

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 20-CV-81205-RAR**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

COMPLETE BUSINESS SOLUTIONS
GROUP, INC. d/b/a PAR FUNDING, *et al.*

Defendants.

**RECEIVER, RYAN K. STUMPHAUZER'S COMBINED
TWENTY-NINTH MOTION TO LIFT LITIGATION INJUNCTION AS
TO CERTAIN GARNISHMENT PROCEEDINGS AND TO AUTHORIZE
FORECLOSURE SALE ON 1804 GREEN HOLLOW DR., ISELIN, NJ**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities¹, by and through undersigned counsel, hereby files this Combined Twenty-Ninth Motion

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding; Full Spectrum Processing, Inc.; ABetterFinancialPlan.com LLC d/b/a A Better Financial Plan; ABFP Management Company, LLC f/k/a Pillar Life Settlement Management Company, LLC; ABFP Income Fund, LLC; ABFP Income Fund 2, L.P.; United Fidelis Group Corp.; Fidelis Financial Planning LLC; Retirement Evolution Group, LLC; RE Income Fund LLC; RE Income Fund 2 LLC; ABFP Income Fund 3, LLC; ABFP Income Fund 4, LLC; ABFP Income Fund 6, LLC; ABFP Income Fund Parallel LLC; ABFP Income Fund 2 Parallel; ABFP Income Fund 3 Parallel; ABFP Income Fund 4 Parallel; and ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Fund 2 LP; MK Corporate Debt Investment Company LLC; Fast Advance Funding LLC; Beta Abigail, LLC; New Field Ventures, LLC; Heritage Business Consulting, Inc.; Eagle Six Consulting, Inc.; 20 N. 3rd St. Ltd.; 118 Olive PA LLC; 135-137 N. 3rd St. LLC; 205 B Arch St Management LLC; 242 S. 21st St. LLC; 300 Market St. LLC; 627-629 E. Girard LLC; 715 Sansom St. LLC; 803 S. 4th St. LLC; 861 N. 3rd St. LLC; 915-917 S. 11th LLC; 1250 N. 25th St. LLC; 1427 Melon St. LLC; 1530 Christian St. LLC; 1635 East Passyunk LLC; 1932 Spruce St. LLC; 4633 Walnut St. LLC; 1223 N. 25th St. LLC; 500 Fairmount Avenue, LLC; Liberty Eighth Avenue LLC; Blue Valley Holdings, LLC; LWP North LLC; The LME 2017 Family Trust; Recruiting and Marketing Resources, Inc.; Contract Financing Solutions, Inc.; Stone Harbor Processing LLC; LM Property Management LLC; and ALB Management, LLC; and the receivership also includes the property located at 107 Quayside Dr., Jupiter FL.

to Lift Litigation Injunction as to Certain Garnishment Proceedings and to Authorize Foreclosure Sale on 1804 Green Hollow Dr., Iselin, NJ, and states as follows:

I. MOTION TO LIFT LITIGATION INJUNCTION AS TO CERTAIN GARNISHMENT PROCEEDINGS

1. The Receiver hereby moves this Court to lift the Litigation Injunction for the limited purpose of allowing the Receiver, in his discretion, to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments, where the counterparty merchant either has resolved, or has agreed to resolve prior defaults, or otherwise filed for bankruptcy protection, in the following cases in the Court of Common Pleas of Philadelphia County, Pennsylvania.²

2. The cases are:

- a. *Complete Business Solution Group Inc. d/b/a Par Funding v. Agency ACBH Inc. d/b/a Agency ACBH and William Harper, Jr.*, Philadelphia Court of Common Pleas Docket No. 190300886.
- b. *Complete Business Solution Group Inc. d/b/a Par Funding v. Markus Corp. and Marek Kusmierczyk*, Philadelphia Court of Common Pleas Docket No. 200400147.
- c. *Complete Business Solution Group Inc. d/b/a Par Funding v. ARM Transportation INC d/b/a ARM Transportation, d/b/a The Park AT AR, Faisal Khan, Amber Zulfiqan Khan, and Maryam Khan*, Philadelphia Court of Common Pleas Docket No. 190705030.³
- d. *Complete Business Solution Group Inc. d/b/a Par Funding v. Sidney Browne Sole Proprietor d/b/a All Tines and Sidney S. Browne*, Philadelphia Court of Common Pleas Docket No. 170802260.

² See the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] (the "Operative Receivership Order"). The Receiver generally incorporates the background section of his prior Motions to Lift Litigation Injunction as to Certain Garnishment Proceedings. [See, e.g., ECF Nos. 111.]. To conserve resources and promote efficiency, the Receiver is providing only a summary narrative, as approved by the Court at the October 7, 2020 status conference.

³ The injunction will be lifted in this case solely to allow the Receiver to release Amber Zulfiqan Khan and Maryam Khan for defects in underlying documentation.

- e. *Complete Business Solution Group Inc. d/b/a Par Funding v. Sidney Browne Sole Proprietor d/b/a All Tines and Sidney S. Browne*, Philadelphia Court of Common Pleas Docket No. 191100531.
- f. *Complete Business Solution Group Inc. d/b/a Par Funding v. AFBC Logistics, Inc. d/b/a AFBC Logistics and Mirzohid Muminov*, Philadelphia Court of Common Pleas Docket No. 200201606.
- g. *Complete Business Solution Group Inc. d/b/a Par Funding v. Greenwood Collision Center, Inc. d/b/a Greenwood Collision Center, and Robert Myshkoff*, Philadelphia Court of Common Pleas Docket No. 190701652.
- h. *Complete Business Solution Group Inc. d/b/a Par Funding v. Bera International LLC d/b/a Bera International d/b/a Bera Wines Inc. and Raquel Gonzalez*, Philadelphia Court of Common Pleas Docket No. 190802163.
- i. *Complete Business Solution Group Inc. d/b/a Par Funding v. Jesse Black Sole Proprietor of AJ's Tree Service and Jesse Allen Black*, Philadelphia Court of Common Pleas Docket No. 191200171.
- j. *Complete Business Solution Group Inc. d/b/a Par Funding v. Oakbend Enterprises Inc. d/b/a MAACO d/b/a MAACO of Athens d/b/a MAACO Auto Painting & Body Work et al.*, Philadelphia Court of Common Pleas Docket No. 190901717.

3. The Receiver has determined, in his professional judgment, that it is in the best interests of the Receivership Estate to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments with respect to these cases.

II. MOTION TO LIFT LITIGATION INJUNCTION TO AUTHORIZE FORECLOSURE SALE ON 1804 GREEN HOLLOW DR., ISELIN, NJ

4. On January 31, 2020, Citibank, N.A. filed a Complaint in Foreclosure in the Middlesex County Superior Court of New Jersey at case SWC-F-001688-20 (the "Foreclosure Case") for the property located at 1804 Green Hollow Dr, Iselin, NJ, 08830 (the "Property").

5. The Foreclosure Case, captioned *Citibank N.A. v. Surech Nayak aka Suresh Chandra Nayak et al.*, includes Complete Business Solutions Group Inc. as a named Defendant.

6. CBSG possesses a junior lien in the property by virtue of a judgment entered September 1, 2016, at judgment number DJ-155646-2016.

7. On October 8, 2021, the Superior Court of New Jersey stayed the Foreclosure Case based upon the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141].

8. Since that time, the Receiver has investigated the value of CBSG's interest in the Property.

9. Based upon the Receiver's investigation, it appears there is insufficient value in the property to satisfy CBSG's junior lien.

10. The value of the Property is approximately \$230,000, based upon applicable appraisals.

11. CBSG's lien in the Property is subordinate to a priority mortgage of Citibank dated December 14, 2006, in the amount \$121,500.00, with current arrears that exceed \$160,000.00.

12. CBSG's lien is further subordinate to (i) a mortgage dated February 25, 2014, to Tiger Funding LLC in the amount of \$100,000; and (ii) a judgment lien of Itria Ventures LLC dated August 17, 2016, recorded at J-143062-2016, in the amount of \$406,336.92.

13. As the sale of the Property is unlikely to satisfy the approximately \$666,336.00 in liens superior to CBSG's lien, modifying the Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] to allow the Foreclosure Case to proceed is in the best interest of the Receivership Estate.

14. If the sales price unexpectedly exceeds the value of the superior liens, CBSG will recover available funds up to the value of its claim.

WHEREFORE, Ryan K. Stumphauzer, as Court-Appointed Receiver, by and through his undersigned counsel, respectfully requests this Honorable Court to grant the motion and lift the

Litigation Injunction on a limited basis as set forth above. A proposed order for the Court's consideration is attached as Exhibit 1.

CERTIFICATION REGARDING PRE-FILING CONFERENCE

The undersigned counsel has conferred with all counsel of record and unrepresented parties in this matter regarding the relief sought through this motion and certifies that all counsel of record and unrepresented parties have either (1) not responded to the Receiver's meet and confer requests or (2) confirmed that their clients either do not oppose or take no position with respect to the relief sought. The SEC takes no position on the motion to lift the litigation injunction.

Dated: November 14, 2023

Respectfully Submitted,

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Co-Counsel for Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 14, 2023, I electronically filed the foregoing document with the clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Timothy A. Kolaya _____
TIMOTHY A. KOLAYA

EXHIBIT 1

**UNITED STATES DISTRICT COURT
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SECURITIES AND EXCHANGE
COMMISSION,

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v.

COMPLETE BUSINESS SOLUTIONS
GROUP, INC. d/b/a/ PAR FUNDING, et al.,

Defendants.

**[PROPOSED] ORDER GRANTING RECEIVER, RYAN K.
STUMPHAUZER'S TWENTY-NINTH MOTION TO LIFT LITIGATION
INJUNCTION AS TO CERTAIN GARNISHMENT PROCEEDINGS**

THIS CAUSE comes before the Court upon the Receiver's Combined Twenty-Ninth Motion to Lift Litigation Injunction as to Certain Garnishment Proceedings and to Authorize Foreclosure Sale on 1804 Green Hollow Dr., Iselin, NJ [ECF No. ____] ("Motion"), filed on November 14, 2023.

In Section I of the Motion, the Receiver seeks to modify the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141], so as to lift the litigation injunction provided for in that Order for certain garnishment matters currently pending in the Court of Common Pleas of Philadelphia County, Pennsylvania to be opened for the limited purpose to authorize the Receiver, in his direction, to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments, where the counterparty merchant either has resolved, has agreed to resolve prior defaults, or otherwise filed for bankruptcy protection, in certain cases in the Court of Common Pleas of Philadelphia County, Pennsylvania.

The Receiver has made a sufficient and proper showing in support of the relief requested.

Accordingly, it is hereby

ORDERED AND ADJUDGED that Receiver's Motion is **GRANTED** with respect to the relief requested. Specifically, the litigation injunction set forth in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted in the following matters in the Court of Common Pleas of Philadelphia County, Pennsylvania, and solely for the purpose as described in the Motion:

- a. *Complete Business Solution Group Inc. d/b/a Par Funding v. Agency ACBH Inc. d/b/a Agency ACBH and William Harper, Jr.*, Philadelphia Court of Common Pleas Docket No. 190300886.
- b. *Complete Business Solution Group Inc. d/b/a Par Funding v. Markus Corp. and Marek Kusmierczyk*, Philadelphia Court of Common Pleas Docket No. 200400147.
- c. *Complete Business Solution Group Inc. d/b/a Par Funding v. ARM Transportation INC d/b/a ARM Transportation, d/b/a The Park AT AR, Faisal Khan, Amber Zulfiqan Khan, and Maryam Khan*, Philadelphia Court of Common Pleas Docket No. 190705030.
- d. *Complete Business Solution Group Inc. d/b/a Par Funding v. Sidney Browne Sole Proprietor d/b/a All Tines and Sidney S. Browne*, Philadelphia Court of Common Pleas Docket No. 170802260.
- e. *Complete Business Solution Group Inc. d/b/a Par Funding v. Sidney Browne Sole Proprietor d/b/a All Tines and Sidney S. Browne*, Philadelphia Court of Common Pleas Docket No. 191100531.
- f. *Complete Business Solution Group Inc. d/b/a Par Funding v. AFBC Logistics, Inc. d/b/a AFBC Logistics and Mirzohid Muminov*, Philadelphia Court of Common Pleas Docket No. 200201606.
- g. *Complete Business Solution Group Inc. d/b/a Par Funding v. Greenwood Collision Center, Inc. d/b/a Greenwood Collision Center, and Robert Myshkoff*, Philadelphia Court of Common Pleas Docket No. 190701652.
- h. *Complete Business Solution Group Inc. d/b/a Par Funding v. Bera International LLC d/b/a Bera International d/b/a Bera Wines Inc. and Raquel Gonzalez*, Philadelphia Court of Common Pleas Docket No. 190802163.
- i. *Complete Business Solution Group Inc. d/b/a Par Funding v. Jesse Black Sole Proprietor of AJ's Tree Service and Jesse Allen Black*, Philadelphia Court of Common Pleas Docket No. 191200171.

- j. *Complete Business Solution Group Inc. d/b/a Par Funding v. Oakbend Enterprises Inc. d/b/a MAACO d/b/a MAACO of Athens d/b/a MAACO Auto Painting & Body Work et al.*, Philadelphia Court of Common Pleas Docket No. 190901717.

In Section II of the Motion, the Receiver seeks to modify the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141], for the limited purpose of lifting the litigation injunction provided for in that Order relating to the case captioned *Citibank N.A. v. Surech Nayak aka Suresh Chandra Nayak et al* in the Middlesex County Superior Court of New Jersey at case SWC-F-001688-20.

The Receiver has made a sufficient and proper showing in support of the relief requested. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Receiver's Motion is **GRANTED** with respect to the relief requested in Section II thereof. Specifically, the litigation injunction set forth in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted so as to allow the case captioned *Citibank N.A. v. Surech Nayak aka Suresh Chandra Nayak et al* in the Middlesex County Superior Court of New Jersey at case SWC-F-001688-20 to proceed.

DONE AND ORDERED in Miami, Florida, this ____ day of November, 2023.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record