

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

ABNER ALEJANDRO TINOCO and KIKIT &
MESS INVESTMENTS, LLC,

Defendants.

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CIVIL ACTION
NO. 3:21-CV-00237-DCG

RECEIVER’S AMENDED CLAIMS REPORT

Kelly M. Crawford (the “Receiver”) respectfully submits this Receiver’s Amended Claims Report pursuant to the *Order Establishing Claims Adjudication Process (“Claims Order”)*, [Dkt. 36], and in support, respectfully shows the Court as follows:

**I.
CLAIMS ADJUDICATION PROCEDURE**

Pursuant to the *Claims Order*, on March 15, 2022 the Receiver filed the *Receiver’s Claims Report* (the “*Claims Report*”) containing his recommendations of the claim amounts for each investor and creditor [Dkt. 62]. The Receiver also posted a copy of the *Claims Report* on the receivership website. A copy of the *Claims Report* was served by mail upon each investor and creditor with a letter informing the recipient that the investor or creditor have the opportunity to file an objection with the Receiver if the investor or creditor does not agree with the Receiver’s recommendation regarding the investor’s or creditor’s claim. The investors and creditors were

further advised of the April 15, 2022 deadline for filing with the Receiver¹ objections to the *Claims Report*.

On May 13, 2022, the Receiver filed his *Report Regarding Objections to Receiver's Claims Report, and Response and Appendix In Support* ("Receiver's Claims Report") [Dkt. #82 & #82-1]. The Court scheduled a hearing for December 8, 2022 at 11:00 a.m. to consider the objections to the Receiver's Claims Report.

Since the filing of the Receiver's *Claims Report*, the Receiver discovered four revisions that need to be made to the *Claims Report*.

1. Claim No. 0231

Claim No. 0231 was not included in the Receiver's recommendations, through no fault of the claimant. The holder of claim 0231 submitted his original claim in a timely manner, but the submission was returned to the claimant for lack of signature. Because of claimant's deployment in the service, his claim deficiency was not resolved until after he returned from his deployment to cure the signature deficiency. Now that the claim deficiency has been resolved, the Receiver submits Claim No. 0231 in Category B of the *Amended Claims Report* attached hereto as **Exhibit A**. The Receiver approved Claim No. 0231 with a reduction based upon the false profits received by the claimant. The holder of Claim No. 0231 consents to the Receiver's recommendation regarding the claim.

2. Claims No. 0219 and 0220

Claims No. 0219 and No. 0220 were placed in Category C of the *Claims Report* due to lack of sufficient documentation. Since the filing of the *Claims Report*, however, the claimants provided proof of their investment. Accordingly, the Receiver's recommendation regarding

¹ The Court ordered that all objections were to be filed with the Receiver and not the Court. *See Section 3.3 of Order Establishing Claims Adjudication Process*,

Claims No. 0219 and No. 0220 has been amended and the claims, approved as filed, are now listed in Category A in the *Amended Claims Report*. The holder of Claims No. 0219 and 0220 consent to the Receiver's recommendation regarding their claim.

3. Claim No. 0007

Finally, Claim No. 0007 was omitted from the *Claims Report* because the claimant did not provide the information requested until after the Claims Report was filed. The holder of Claim No. 0007 submitted a claim for \$35,775.00. The Receiver was able to confirm that the holder of Claim No. 0007 invested a total of \$20,000 and received false profits of \$7,000, reducing the claimant's out of pocket loss to \$13,000. Accordingly, the Receiver recommends approval of Claim No. 0007 in the amount of \$13,000. Claim No. 0007 is now listed in Category B as a late filed claim in the *Amended Claims Report*.

Because the claims have not yet been considered by the Court and no distributions have been made to claimants, there is no prejudice to the receivership estate in allowing these amended and added claims. The addition of the new Claim No. 0231 and omitted Claim No. 0007, as well as the amended Claims of 0219 and 0220 were approved by the Receiver in the amounts set forth in the *Amended Claims Report*.

Pursuant to the Receiver's *Amended Claims Report*, the total amount of approved timely filed claims (Category A and B) is \$8,511,840.79, and the total amount of approved late filed claims (Category A and B) is \$87,912.96. The grand total amount of approved claims for both Category A and B claims is \$8,599,753.75. The Secured Creditors Claims have not changed from the original Claims Report.

II.
PRAYER

WHEREFORE, PREMISES CONSIDERED, the Receiver respectfully requests the Court to overrule the objections to his Claims Report, enter an order approving the *Receiver's Amended Claims Report*, and grant the Receiver such other and further relief to which he may show himself justly entitled.

Respectfully submitted, November 28, 2022.

Respectfully submitted,

SCHEEF & STONE, L.L.P.

By: /s/ Kelly M. Crawford
Kelly M. Crawford
State Bar No. 05030700

500 N. Akard Street, Suite 2700
Dallas, Texas 75201
Telephone: (214) 706-4200
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RECEIVER
KELLY M. CRAWFORD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 28, 2022, I electronically filed the foregoing document with the clerk of the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record. In addition, on November 28, 2022, I served a copy of this Report upon each of the four claimants whose claims were added to the Amended Claims Report as set forth herein, by first class mail addressed to their last known address and posted this Report on the website maintained by the Receiver at www.kikitreceivership.com.

/s/ Kelly M. Crawford
KELLY M. CRAWFORD

Claim	Investment Claimed	Investment Allowed	Claim Category	Status
0001	\$20,000.00	\$20,000.00	A	Timely
0003	\$49,600.44	\$49,600.44	A	Timely
0004	\$5,000.00	\$5,000.00	A	Timely
0005	\$3,000.00	\$3,000.00	A	Timely
0006	\$25,000.00	\$25,000.00	A	Timely
0010	\$1,689.60	\$1,689.60	A	Timely
0011	\$100,000.00	\$100,000.00	A	Timely
0013	\$5,000.00	\$5,000.00	A	Timely
0014	\$5,000.00	\$5,000.00	A	Timely
0015	\$10,000.00	\$10,000.00	A	Timely
0016	\$10,000.00	\$10,000.00	A	Timely
0018	\$14,777.01	\$14,777.01	A	Timely
0021	\$7,000.00	\$7,000.00	A	Timely
0026	\$8,500.05	\$8,500.05	A	Timely
0027	\$1,445,600.00	\$1,445,600.00	A	Timely
0029	\$5,000.00	\$5,000.00	A	Timely
0032	\$19,000.00	\$19,000.00	A	Timely
0033	\$3,000.00	\$3,000.00	A	Timely
0036	\$2,000.00	\$2,000.00	A	Timely
0037	\$371,578.43	\$371,578.43	A	Timely
0038	\$10,000.00	\$10,000.00	A	Timely
0040	\$4,000.00	\$4,000.00	A	Timely
0042	\$20,000.00	\$20,000.00	A	Timely
0043	\$5,000.00	\$5,000.00	A	Timely
0044	\$4,000.00	\$4,000.00	A	Timely
0045	\$4,000.00	\$4,000.00	A	Timely
0050	\$1,000,000.00	\$1,000,000.00	A	Timely
0051	\$2,000.00	\$2,000.00	A	Timely
0052	\$1,000.00	\$1,000.00	A	Timely
0054	\$13,320.00	\$13,320.00	A	Timely
0055	\$90,000.00	\$90,000.00	A	Timely
0056	\$5,000.00	\$5,000.00	A	Timely
0057	\$10,000.00	\$10,000.00	A	Timely
0058	\$1,000.00	\$1,000.00	A	Timely
0059	\$3,000.00	\$3,000.00	A	Timely
0060	\$9,000.00	\$9,000.00	A	Timely
0061	\$41,000.00	\$41,000.00	A	Timely
0062	\$2,000.00	\$2,000.00	A	Timely
0065	\$1,000.00	\$1,000.00	A	Timely
0068	\$5,000.00	\$5,000.00	A	Timely
0070	\$5,000.00	\$5,000.00	A	Timely
0071	\$1,000.00	\$1,000.00	A	Timely
0074	\$3,000.00	\$3,000.00	A	Timely
0076	\$10,000.00	\$10,000.00	A	Timely
0078	\$44,000.00	\$44,000.00	A	Timely

0079	\$5,000.00	\$5,000.00	A	Timely
0082	\$5,000.00	\$5,000.00	A	Timely
0088	\$10,000.00	\$10,000.00	A	Timely
0089	\$50,000.00	\$50,000.00	A	Timely
0092	\$15,000.00	\$15,000.00	A	Timely
0096	\$30,000.00	\$30,000.00	A	Timely
0097	\$5,000.00	\$5,000.00	A	Timely
0103	\$1,500.00	\$1,500.00	A	Timely
0105	\$10,000.00	\$10,000.00	A	Timely
0110	\$4,990.35	\$4,990.35	A	Timely
0112	\$10,000.00	\$10,000.00	A	Timely
0127	\$15,000.00	\$15,000.00	A	Timely
0132	\$13,000.00	\$13,000.00	A	Timely
0134	\$3,000.00	\$3,000.00	A	Timely
0137	\$50,000.00	\$50,000.00	A	Timely
0142	\$3,000.00	\$3,000.00	A	Timely
0148	\$35,000.00	\$35,000.00	A	Timely
0149	\$12,000.00	\$12,000.00	A	Timely
0151	\$3,000.00	\$3,000.00	A	Timely
0155	\$4,000.00	\$4,000.00	A	Timely
0156	\$4,000.00	\$4,000.00	A	Timely
0160	\$1,000,000.00	\$1,000,000.00	A	Timely
0161	\$1,000,000.00	\$1,000,000.00	A	Timely
0162	\$1,100,000.00	\$1,100,000.00	A	Timely
0163	\$4,000.00	\$4,000.00	A	Timely
0164	\$10,000.00	\$10,000.00	A	Timely
0167	\$3,937.96	\$3,937.96	A	Timely
0169	\$13,000.00	\$13,000.00	A	Timely
0171	\$3,000.00	\$3,000.00	A	Timely
0172	\$1,500.00	\$1,500.00	A	Timely
0175	\$4,000.00	\$4,000.00	A	Timely
0177	\$13,000.00	\$13,000.00	A	Timely
0184	\$2,000.00	\$2,000.00	A	Timely
0185	\$100,000.00	\$100,000.00	A	Timely
0187	\$5,000.00	\$5,000.00	A	Timely
0189	\$3,000.00	\$3,000.00	A	Timely
0190	\$5,000.00	\$5,000.00	A	Timely
0196	\$7,000.00	\$7,000.00	A	Timely
0197	\$3,000.00	\$3,000.00	A	Timely
0199	\$7,142.85	\$7,142.85	A	Timely
0202	\$5,000.00	\$5,000.00	A	Timely
0205	\$47,777.46	\$47,777.46	A	Timely
0206	\$13,500.00	\$13,500.00	A	Timely
0210	\$3,000.00	\$3,000.00	A	Timely
0212	\$1,000.00	\$1,000.00	A	Timely
0214	\$1,500.00	\$1,500.00	A	Timely
0222	\$4,000.00	\$4,000.00	A	Timely

0231	\$3,000.00	\$3,000.00	A	Timely
	\$7,055,914.15	\$7,055,914.15	TOTAL TIMELY - CATEGORY A	
Claim	Investment Claimed	Investment Allowed	Claim Category	Status
0002	\$20,000.00	\$11,544.00	B	Timely
0008	\$7,400.00	\$4,000.00	B	Timely
0009	\$16,902.00	\$2,000.00	B	Timely
0012	\$13,797.94	\$10,000.00	B	Timely
0017	\$45,000.00	\$30,010.00	B	Timely
0019	\$10,738.00	\$6,000.00	B	Timely
0023	\$6,000.00	\$2,400.00	B	Timely
0025	\$132,678.00	\$83,501.30	B	Timely
0030	\$20,486.70	\$7,984.70	B	Timely
0031	\$21,000.00	\$16,448.09	B	Timely
0034	\$5,780.85	\$3,375.00	B	Timely
0035	\$10,084.00	\$7,000.00	B	Timely
0041	\$15,000.00	\$4,500.00	B	Timely
0047	\$95,212.00	\$80,000.00	B	Timely
0048	\$7,344.85	\$4,000.00	B	Timely
0063	\$21,324.38	\$3,115.52	B	Timely
0064	\$38,099.00	\$21,137.15	B	Timely
0066	\$5,923.00	\$602.00	B	Timely
0067	\$40,916.00	\$28,288.39	B	Timely
0072	\$53,400.00	\$15,000.00	B	Timely
0073	\$21,392.92	\$9,302.52	B	Timely
0077	\$25,000.00	\$15,881.00	B	Timely
0080	\$16,000.00	\$6,000.00	B	Timely
0081	\$5,750.00	\$5,000.00	B	Timely
0083	\$15,616.00	\$7,000.00	B	Timely
0084	\$4,400.00	\$4,275.00	B	Timely
0085	\$30,528.00	\$4,078.00	B	Timely
0086	\$15,000.00	\$5,212.50	B	Timely
0087	\$10,000.00	\$5,000.00	B	Timely
0090	\$10,000.00	\$3,633.00	B	Timely
0091	\$11,498.00	\$6,000.00	B	Timely
0093	\$3,000.00	\$2,900.00	B	Timely
0095	\$15,000.00	\$7,900.00	B	Timely
0098	\$5,500.00	\$3,000.00	B	Timely
0099	\$3,800.00	\$2,000.00	B	Timely
0101	\$2,675.32	\$2,500.00	B	Timely
0102	\$6,000.00	\$433.40	B	Timely
0104	\$98,823.00	\$83,000.00	B	Timely
0106	\$35,869.00	\$25,000.00	B	Timely
0107	\$7,040.00	\$4,000.00	B	Timely
0108	\$17,003.00	\$9,601.00	B	Timely
0109	\$137,060.19	\$98,000.00	B	Timely

0111	\$3,500.00	\$2,000.00	B	Timely
0113	\$69,120.00	\$34,390.00	B	Timely
0114	\$1,838.40	\$1,000.00	B	Timely
0115	\$34,786.00	\$15,038.00	B	Timely
0116	\$17,198.00	\$2,233.00	B	Timely
0117	\$2,500.00	\$423.00	B	Timely
0118	\$1,720.00	\$1,000.00	B	Timely
0119	\$3,129.60	\$2,000.00	B	Timely
0120	\$5,000.00	\$1,530.00	B	Timely
0121	\$12,000.00	\$7,500.00	B	Timely
0123	\$6,000.00	\$4,863.00	B	Timely
0125	\$17,186.00	\$6,505.68	B	Timely
0126	\$26,537.50	\$25,000.00	B	Timely
0128	\$6,885.85	\$3,000.00	B	Timely
0129	\$3,638.00	\$3,000.00	B	Timely
0131	\$3,029.60	\$1,000.00	B	Timely
0133	\$22,652.00	\$13,863.20	B	Timely
0140	\$611,294.76	\$507,000.00	B	Timely
0144	\$2,960.80	\$2,000.00	B	Timely
0145	\$2,000.00	\$1,888.00	B	Timely
0146	\$8,367.00	\$2,000.00	B	Timely
0147	\$7,500.00	\$1,101.00	B	Timely
0150	\$3,000.00	\$2,100.00	B	Timely
0152	\$9,000.00	\$2,500.00	B	Timely
0153	\$19,000.00	\$14,080.00	B	Timely
0157	\$10,890.20	\$7,902.00	B	Timely
0165	\$3,800.80	\$3,400.00	B	Timely
0168	\$6,000.00	\$5,000.00	B	Timely
0170	\$5,576.00	\$1,000.00	B	Timely
0173	\$2,042.55	\$1,000.00	B	Timely
0174	\$1,497.00	\$1,000.00	B	Timely
0176	\$10,226.00	\$4,900.00	B	Timely
0178	\$6,000.00	\$3,827.00	B	Timely
0179	\$8,268.00	\$5,000.00	B	Timely
0180	\$3,841.00	\$1,500.00	B	Timely
0183	\$5,479.00	\$2,837.00	B	Timely
0191	\$3,000.00	\$2,068.00	B	Timely
0192	\$30,265.00	\$20,000.00	B	Timely
0193	\$20,041.35	\$1,000.00	B	Timely
0194	\$1,560.00	\$1,000.00	B	Timely
0195	\$2,000.00	\$1,600.00	B	Timely
0198	\$54,061.60	\$34,030.20	B	Timely
0200	\$2,120.00	\$1,150.00	B	Timely
0201	\$6,510.20	\$1,000.00	B	Timely
0203	\$9,890.00	\$8,202.00	B	Timely
0204	\$24,446.00	\$16,091.00	B	Timely

0208	\$3,500.00	\$1,782.00	B	Timely
0209	\$3,000.00	\$1,000.00	B	Timely
0211	\$8,510.20	\$2,000.00	B	Timely
0230	\$38,244.00	\$20,000.00	B	Timely
	\$2,254,654.56	\$1,455,926.65	TOTAL TIMELY - CATEGORY B	
Claim	Investment Claimed	Investment Allowed	Claim Category	Status
0020	\$80,445.22	\$0.00	C	Timely
0022	\$8,400.00	\$0.00	C	Timely
0024	\$10,800.00	\$0.00	C	Timely
0028	\$15,353.35	\$0.00	C	Timely
0039	\$4,000.00	\$0.00	C	Timely
0094	\$66,120.00	\$0.00	C	Timely
0100	\$41,667.00	\$0.00	C	Timely
0122	\$4,683.20	\$0.00	C	Timely
0124	\$24,486.00	\$0.00	C	Timely
0130	\$6,340.15	\$0.00	C	Timely
0135	\$3,000.00	\$0.00	C	Timely
0138	\$5,648.00	\$0.00	C	Timely
0139	\$3,000.00	\$0.00	C	Timely
0141	\$3,000.00	\$0.00	C	Timely
0143	\$4,000.00	\$0.00	C	Timely
0154	\$6,602.00	\$0.00	C	Timely
0158	\$5,032.85	\$0.00	C	Timely
0159	\$6,857.00	\$0.00	C	Timely
0166	\$3,929.60	\$0.00	C	Timely
0181	\$12,000.00	\$0.00	C	Timely
0182	\$14,000.00	\$0.00	C	Timely
0188	\$164,812.00	\$0.00	C	Timely
0213	\$2,500.00	\$0.00	C	Timely
0217	\$50,000.00	\$0.00	C	Timely
	\$546,676.37	\$0.00	TOTAL TIMELY - CATEGORY C	
Claim	Investment Claimed	Investment Allowed	Claim Category	Status
0049	\$5,000.00	\$5,000.00	A	Late
0207	\$3,200.00	\$3,200.00	A	Late
0215	\$5,000.00	\$5,000.00	A	Late
0219	\$5,000.00	\$5,000.00	A	Late
0220	\$3,000.00	\$3,000.00	A	Late
0223	\$10,000.00	\$10,000.00	A	Late
0225	\$1,000.00	\$1,000.00	A	Late
0228	\$3,000.00	\$3,000.00	A	Late
0229	\$3,000.00	\$3,000.00	A	Late
	\$38,200.00	\$38,200.00	TOTAL LATE - CATEGORY A	

Claim	Investment Claimed	Investment Allowed	Claim Category	Status
0007	\$35,775.00	\$13,000.00	B	Late
0216	\$14,500.00	\$2,539.96	B	Late
0221	\$4,000.00	\$2,784.00	B	Late
0226	<u>\$30,000.00</u>	<u>\$28,389.00</u>	B	Late
0231	<u>\$8,999.00</u>	<u>\$3,000.00</u>	B	Late
	<u>\$93,274.00</u>	<u>\$49,712.96</u>	TOTAL LATE - CATEGORY B	
Claim	Investment Claimed	Investment Allowed	Claim Category	Status
0218	\$14,000.00	\$0.00	C	Late
0224	\$10,000.00	\$0.00	C	Late
0227	<u>\$13,000.00</u>	<u>\$0.00</u>	C	Late
	<u>\$37,000.00</u>	<u>\$0.00</u>	TOTAL LATE - CATEGORY C	
Claim	Claim Amount	Claim Allowed	Claim Category	Status
C0001 Sharondale Property	\$281,258.47	\$281,258.47	Secured	Timely
C0002 Emerald View Drive	\$479,000.00	\$269,000.00	Unsecured	Timely
	\$760,258.47	\$550,258.47	Total Creditor Claims	