

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**KINETIC INVESTMENT GROUP, LLC and
MICHAEL SCOTT WILLIAMS,**

CASE NO.: 8:20-cv-394-MSS-SPF

Defendants, and

**KINETIC FUNDS I, LLC,
KCL SERVICES, LLC d/b/a LENDACY,
SCPIO, LLC, LF42, LLC, EL MORRO
FINANCIAL GROUP, LLC, and
KIH, INC. f/k/a KINETIC INTERNATIONAL, LLC,**

Relief Defendants.

**RECEIVER’S SUPPLEMENTAL EXHIBIT TO NOTICE (D.E. 291)
REGARDING STATUS OF SALE REQUESTED IN MOTION FOR
APPROVAL OF PRIVATE SALE OF REAL PROPERTY (D.E. 275)**

Mark A. Kornfeld, as Court-Appointed Receiver of Defendant Kinetic Investment Group, LLC and Relief Defendants (collectively the “Receiver”), by and through the undersigned counsel, hereby files its Supplemental Exhibit to its Notice Regarding Status of its Motion for Approval of Private Sale (D.E. 291) and states as follows in support:

(1) On October 20, 2022, Receiver filed his Notice with the Court (D.E. 291) regarding the Status of the Sale Requested in the Motion for Approval of Private Sale of Real Property. (D.E. 275.)

(2) Subsequent to this filing, on October 24, 2022, Receiver received written correspondence from the contracted buyer detailing the buyer's intent to rescind and terminate the Purchase Sale Agreement due to the passage of time in which the sale has not been approved.

(3) For completeness of the Notice (D.E. 291), Receiver files the buyer's correspondence as a Supplemental Exhibit. (See "Rivera Fernandez Correspondence" attached as Exhibit A.)

(4) Prior to filing Exhibit A, Receiver received authority from Buyer's counsel to make this correspondence part of the court record.

WHEREFORE, Mark A. Kornfeld, Court-Appointed Receiver, respectfully moves this Court to enter an Order granting the Motion for Approval of Private Sale of Real Property (D.E. 275) and granting any other relief the Court deems just and equitable.

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), the undersigned certifies that counsel for the Receiver conferred with counsel for the Commission and counsel for Defendant Michael Williams prior to filing the Notice Motion related to this supplemental exhibit filing. Counsel for the Commission has no objection to the relief requested. Defendant Michael Williams objects to the relief requested as set forth in his response/sur-reply to the Motion for Approval of Private Sale.

BUCHANAN INGERSOLL & ROONEY PC



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Attorneys for Receiver Mark A. Kornfeld

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a Notice of Electronic Filing to the following counsel of record:

Christine Nestor, Esq.
Stephanie N. Moot, Esq.
John T. Houchin, Esq.
Barbara Viniegra, Esq.
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801 Brickell Avenue, Suite 1950
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Counsel for Plaintiff

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Counsel for Defendant Michael Williams

By: /s/ Lauren V. Humphries
Lauren V. Humphries, Esq. (FBN 117517)

SEC vs. Kinetic Investment Group, LLC, et al
CASE NO.: 8:20-cv-394

EXHIBIT “A”

Luis Rafael Rivera

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ALLAN A. RIVERA-FERNANDEZ
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October 21, 2022

Mr. Mark A. Kornfeld
c/o Jordan D. Maglich, Esq.
Buchanan Ingersoll & Rooney, PC
401 E. Jackson Street, Suite 2400
Tampa, FL 33602

Dear Mr. Kornfeld:

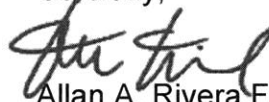
My firm represents Mr. Allan Rothstein. On March 18, 2022, my client signed a Purchase and Sales Agreement for certain real estate properties located in Puerto Rico. The properties are under a case styled Securities and Exchange Commission v. Kinetic Investment Group, LLC et al, Case No. 8:20-cv-394-T-35SPF (M.D. Fla.) (the "Receivership Action"). All sales are subject to the approval of the Court in said Receivership Action. As part of the Agreement Mr. Rothstein provided \$63,000.00 as Earnest Money Deposit.

Since the moment of the signing of the Agreement more than 6 months have elapsed and the Court has not taken any action on the matter. Mr. Rothstein wishes to provide notice of his intent to rescind and terminate the Agreement pursuant to paragraph 14(c) of said Agreement - Termination Without Fault as the Court (pursuant to its approval power outlined in paragraphs 2(1) and 9) has not taken any action on the matter, and the mere passage of time has affected the efficacy of the Agreement.

Pursuant to paragraph 2 of the Agreement Mr. Rothstein requests the return of his Deposit and that the Agreement be rescinded and that the Parties be liberated from any mutual obligations.

If you have any questions or concerns as to this communication, please feel free to communicate to the numbers or emails in the heading or to my cell phone at 787-531-2081.

Cordially,



Allan A. Rivera Fernández