

COPY

**IN THE CIRCUIT COURT
FOR ST. JOHNS COUNTY, FLORIDA**

PROBATE DIVISION

IN RE: ESTATE OF

KENNETH W. MCLEOD,

File No:

Division:

Deceased.

*Filed
8/31/10*

**PETITION FOR
APPOINTMENT OF CURATOR**

Petitioner, MICHAEL I. GOLDBERG, to the best of his information and belief, alleges:

1. Petitioner is a resident of Broward County, Florida, and his post office address is c/o Akerman Senterfitt, 350 East Las Olas Blvd., Suite 1600, Fort Lauderdale, Florida 33301.

2. Decedent, KENNETH W. MCLEOD, whose last known address was 1543 Wentworth Avenue, St. Johns, Florida 32259, and whose age was 48, and whose social security number is XXX-XX-9157, died on June 22, 2010, at Jacksonville, Duval County, Florida. On the date of death, Decedent was domiciled in St. Johns County, Florida.

3. As far as is known to Petitioner, the persons having an interest in the Estate of the decedent and their ages and respective relationship to the decedent are:

NAME	ADDRESS	RELATIONSHIP	DATE OF BIRTH (if Minor)
Susan Marie McLeod	1543 Wentworth Avenue St. Johns, Florida 32259	Spouse	N/A
Malori Renea McLeod	PO Box 11045 Tuscaloosa, AL 35486	Daughter	N/A

Daniel Wayne McLeod	1600 Old Bain Bridge Rd, #912 Tallahassee, FL 32303	Son	N/A
Cody Ethan McLeod	USC Student Box 88715 1400 Greene Street Columbia, SC 29225	Son	N/A
Ryan Austin McLeod	c/o Cody E. McLeod USC Student Box 88715 1400 Greene Street Columbia, SC 29225	Son	N/A
AnnaMarie Kelani McLeod	c/o Susan M. McLeod, Natural Guardian 1543 Wentworth Avenue St. Johns, FL 32259	Daughter	7/4/2001

4. Venue of this proceeding is in this County because Decedent was domiciled in St. Johns County on the date of death.

5. Susan Marie McLeod, a resident of St. Johns County, Florida, is entitled to preference in appointment as personal representative because she is the decedent's surviving spouse; however, she has declined to commence probate proceedings for the administration of decedent's estate.

6. Shortly after decedent's passing, the United States Securities and Exchange Commission initiated proceedings on June 24, 2010 against F&S Asset Management Group, Inc., Federal Employee Benefits Group, Inc. and Decedent, Kenneth Wayne McLeod, in the United States District Court, Southern District of Florida at Miami (Case No. 10-22078-CV-MORENO) (the "SEC Case"). The Court entered an Order appointing Michael I. Goldberg as the receiver for the F&S Asset Management Group, Inc. and Federal Employee Benefits Group, Inc.

7. Petitioner is entitled to preference in appointment as Curator of Decedent's estate by an Order issued by the Court in the SEC Case granting Petitioner's Motion for Order

Authorizing the Receiver to Open Probate Estate on Behalf of Kenneth Wayne McLeod and to Serve as Curator of Estate. A copy of Petitioner's Motion and the Order signed by the Chief United States District Judge is attached hereto as Exhibit "A."

8. After the exercise of reasonable diligence, Petitioner is unaware of any unrevoked wills or codicils of Decedent.

9. Upon information and belief, at the time of his death, decedent owned an estate consisting of real and personal property and cash in banks in excess of \$75,000.

10. A Curator should be appointed to take charge of the Estate and preserve it for the benefit of the interested parties until letters are granted. Otherwise, the Estate may suffer considerable loss and damage; and real estate and cash assets of the decedent must be located and secured.

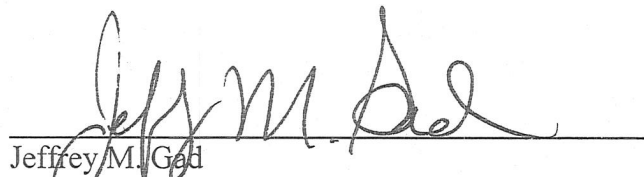
11. All interested persons have either joined in this petition or have been served a copy of this Petition by Formal Notice.

12. Petitioner feels that it would be in the best interest of the Estate for the Curator to be given full authority and power in accordance with the Statutes of the State of Florida to take all actions necessary in administering the Estate, including publishing the Notice to Creditors.

WHEREFORE, Petitioner requests that this Court issue an order dispensing with notice to the prospective personal representative; and appointing MICHAEL I. GOLDBERG to act as Curator in accordance with the laws of the State of Florida, to take any and all actions necessary to administer this Estate in accordance with the laws of the State of Florida and Orders of this Court, including the publication of Notice to Creditors, until Letters of Administration are granted in the Estate.

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on August 23, 2010.



Jeffrey M. Gold
Florida Bar No. 186317
AKERMAN SENTERFITT
Attorneys for Petitioner
401 E. Jackson Street, Suite 1700
Tampa, FL 33602
Tel: (813) 223-7333
Fax: (813) 223-2837


MICHAEL I. GOLDBERG
Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)

SECURITIES & EXCHANGE COMMISSION,

Plaintiff,

CASE NO.: 10-22078-CV-MORENO/TORRES

vs.

ESTATE OF KENNETH WAYNE MCLEOD,
F&S ASSET MANAGEMENT GROUP, INC. and
FEDERAL EMPLOYEE BENEFITS GROUP, INC.

Defendants.

**UNOPPOSED MOTION FOR ORDER AUTHORIZING THE RECEIVER
TO OPEN PROBATE ESTATE ON BEHALF OF KENNETH WAYNE MCLEOD
AND TO SERVE AS CURATOR OF ESTATE**

Michael I. Goldberg (the "Receiver"), in his capacity as Receiver of Federal Employee Benefits Group, Inc. ("FEBG") and F&S Asset Management Group, Inc. ("FSAMG") (collectively, the "Receivership Entities"), files this Motion for Order Authorizing the Receiver to Open a Probate Estate on Behalf of Kenneth Wayne McLeod and to Serve as Curator of Estate (or in such other capacity as directed by the probate judge). In support of this Motion, the Receiver states as follows:

1. On June 24, 2010, the United States Securities and Exchange Commission ("SEC") initiated these proceedings. In its complaint, the SEC alleges that the Receivership Entities, along with Kenneth Wayne McLeod ("McLeod"), perpetrated a Ponzi scheme defrauding approximately \$35 million from nearly 300 victims.

2. The Court entered an Order (the "Receivership Order") appointing Michael I. Goldberg as the receiver for the Receivership Entities. [D.E. 11]

3. Just prior to the filing of the SEC's complaint, McLeod died from a self-inflicted gunshot wound to the head. The Receiver has been informed by attorneys representing McLeod's wife, Susan McLeod, that she does not intend on opening a probate estate for McLeod.

4. The "Estate of Kenneth Wayne McLeod" is a named defendant in this case and it is important that a probate estate be opened in order for the SEC, the Receiver and other parties to make proper claim against McLeod and his assets. Moreover, the Receiver believes that it is important for a probate estate to be opened in order to properly administer and clear title to assets in McLeod's name under Florida law.¹ If authorized, the Receiver intends on opening the probate estate in Florida State Circuit Court in Jacksonville, Florida.

5. The Receivership Order provides that "[i]n the event the Receiver discovers funds of persons who have invested in FSAMG or have been transferred to other persons or entities, the Receiver shall apply to this Court for an Order giving the Receiver possession of such funds and, if the Receiver deems it advisable, extending the Receivership over any person or entity holding such investor funds." Receivership Order at p. 7. The Receiver believes that most of McLeod's assets have been acquired directly with funds stolen from persons who have invested in FSAMG and/or FEBG. Accordingly, the Receiver believes that opening a probate estate on McLeod's behalf and acting as Curator of his estate is the most efficient way for the Receiver to obtain possession of such assets for the benefit of the defrauded victims.

WHEREFORE the Receiver respectfully requests that this Court enter an order authorizing the Receiver to open a probate estate on behalf of Kenneth Wayne McLeod and to serve as Curator for such estate and grant such other relief this Court may deem just and proper.

¹ This would not include administering the life insurance policies on McLeod's life which pass outside of his estate under Florida law.

LOCAL RULE 7.1 CERTIFICATION OF COUNSEL

Pursuant to Local Rule 7.1, undersigned counsel hereby certifies that the Receiver has conferred with counsel for the United States Securities and Exchange Commission and Susan McLeod who have no objection to the relief requested herein.

AKERMAN SENTERFITT
350 East Las Olas Boulevard
Suite 1600
Fort Lauderdale, FL 33301
Telephone: (954) 463-2700
Facsimile: (954) 463-2224
Attorneys for Receiver

By: //s//Michael I. Goldberg
Michael I. Goldberg
Florida Bar No.: 886602

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 6, 2010, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served on this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

//s// Michael I. Goldberg
Michael I. Goldberg

SERVICE LIST

1:10-cv-22078-FAM

Notice has been electronically mailed to:

C. Ian Anderson andersonci@sec.gov, jacqmeinv@sec.gov, landaul@sec.gov

Matthew R. Kachergus sheplaw@att.net

Michael Ira Goldberg michael.goldberg@akerman.com, charlene.cerda@akerman.com,
kimberly.matregano@akerman.com

Tamara Jill Savin tamara.savin@akerman.com

Notice has been mailed to

D. Gray Thomas
Sheppard White Thomas & Kachergus PA
215 Washington Street
Jacksonville, FL 32202

William J. Sheppard
Sheppard White Thomas & Kachergus PA
215 Washington Street
Jacksonville, FL 32202

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division
Case Number:
10-22078-CIV-MORENO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

ESTATE OF KENNETH WAYNE MCLEOD,
F&S ASSET MANAGEMENT GROUP, INC. and
FEDERAL EMPLOYEE BENEFITS GROUP,
INC.,

Defendants.

_____ /

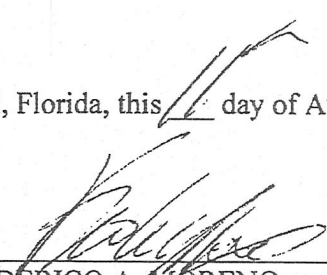
**ORDER GRANTING MOTION TO AUTHORIZE THE RECEIVER
TO OPEN PROBATE ESTATE**

THIS CAUSE came before the Court upon the Receiver's Unopposed Motion for Order Authorizing the Receiver to Open Probate Estate on Behalf of Kenneth Wayne McLeod and to Serve as Curator of Estate (D.E. No. 31), filed on August 6, 2010.

THE COURT has considered the motion and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion is GRANTED. The Receiver is authorized to open a probate estate on behalf of Kenneth Wayne McLeod and to execute and file whatever documents are necessary to open the probate estate. The Receiver is also authorized to serve as curator of the estate or in such other representative capacity as directed by the probate judge to achieve the intended purpose.

DONE AND ORDERED in Chambers at Miami, Florida, this 11 day of August, 2010.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:
Counsel of Record