

d. The gross advance amount payable to Thomas in exchange for the assigned settlement payment(s);

e. An itemized listing of all applicable Proposed Transfer expenses, other than attorneys' fees and related disbursements payable in connection with 365's application for approval of the Proposed Transfer, and 365's best estimate of the amount of any such fees and disbursements;

f. The net amount payable to Thomas as a result of this Proposed Transfer;

g. The quotient, expressed as a percentage, obtained by dividing the net payment amount by the net discounted present value of the payments, which must be disclosed in the following statement: "The net amount that you will receive from us in exchange for your future structured settlement payments represents 22.81% of the estimated current value of the payments based upon the discounted value using the applicable federal rate";

h. The effective annual interest rate relating to the Proposed Transfer which must be disclosed in the following statement: "Based on the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are turning over to us, you will, in effect, be paying interest to us at a rate of 15.24 percent per year"; and

i. The amount of any penalties or liquidated damages payable by Thomas in the event of any breach of the transfer agreement by Thomas;

3. Thomas has established that the Proposed Transfer is in his best interest, taking into account the welfare and support of his dependents, if any, as required by FLA. STAT § 626.99296(3)(a)(3);

4. Thomas has received, or waived his right to receive, independent professional advice regarding the legal, tax, and financial implications of the Proposed Transfer, as required by FLA. STAT § 626.99296(3)(a)(4);

5. 365 has given written notice of 365's name address, and taxpayer identification number to the annuity owner, American General Assignment Corporation of New York ("AGAC NY"), and annuity issuer, Variable Annuity Life Insurance Company ("VALIC"), and has filed a copy of the notice with the Court, as required by FLA. STAT § 626.99296(3)(a)(5);

6. The transfer agreement provides that if Thomas is domiciled in this state, any disputes between the parties will be governed in accordance with the laws of this state and that the domicile state of Thomas is the proper venue to bring cause of action arising out of a breach of the agreement, as required by FLA. STAT § 626.99296(3)(a)(6); and

7. The Court has determined that the net amount payable to Thomas is fair, just, and reasonable under the current circumstances, as required by FLA. STAT § 626.99296(3)(a)(7).

Thomas represents and warrants that he has all right, title, and interest in and to the Assigned Payments (defined below), that said payments were not previously transferred, assigned, sold, encumbered, or otherwise alienated, and that he is not aware of any claim or potential claim against, or interest of any third-party in, said payments or payment rights other than as expressly set forth herein. This representation and warranty includes but is not limited to Thomas's rights and/or obligations as set forth in any underlying document(s) (i.e. settlement agreement, release, uniform qualified assignment, order approving the settlement, etc.) entered or executed in connection with, related to, or arising out of, the creation of the annuity (the "Underlying Documents").

Based on the foregoing findings and being satisfied that the proposed transfer satisfies all applicable statutory requirements, including TEX. CIV. PRAC. & REM. CODE § 141.001 (2004), *et seq.*; it is hereby,

ORDERED that the Petition is GRANTED and APPROVED as follows:

Pursuant to FLA. STAT § 626.99296, *et seq.*, the assignment by Thomas to 365 of all of Thomas's rights, title, and interest in and to certain of the structured settlement payments under annuity contract number [REDACTED] (the "Annuity") is hereby APPROVED.

It is further ORDERED that annuity owner, AGAC NY, and annuity issuer, VALIC, are

hereby directed to deliver and make the following payments, as they become due under the schedule set forth in the Annuity, regardless of whether Thomas is living:

- monthly payments of \$2,500.00 each, commencing January 22, 2016 through and including October 22, 2016; and
- monthly payments of \$11,689.57 each, commencing November 22, 2016 through and including October 22, 2046, increasing 3% annually each November

(the "Assigned Payments"). The Assigned Payments, when due, shall be delivered to Novation Funding, LLC ("Novation Funding"), as the designate assignee of 365, at the following address:

Novation Funding, LLC
P.O. Box 102265
Atlanta, GA 30368-2265

(the "Designated Address"). It is further ORDERED that VALIC and AGAC NY shall discharge their obligation to make the Assigned Payments in question by paying and directing said payments to Novation Funding and, by doing so, VALIC and AGAC NY shall not have any liability to Thomas for the Assigned Payments. This Order in no way modifies or negates the ownership or control over the Annuity by VALIC and AGAC NY.

It is further ORDERED that 365, Novation Funding and their affiliates and successors in interest, shall defend, indemnify, and hold harmless AGAC NY and VALIC and their successors and assigns, parents, affiliates, and subsidiaries, from and against any and all liability from all claims in connection with, related to, or in any way arising out of the issuance of the Assigned Payments to Novation Funding, whether such claims are brought by Thomas (including Thomas's heirs, beneficiaries, and/or executors), by any individual or entity to which 365 or Novation Funding subsequently assigns or transfers the Assigned Payments or any portion thereof, or by any other individual or entity. To the extent that 365 and/or Novation Funding fail to honor this indemnification and defense obligation, VALIC and AGAC NY may, in addition to

all other remedies afforded by law, satisfy the same by withholding to their own credit any remaining Assigned Payments.

It is further ORDERED that neither the fact of the entry of this Order, nor any term or action taken hereunder, shall be admissible at any time in any action or proceeding for any purpose, except if required in connection with the enforcement of any party's rights hereunder.

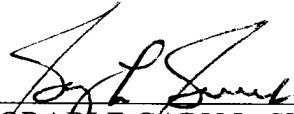
It is further ORDERED that AGAC NY and VALIC are hereby discharged from all liability for the Assigned Payments, as to all parties except Novation Funding and its successors and/or assigns. This Order is entered without prejudice to the rights of AGAC NY and VALIC and the Court makes no finding regarding the enforceability of any anti-assignment provisions contained in the annuity contracts or related documents.

It is further ORDERED that the death of Thomas, prior to the due date of the last Assigned Payment, shall not affect the transfer of the Assigned Payments from Thomas to Novation Funding and Thomas understands that he is giving up his rights, and the rights of his heirs and/or successors, to the Assigned Payments.

It is further ORDERED that this Order shall be read in conjunction with prior orders of this or any other court transferring payments from the Annuity, and the payments transferred herein shall be in addition to payments transferred pursuant to any such prior orders.

It is further ORDERED that this Order is a "Qualified Order" within the meaning of 26 U.S.C. § 5891, *et seq.* and finally disposes of all claims and all parties; all motions not specifically granted herein are DENIED.

DONE AND ORDERED in chambers this 29 day of October, 2015, in Okeechobee County, Okeechobee, Florida.



HONORABLE GARY L. SWEET
Circuit Court Judge

10/24/2015
3:13
Copies to:

- ✓ Cedric Thomas
- ✓ Scott Topolski
- ✓ Variable Annuity Life Insurance Company
- ✓ American General Assignment Corporation of New York

UNOFFICIAL
DOCUMENT

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT IN AND FOR
OKEECHOBEE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2015CA000483

IN RE: APPROVAL OF TRANSFER OF
PAYMENT RIGHTS between 365 ADVANCE
SERVICES, Petitioner, and C. THOMAS,
Respondent.

NOTICE OF HEARING

TO: Variable Annuity Life Insurance Co., 205 East 10th Avenue, Amarillo, TX 79101, Attn:
Structured Settlements

American General Assignment Corporation of New York, 205 East 10th Avenue,
Amarillo, TX 79101

C. Thomas, [REDACTED]

YOU ARE HEREBY NOTIFIED that undersigned counsel has called up for hearing the
following:

DATE: October 29, 2015
TIME: 9:00 a.m.
JUDGE: The Honorable Gary L. Sweet
PLACE: Okeechobee County Courthouse, 312 NW 3rd Street, Okeechobee, FL 34974
MATTER: Petition for Court Approval of Transfer of Payment Rights

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
U.S. Mail and Certified Mail Return Receipt Requested to the above addresses, this 5th day of
October, 2015.

/s/ Scott J. Topolski

Scott J. Topolski

Florida Bar No. 0006394

TOPOLSKI LAW FIRM, P.A.

3839 N.W. Boca Raton Blvd., Suite 200

Boca Raton, Florida 33431

Telephone: 561 419-9900

Facsimile: 561 419-9905

Attorneys for Petitioner

stopolski@topolskilawfirm.com

dgileza@topolskilawfirm.com

Morris & Morris, P.A.
Attorneys for Petitioner
777 South Flagler Drive
Suite 800- West Tower
West Palm Beach, Florida 33401
Tel. 561.838.9811; Fax. 561.828.9351
Email momorris@morris-morris.com

**UNOFFICIAL
DOCUMENT**

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT IN AND FOR
OKEECHOBEE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2015CA000483

IN RE: APPROVAL OF TRANSFER OF
PAYMENT RIGHTS between 365 ADVANCE
SERVICES, Petitioner, and C. THOMAS,
Respondent.

NOTICE OF FILING COPY OF NOTICE TO INTERESTED PARTIES

COMES NOW Petitioner, by and through its undersigned counsel, and files a copy of the
Notice to Interested Parties, without attachments with the Clerk of the Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by regular U.S. Mail and
certified mail return receipt requested to Variable Annuity Life Insurance Co., 205 East 10th
Avenue, Amarillo, TX 79101, Attn: Structured Settlements, American General Assignment
Corporation of New York, 205 East 10th Avenue, Amarillo, TX 79101, and C. Thomas, [REDACTED]
[REDACTED], this 5th day of October, 2015.

TOPOLSKI LAW FIRM, P.A.

Attorneys for Petitioner

3839 NW Boca Raton Blvd., Ste. 200

Boca Raton, Florida 33431

Telephone: 561 419-9900

Facsimile: 561 419-9905

By: /s/ Scott J. Topolski

Scott J. Topolski, Esq.

Florida Bar No. 0006394

Primary Email Address:

stopolski@topolskilawfirm.com

Secondary Email Address:

dgileza@topolskilawfirm.com

Morris & Morris, P.A.

Attorneys for Petitioner

777 South Flagler Drive

Suite 800- West Tower

West Palm Beach, Florida 33401

Tel. 561.838.9811; Fax. 561.828.9351

Email momorris@morris-morris.com

UNOFFICIAL
DOCUMENT

October 5, 2015

Variable Annuity Life Insurance Company
205 East 10th Avenue
Amarillo, TX 79101
Attn: Structured Settlements

CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND REGULAR MAIL

American General Assignment Corporation of New York
205 East 10th Avenue
Amarillo, TX 79101

CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND REGULAR MAIL

C. Thomas

CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND REGULAR MAIL

Re: Case No. 2015CA000483, In the Matter of the Transfer of Payment Rights by C. Thomas, In the Circuit Court of the 19th Judicial Circuit, In and For Okeechobee County, Florida

Ladies and Gentlemen:

365 Advance Services ("Petitioner"), has filed a Petition for Approval of a Transfer of Payment Rights so that C. Thomas ("Payee") may transfer certain of his structured settlement payment rights to Petitioner. Pursuant to FLA. STAT. Ann. § 626.99296(4), the following enclosures and statements serve as Notice to Interested Parties of:

A copy of the Petition for Approval of Transfer of Payment Rights;

A copy of the Transfer Agreement (Exhibit A to the Petition);

A copy of the Disclosure Statement required by FLA. STAT. Ann. § 626.99296(3) (Exhibit B to the Petition).

You are advised that any interested party is entitled to support, oppose or otherwise respond to the Petition, either in person or by counsel, by submitting written comments to the Court or by participating in the hearing.

You are further advised that the time and place of the hearing is contained in the Notice enclosed herewith and incorporated by reference herein and that the manner in which and the time

by which written response to the Petition must be filed in order to be considered by the court or responsible authority shall not be less than fifteen days after service of Petitioner's notice.

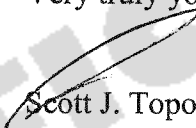
The copies of the above-referenced documents are being provided to you in compliance with Florida law.

The name, address and taxpayer identification number of the entity to which the Assigned Payments shall be remitted and made payable to is as follows:

NOVATION FUNDING, LLC
P.O. Box 102265
Atlanta, GA 30368-2265
Taxpayer ID: 46-0662843

If you have any questions or need any further information, please call.

Very truly yours,


Scott J. Topolski

Enclosures
SJT/dg

UNOFFICIAL
DOCUMENT

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT IN AND FOR
OKEECHOBEE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2015CA000483

IN RE: APPROVAL OF TRANSFER OF
PAYMENT RIGHTS between 365 ADVANCE
SERVICES, Petitioner, and C. THOMAS,
Respondent.

NOTICE OF APPEARANCE AND DESIGNATION OF E-MAIL ADDRESSES

Please take notice that Scott J. Topolski of the law firm Topolski Law Firm, P.A., hereby files this Notice of Appearance as counsel for the Petitioner, 365 ADVANCE SERVICES. All future pleadings, notices, orders, correspondence and communications in this action should be sent to the aforesaid counsel.

E-mail Designations: Primary – stopolski@topolskilawfirm.com
Secondary – dgileza@topolskilawfirm.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by regular U.S. Mail upon the following: Variable Annuity Life Insurance Co., 205 East 10th Avenue, Amarillo, TX 79101, Attn: Structured Settlements, American General Assignment Corporation of New York, 205 East 10th Avenue, Amarillo, TX 79101, and C. Thomas, [REDACTED], this 5th day of October, 2015.

TOPOLSKI LAW FIRM, P.A.
Attorneys for Petitioner
3839 NW Boca Raton Blvd., Ste. 200
Boca Raton, Florida 33431
Telephone: 561 419-9900
Facsimile: 561 419-9905

By: /s/ Scott J. Topolski

Scott J. Topolski, Esq.

Florida Bar No. 0006394

Primary Email Address:

stopolski@topolskilawfirm.com

Secondary Email Address:

dgileza@topolskilawfirm.com

Morris & Morris, P.A.

Attorneys for Petitioner

777 South Flagler Drive

Suite 800- West Tower

West Palm Beach, Florida 33401

Tel. 561.838.9811; Fax. 561.828.9351

Email momorris@morris-morris.com

UNOFFICIAL
DOCUMENT

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA

CIRCUIT CIVIL COURT NOTES

365 ADVANCE SERVICES

Plaintiff,

-vs-

C THOMAS

Defendant,

Case Number: 15000483CAAXMX
Hearing Type: CIRCUIT CIVIL HEA

COURT ATTENDANCE:

Judge GARY L SWEET Bailiff Parker

Court Reporter/Firm _____

Plaintiff: () Present () Not Present () Pro Se () Atty S. Petulski () present () phone

Defendant: () Present () Not Present () Pro Se () Atty _____ () present () phone

Witnesses _____

Plaintiff's Motion: PET/APPROVAL OF TRANSFER OF PYMT RIGHTS

Defendant's Motion:

ACTION TAKEN:

() Dismissed () Granted () Denied () Final Judgment Entered

() Next Court Date: _____, 20 _____ @ _____ AM/PM for _____

Attorney Fees: () Awarded () Not Awarded

Order to Be Prepared By: () Judge's Judicial Asst () PRO SE () Plaintiff's Atty () Defendant's Atty

SUMMARY OF HEARING:

SHARON ROBERTSON
CLERK OF CIRCUIT COURT

By: Sarah G. Bailey
Deputy Clerk

Date: 10/29/2015.

FILED IN OPEN COURT THIS

