 2537 N McVicker LLC
- 3400 Newkirk, LLC
- 4520-26 S. Drexel LLC - n/k/a SSDF1 4520 S Drexel LLC
- 4528 Michigan LLC
- 4533-37 S. Calumet LLC
- 4611-17 S. Drexel, LLC
- 4750 Indiana LLC – n/k/a 4750 S Indiana, LLC
- 4755 S Saint Lawrence Association Co.
- 5001 S. Drexel LLC (DE)
- 5001 S. Drexel LLC (IL)
- 5411 W Wrightwood LLC
- 5450 S. Indiana LLC
- 5618 S MLK LLC
- 5955 Sacramento, Inc.
- 6001 Sacramento, Inc.
- 6217-27 S. Dorchester LLC
- 6250 S. Mozart, LLC
- 6356 California, Inc.
- 6437 S Kenwood, LLC
- 6951 S Merrill LLC
- 7024 S. Paxton LLC
- 7026 Cornell, Inc.
- 7107-29 S Bennett LLC
- 7109 S. Calumet LLC
- 7201 Constance Inc.
- 7201 S Constance LLC
- 7304 St. Lawrence, Inc.
- 7450 Luella LLC
- 7546 Saginaw, Inc.
- 7546 S. Saginaw LLC

- 7600 S Kingston, LLC
- 7625 East End, Inc.
- 7625-35 S. East End LLC
- 7760 Coles, Inc.
- 7635 East End, Inc.
- 7748 S. Essex LLC
- 7749-59 S. Yates LLC
- 7752 S. Muskegon LLC
- 7823 Essex LLC
- 7922 S Luella LLC
- 7927-49 S Essex LLC
- 7933 S Kingston LLC
- 7945 S Kenwood LLC
- 8000 Justine, Inc.
- 8100 S. Essex LLC
- 8104 S Kingston LLC
- 8153 S Avalon LLC
- 8209 S. Ellis, LLC
- 8214 Ingleside, Inc.
- 8217 Dorchester LLC
- 8311 S Green LLC
- 8432 S Throop Associates
- 8725 S Ada LLC
- 8745 S Sangamon LLC
- 8801 S Bishop LLC
- 8809 S Wood Associates
- 9158 S Dobson LLC
- 11318 S Church St Associates
- Amalgamated Capital Fund II LLC
- Amalgamated Capital Fund III LLC
- Chicago Capital Fund I LLC
- Chicago Capital Fund II LLC
- Chief Management LLC
- EB 6558 S. Vernon LLC
- EB Property Holdings LLC
- EB South Chicago 1, LLC
- EB South Chicago 2, LLC
- EB South Chicago 3 LLC
- EB South Chicago 4 LLC
- EB South Chicago 1 Manager, LLC
- EB South Chicago 2 Manager, LLC
- Eretz Private Capital LLC
- Friendship LLC
- Great Lakes Development Corp LLC

- Hard Money Company, LLC
- Heartland Capital Fund I LLC
- Heartland Capital Fund II, LLC
- Heartland Development Fund I LLC
- Heartland Private Capital, LLC
- Hybrid Capital Fund LLC
- Offsite Asset Management I LLC
- Offsite Asset Management II LLC
- Offsite Asset Management LLC
- Phoenix Capital Finance LLC
- Portfolio Asset Holdings LLC
- Portfolio Mezzanine Lender, LLC
- Rothbard Equity Fund LLC
- South Shore Property Holdings LLC (DE)
- South Shore Property Holdings LLC (WY)
- South Shore Property Holdings I LLC
- South Shore Property Holdings II LLC (DE)
- South Shore Property Holdings II LLC (WY)
- South Shore Property Holdings III LLC
- South Side Development Fund 1 LLC
- South Side Development Fund 2 LLC
- South Side Development Fund 3 LLC
- South Side Development Fund 4 LLC
- South Side Development Fund 5 LLC
- South Side Development Fund 6 LLC
- South Side Development Fund 7 LLC
- South Side Development Fund 8, LLC
- SSDF1 4611 S. Drexel LLC
- SSDF1 6751 S Merrill LLC
- SSDF1 7110 S Cornell LLC
- SSDF1 Holdco 1, LLC
- SSDF1 Holdco 2 LLC
- SSDF1 Holdco 3 LLC
- SSDF1 Holdco 4 LLC
- SSDF2 1139 E 79th LLC
- SSDF2 Holdco 1 LLC
- SSDF2 Holdco 2 LLC
- SSDF2 Holdco 3 LLC
- SSDF3 Holdco 1 LLC
- SSDF3 Holdco 2 LLC
- SSDF4 638 N Avers LLC
- SSDF4 701 S 5th LLC
- SSDF4 6217 S. Dorchester LLC
- SSDF4 6250 S. Mozart LLC

- SSDF4 7024 S Paxton LLC
- SSDF4 7255 S. Euclid LLC
- SSDF4 Holdco 1 LLC
- SSDF4 Holdco 2 LLC
- SSDF4 Holdco 3 LLC
- SSDF4 Holdco 4 LLC
- SSDF4 Holdco 5 LLC
- SSDF4 Holdco 6 LLC
- SSDF5 Holdco 1 LLC
- SSDF5 Portfolio 1 LLC
- SSDF6 6160 S MLK LLC
- SSDF6 6244 S MLK LLC
- SSDF6 Holdco 1 LLC
- SSDF6 Holdco 2 LLC
- SSDF7 2453 E 75TH LLC
- SSDF7 7600 S Kingston LLC
- SSDF7 Holdco 1 LLC
- SSDF7 Holdco 2 LLC
- SSDF7 Holdco 3 LLC
- SSDF7 Holdco 4 LLC
- SSDF7 Marquette Park LLC
- SSDF7 Portfolio 1 LLC
- SSDF8 Holdco 1 LLC
- SSDF8 Portfolio 1 LLC
- SSPH 6951 S Merrill LLC
- SSPH 7927-49 S. Essex LLC
- SSPH 11117 S Longwood LLC
- SSPH Holdco 1 LLC
- SSPH Holdco 2 LLC
- SSPH Portfolio 1 LLC
- SSPH Springer LLC
- Tikkun Holdings, LLC
- Any affiliate entity of EquityBuild Inc., EquityBuild Finance LLC, Jerome Cohen, and/or Shaun Cohen

Exhibit 3

From: [EquityBuildClaims RDAPK](#)
To: [EquityBuildClaims RDAPK](#)
Bcc: REDACTED

Subject: SEC v. EquityBuild, et al., Important Information Regarding Claims Process and Notice
Date: Thursday, May 23, 2019 12:14:26 PM

Dear Claimant:

On May 1, 2019, the Honorable Young B. Kim entered an Order establishing the procedures for a claims process in the above-referenced lawsuit. On May 22, 2019, pursuant to the Court's Order, a copy of the Notice and General Background & Instructions was sent by U.S. Mail to the last known address for each claimant.

The Court also set **July 1, 2019** as the deadline (also know as the "Bar Date") by which all proof of claim forms must be submitted by any individual or entity who purports to be owed money by, or otherwise entitled to relief against, EquityBuild, Inc., EquityBuild Finance, LLC, or any of their affiliates, or the affiliate entities of Jerome Cohen and Shaun Cohen.

The Receiver retained Axos Fiduciary Services to create and host an online claims portal (the "Axos Claims Portal") through which claims may be submitted. A link to the Axos Claims Portal appears below. Upon accessing the Axos Claims Portal, you will be prompted to create login information and complete and submit a proof of claim form. Claims can be amended up until the Bar Date.

<https://dash.axosfs.com/cases/EQY>

For questions relating to the claims process, please contact the Receiver at equitybuildclaims@rdaplaw.net.

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Kevin B. Duff, Receiver
EquityBuild, Inc., et al.
c/o Rachlis Duff Peel & Kaplan, LLC
542 S. Dearborn St., Suite 900
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Exhibit 4

From: [EquityBuildClaims RDAPK](#)
To: [EquityBuildClaims RDAPK](#)
Bcc: REDACTED
Subject: SEC v. EquityBuild, et al., Important Reminder Regarding Claims Process
Date: Thursday, June 13, 2019 10:31:26 AM

The Court issued an Order establishing a process for submitting claims against assets in the Receivership Estate and set July 1, 2019 as the deadline (also known as the “Bar Date”) by which all proof of claim forms must be submitted by any individual or entity who purports to be owed money by, or otherwise entitled to relief against, EquityBuild, Inc., EquityBuild Finance, LLC, or any of their affiliates, or the affiliate entities of Jerome Cohen and Shaun Cohen.

If you do not submit a claim by the Bar Date, then you may be precluded from receiving a distribution if you would otherwise be entitled to a distribution. You may have previously provided some or all of the information requested on the proof of claim form directly to the Receiver. For determining whether you will be entitled to a distribution from the Receivership Estate, however, the only documents that matter are your proof of claim and the documents you submit to support it as described in the proof of claim form.

Any claimant who does not completely and accurately disclose the information required by the claim form may jeopardize or limit their claim, in whole or in part. It is the responsibility of each claimant to provide complete and accurate information to the Receiver in connection with any claim submitted.

No final determination of distribution analysis or methodology has been made at this time.

Submitting Your Proof of Claim Form

Please use the Axos Claim Portal to submit a claim. Here is a link to the Portal where you will be prompted to create login information and complete and submit a proof of claim form: <https://dash.axosfs.com/cases/eqy>

You must complete and verify the proof of claim under penalty of perjury, and the proof of claim must be submitted with all required supporting documentation to the Axos Claims Portal or via U.S. Mail on or before the Bar Date of July 1, 2019. You may wish to print or save a copy of your completed proof of claim form for your records.

The Receiver cannot advise you on how to submit your claim, nor what components you should include with your claim, nor what documentation you should include with your claim. You are responsible for submitting your claim, identifying all of the components of your claim, and submitting all documents to support your claim. If you need advice or assistance in submitting your claim, you may wish to consult or retain professional advisors.

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Exhibit 5

From: [EquityBuildClaims RDAPK](#)
To: [EquityBuildClaims RDAPK](#)
Bcc: REDACTED

Subject: SEC v. EquityBuild, et al. -- Claims Process
Date: Monday, June 24, 2019 3:12:44 PM

As a reminder to all claimants, the Court set July 1, 2019 as the Bar Date by which all proof of claim forms and supporting documents must be submitted.

You are receiving this email regardless of whether or not you submitted a completed proof of claims form and supporting documentation.

In order for your claim to be valid, you must do both of the following:

(1) Submit a completed proof of claim form (which includes all claimed amounts and the basis for those amounts, all amounts you received from any Receivership Defendant, and a declaration under penalty of perjury verifying and attesting to the accuracy and completeness of all statements and documentation you submit) either through the Axos Claims Portal or in hard copy and sent directly to the Receiver; and

(2) Submit all documentation to support all amounts you claim you are owed.

If you submit a claim, the burden is on you to explain and identify the amounts you claim and provide documents to support not only the amounts, but also the basis for the claimed amount. You as a claimant are in the best position to support your claim with specific information and documents, and this is your opportunity to make the strongest case possible for what you claim you are owed.

You may have previously provided some or all of the information requested on the proof of claim form directly to the Receiver. For determining whether you will be entitled to a distribution from the Receivership Estate, however, the only documents that matter are your proof of claim form and the documents you submit to support it as described in Section 9 of the proof of claim form.

Any claimant who does not completely and accurately disclose the information required by the proof of claim form or provide supporting documents may jeopardize or limit their claim, in whole or in part. It is the responsibility of each claimant to provide complete and accurate information to the

Receiver in connection with any claim submitted. No final determination of distribution analysis or methodology has been made at this time.

Submitting Your Proof of Claim Form

Please use the Axos Claim Portal to submit a claim. Here is a link to the Portal

<https://dash.axosfs.com/cases/eqy>

The Proof of Claim Form can also be found on the Receivership website:

<http://rdaplawnet.com/receivership-for-equitybuild>

You must complete and verify the proof of claim under penalty of perjury, and the proof of claim must be submitted with all required supporting documentation to the Axos Claims Portal or to the Receiver (either to the address below or email equitybuildclaims@rdaplawnet.com) on or before the Bar Date of July 1, 2019. You may wish to print or save a copy of your completed proof of claim form for your records.

All documentation submitted in connection with your claim must be accompanied by the sworn statement set forth in Section 10 of the claim form. Documentation submitted to the Receiver that is not accompanied by the sworn statement set forth in Section 10 of the claim form will not be considered with your claim.

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Exhibit 6

DEADLINE FOR SUBMITTING CLAIMS: July 1, 2019

The Honorable Young B. Kim of the United States District Court for the Northern District of Illinois has entered an order establishing **July 1, 2019** as the deadline by which all proofs of claim by any individual or entity who purports to be owed money by, or otherwise entitled to relief against, EquityBuild, Inc., EquityBuild Finance, LLC, or any of their affiliates, or the affiliate entities of Jerome Cohen and Shaun Cohen.

Here is a link to the Axos Claims Portal where claimants will be prompted to create login information and complete and submit a proof of claim form:

<https://dash.axosfs.com/cases/eqy>

For a copy of the Notice and General Background & Instructions, and Proof of Claim Form, please [click here](#).

For questions relating to the claims process, please contact the Receiver at equitybuildclaims@rdaplw.net.
