

Exhibit A

JOSEPH W. GRIER, III

Grier Furr & Crisp, PA

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PROFESSIONAL EXPERIENCE

Grier Furr & Crisp, PA

Founded firm in 1984 as Grier & Grier, PA. A substantial portion of my practice is devoted to commercial debtor-creditor work, primarily in the United States Bankruptcy Court for the Western District of North Carolina and the United States District Court for the Western District of North Carolina. I have served as a fiduciary in a number of cases, as a bankruptcy trustee, and as a federal and state court receiver. Matters I have handled as a fiduciary include the following:

Court Appointed Federal Receiver

United States Commodity Futures Trading Commission vs. Barki, et al, case number 3:09-CV-106 (GCM) (W.D.N.C.).

- Collected more than \$3.8 million from bank accounts, the sale of a horse farm, the sale of a Maserati and three other vehicles, settlements with various individuals, and the liquidation of a life insurance policy.
- Adjudicated claims, made an interim distribution, and plan to make an additional distribution and complete the case shortly.

United States Commodity Futures Trading Commission vs. CapitalStreet Financial LLC, et al, case number 3:09-CV-387 (RJC-DCK) (W.D.N.C.).

- Collected more than \$375,000 from bank accounts, the sale of precious metals and stones, and the liquidation of a 1997 Ferrari and a 2003 BMW.
- Obtained approval of a claims and distribution process, which is currently being implemented.

Federal Trade Commission and the State of North Carolina vs. Resort Sales Group, et al., case number 3:97-CV-382-MU (W.D.N.C.).

- From 1997 to 1999, served as receiver in a case brought by the Federal Trade Commission and the State of North Carolina in the United States District Court for the Western District of North Carolina.

Trustee in Bankruptcy

Served as a member of the bankruptcy trustees' panel for the United States Bankruptcy Court for the Western District of North Carolina from 1979 through June 1984. In that capacity, I was appointed as both an operating and a liquidating trustee in numerous cases before the court. My responsibilities included the collection and liquidation of assets,

reviewing and determining claims, making claims distributions, and bringing and prosecuting avoidance actions. Sample cases included:

- *South Mountain Resort and Spa, Inc.*, appointed in early 2000 as a non-operating chapter 11 trustee for this failed real estate development in the foothills of the North Carolina mountains;
- *In re Eastern Transit & Storage, Inc.*, liquidated a moving and storage business;
- *In re Tymoore, Inc., d/b/a Eastland Athletic Club*, liquidated a Jack LaLanne health club;
- *In re Anthony Potter, d/b/a AJ Coin*, liquidated a retail coin shop;
- *In re A Third Season*, liquidated a retail specialty foods shop; and
- Liquidation of numerous restaurants.

Represented non-attorney bankruptcy trustees in the operation and liquidation of numerous businesses. Sample cases include:

- *In re Nolan*, case no. 09-31456 and *In re Marvin-Waxhaw Assoc., LLC*, case no. 09-31455 (Bankr. W.D.N.C.). Currently represent trustee in related cases involving numerous real estate developments in Union County, North Carolina.
- *In re Beltex Corp.*, case no. 00-31619 (Bankr. W.D.N.C.). Following conversion of case from chapter 11, represented chapter 7 trustee in bringing numerous avoidance actions as well as in evaluating claims and making distributions.
- *In re Lake Providence Properties, Inc.*, case no. 93-30064 (Bankr. W.D.N.C.). Represented trustee in completing the development of several residential subdivisions outside of Charlotte and then selling the lots.

Other Bankruptcy Court Appointments

Appointed as an examiner by the United States Bankruptcy Court for the Western District of North Carolina of a limited partnership that owned ten Days Inn motels in central and southern Florida and that filed bankruptcy in the Western District of North Carolina in December 1991. Subsequently, I represented the examiner and the chapter 11 plan trustee in the same case, *In re Florida Hotel Properties Limited Partnership*, case no. 91-31425, and a sister limited partnership, *In re Southeast Hotel Properties Limited Partnership*, case no. 91-31737, that owned an additional fifteen hotels in the Southeast. The examiners and trustee in those cases uncovered massive fraud by the individuals operating the hotels for the limited partnerships. The son of the general partner of both partnerships was convicted of more than twenty counts of tax and bankruptcy fraud in connection with these cases. The trustee in these cases filed more than seventy lawsuits to recover property and recovered in excess of \$10 million. In the *Florida Hotel Properties* case, the trustee made a 100% distribution to unsecured creditors and a partial distribution to limited partners. In the *Southeast Hotel Properties* case, all unsecured creditors received a 100% distribution except for the entity that had purchased the deficiency claim on the mortgage from the Resolution Trust Corporation.

State Court Appointed Receiver

Served as a state court receiver in a number of cases, in some instances at the request of financial institutions foreclosing on hotels and apartment complexes and in other

instances at the request of the State of North Carolina. Representative cases include the following:

State of North Carolina ex rel. Roy Cooper, Attorney General vs. Peerless Real Estate Services, Inc., et al, 07-CVS-009006, Wake County, North Carolina, Superior Court.

- Since June 2007, I have served at the request of the State of North Carolina as receiver for a group of entities that attempted, unsuccessfully and fraudulently, to develop resort property in the North Carolina mountains in a development known as the Village of Penland.
- Thus far, I have obtained a forensic accounting of the expenditure of over \$90 million of investor monies and filed a number of lawsuits to recover funds.
- Five of the principals of the Village of Penland entities have pled guilty to federal criminal charges. In each instance, the United States District Court has also appointed me as a special master, to assist the District Court in fashioning restitution orders.

Proformance Management Group, Inc., et al., 00-CVS-007876, Wake County, North Carolina, Superior Court.

- Appointed as receiver at the request of the State of North Carolina in March 2001 and successfully liquidated real estate holdings of the company as well as real property titled in the names of the company's principals.

Other State Court Appointments

For approximately six months in 1990, serving as the court-appointed receiver, I operated the Sterling Inn, a hotel in southeast Charlotte containing approximately 100 rooms. The owner of the Sterling Inn filed bankruptcy, and the bankruptcy court then authorized me to continue operations in my role as receiver and, in addition, appointed me as examiner. I also have operated, as a receiver appointed by the state court, the Dunhill Hotel in Charlotte and several apartment complexes in the Western District of North Carolina.

COURT ADMISSIONS

North Carolina State Bar, 1977.

United States District Court for the Western District of North Carolina (1979).

United States District Court for the Middle District of North Carolina (1988).

United States Court of Appeals for the Fourth Circuit (1979).

SPECIALIZATION

Certified as a Specialist in Business and Consumer Bankruptcy Law by the North Carolina State Bar.

Business Bankruptcy Law Specialist, American Board of Certification.

EDUCATION

University of North Carolina (B.A., 1973; J.D., 1977); Member, Order of the Grail.

REPORTED CASES

In Re: Derivium Capital, LLC, 380 B.R. 429 (Banker. D.S.C. 2006); *Wayne Sigmon, Trustee in Bankruptcy for Shelby Yarn Co. vs. Recovery Equity Investors, L.P., et al.*, 306 B.R. 523 (W.D.N.C. 2004); *Bowers v. Atlanta Motor Speedway (In re Southeast Hotel Properties)*, 99 F.3d 151 (4th Cir. 1996); *Cooper v. Ashley Communications, Inc. (In re Morris Communications NC, Inc.)*, 914 F.2d 458 (4th Cir. 1990); *Raritan River Steel Co. v. Cherry, Bekaert & Holland*, 322 N.C. 200, 367 S.E.2d 609 (1988), *rev'd and remanded*, 101 N.C. App. 1, 398 S.E.2d 889 (1990), *rev'd and remanded*, 329 N.C. 646, 407 S.E.2d 178 (N.C. 1991).

RECENT PRESENTATIONS

“Representing or Dealing with Distressed Companies,” 2010 Business Law, Corporate Counsel & International Law & Practice Sections Annual Meeting, North Carolina Bar Association, February 18, 2010; “Bankruptcy Light? Less Filling or Tastes Great, Receiverships & other State Law Alternatives to Bankruptcy” (panel member), Annual Bankruptcy Institute, North Carolina Bar Association, November 13, 2009.

MEMBERSHIPS

Mecklenburg County Bar Association (Member, Executive Committee, 1983-1986); North Carolina and American Bar Associations (Member, Bankruptcy Law Section); North Carolina State Bar; The American Law Institute. Board Certified Specialist in Bankruptcy Law; Member of Bankruptcy Trustee's Panel, 1979-June, 1984).

COMMUNITY ACTIVITIES

Elder, Myers Park Presbyterian Church; Board of Visitors, Queens University; Executive Board, Mecklenburg County Council, Boy Scouts of America.

PERSONAL BACKGROUND

Born in Charlotte, North Carolina, 1951.