IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. COMMODITY FUTURES TRADING COMMISSION, *et al.* Plaintiffs, v. TMTE, INC. a/k/a METALS.COM, CHASE METALS, INC., CHASE METALS, LLC, BARRICK CAPITAL, INC., LUCAS THOMAS ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER, and SIMON BATASHVILI, Defendants, TOWER EQUITY, LLC, Relief Defendant.	§	CIVIL ACTION NO. 3:20-CV-2910-X

RECEIVER'S AMENDED UNOPPOSED MOTION TO FORFEIT ABANDONED AND UNCLAIMED INTERIM DISTRIBUTION FUNDS

Kelly M. Crawford, in his capacity as the Court-appointed Receiver ("Receiver") respectfully requests entry of an Order forfeiting distributions that remain unclaimed despite extensive efforts to locate the approved claimants or their heirs, beneficiaries, or legal representatives, and in support thereof the Receiver shows the Court as follows:

1. On November 2, 2022, following a hearing, the Court entered an Order approving the Receiver's Revised Claims Report (Dkt #455), which recommended approval of

$68,442,656.67 in claims by 1,043 metals investors and $4,353,849 in claims by fifteen (15) non-metals investors[1]. (collectively, the "Approved Claimants") [Dkt. 465].

2. On May 8, 2023, the Receiver filed the Receiver's Motion for an Interim Distribution that was unopposed by the Plaintiffs and Defendants. [Doc. 545].

3. On July 16, 2023, the Court entered an Order Authorizing Receiver to Make Interim Distribution (the "Distribution Order") [Doc. 614]. In the Distribution Order, the Court authorized the Receiver to make an interim distribution of $8 million on a *pro rata* basis to the Approved Claimants. In the Distribution Order, the Court also ordered the Receiver "to submit a separate motion with the specific amounts payable to each approved claimant."

4. After nearly 21 months of seeking consent from the Internal Revenue Service to allow the distribution, the IRS finally consented to the distribution and on April 10, 2025, the Receiver filed the *Receiver's Unopposed Motion to Approve Specific Amounts Payable to Approved Claimants from the Interim Distribution* [Doc. 865]. The Court approved this Motion on April 15, 2025 [Doc 868].

5. The Receiver employed Stretto, a nationally recognized claims administrator, to assist in issuing and mailing out the distribution checks to the Approved Claimants.

6. Because approximately four years and seven months elapsed between the commencement of this action and the Receiver's distribution of funds to claimants on or about May 8, 2025, the Receiver was required to undertake substantial efforts to locate a significant number of claimants. During that period, many claimants changed residences, entered assisted-living or long-term care facilities, or passed away.

[1] In the Revised Claims Report, there were 1,058 approved metals and non-metals claims, however, there were 58 with an approved claim of $0.00, thus, only 1,000 claimants were issued a distribution check.

7. Despite substantial efforts by the Receiver following the First Interim Distribution, funds allocated to fifty-four (54) Approved Claimants totaling $250,972.96 remain undeliverable or unclaimed (the "Abandoned Claims"). **See Exhibit A.** These claimants include 21 deceased individuals for whom no heirs, beneficiaries, personal representatives, or probate estates could be identified, as well as individuals whose whereabouts remain unknown despite diligent search efforts. Given the passage of time and the Receiver's extensive but unsuccessful efforts to complete these distributions, further search efforts are unlikely to result in payment and would unnecessarily increase administrative expenses.

8. Based on the foregoing, the Receiver requests the Court to declare the undistributed funds allocated to such claimants abandoned and forfeited, authorize cancellation of any outstanding distribution checks to these claimants, and authorize the return of those funds to the Receivership Estate for administration pursuant to future orders of the Court.

9. In addition to the foregoing, the Receiver requests the Court to strike the Abandoned Claims so that they do not participate in any future distributions.

WHEREFORE, premises considered, the Receiver respectfully requests that the Court enter an order:

(i) declaring the interim distribution funds allocated to the fifty-four (54) Abandoned Claims identified on Exhibit A forfeited;

(ii) authorizing the Receiver to cancel any outstanding and uncashed distribution checks issued to pay the Abandoned Claims;

(iii) authorizing the Receiver to return to the Receivership Estate all undistributed funds attributable to Abandoned Claims;

(iv) striking the Abandoned Claims from the list of Approved Claimants for future administration of the Receivership Estate; and

(v) granting such other and further relief to which he may be justly entitled.

Dated: October 28, 2026

SCHEEF & STONE, L.L.P.

By: */s/ Peter C. Lewis*
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ATTORNEY FOR RECEIVER KELLY M. CRAWFORD

CERTIFICATE OF CONFERENCE

The undersigned certifies that on October 19th and/or 20th, 2026, he conferred with counsel for the Plaintiff Commodity Futures Trading Commission, counsel for the representative of the Plaintiff States, and counsel for Defendants Lucas Asher and Simon Batashvili, and they are **unopposed** to the relief sought in this Motion.

/s/ Peter Lewis
PETER LEWIS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 28, 2026, I electronically filed the foregoing document with the clerk of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court.

/s/ Peter Lewis
PETER LEWIS

CLAIMANT LIST OF ABANDONED DISTRIBUTION			
Claim No.	**Forfeit**	**Reason for Forfeit**	**Amount**
Claim No. 00287	Forfeit	Unable to locate	$4,544.77
Claim No. 00016	Forfeit	Unable to locate	$345.24
Claim No. 00048	Forfeit	Deceased NF	$11,801.68
Claim No. 00061	Forfeit	Cannot Locate	$7,944.88
Claim No. 00070	Forfeit	Cannot Locate	$23,083.16
Claim No. 00116	Forfeit	Cannot locate	$893.64
Claim No. 00147	Forfeit	Unable to locate	$13,029.72
Claim No. 00151	Forfeit	Deceased NF	$830.98
Claim No. 00164	Forfeit	Unable to locate	$1,875.42
Claim No. 00213	Forfeit	Deceased NF	$1,732.85
Claim No. 00240	Forfeit	Unable to locate	$4,394.27
Claim No. 00284	Forfeit	Unable to locate	$950.53
Claim No. 00295	Forfeit	Unable to locate	$7,032.10
Claim No. 00403	Forfeit	Deceased NF	$15,643.33
Claim No. 00412	Forfeit	Unable to locate	$604.42
Claim No. 00429	Forfeit	Deceased NF	$11,634.47
Claim No. 00465	Forfeit	Unable to locate	$2,353.67
Claim No. 00543	Forfeit	Unable to locate	$835.62
Claim No. 00575	Forfeit	Unable to locate	$1,778.51
Claim No. 00592	Forfeit	Deceased NF	$2,639.56
Claim No. 00609	Forfeit	Deceased NF	$974.48
Claim No. 00637	Forfeit	Unable to locate	$8,313.69
Claim No. 00663	Forfeit	Unable to locate	$1,941.93
Claim No. 00696	Forfeit	Unable to locate	$3,676.91
Claim No. 00709	Forfeit	Deceased NF	$3,095.64
Claim No. 00739	Forfeit	Deceased NF	$4,355.21
Claim No. 00769	Forfeit	Deceased NF	$505.09
Claim No. 00772	Forfeit	Deceased NF	$2,908.61
Claim No. 00824	Forfeit	Unable to locate	$2,541.53

EXHIBIT A

Claim No. 00832	Forfeit	Unable to locate	$2,416.25
Claim No. 00874	Forfeit	Deceased NF	$3,755.16
Claim No. 00903	Forfeit	Deceased NF	$8,504.07
Claim No. 00926	Forfeit	Unable to locate	$1,795.13
Claim No. 00938	Forfeit	Deceased NF	$6,494.09
Claim No. 00961	Forfeit	Deceased NF	$1,065.38
Claim No. 00972	Forfeit	Unable to locate	$818.74
Claim No. 00994	Forfeit	Deceased NF	$8,595.90
Claim No. 01010	Forfeit	Unable to locate	$367.93
Claim No. 01066	Forfeit	Deceased NF	$1,641.34
Claim No. 01101	Forfeit	Unable to locate	$4,397.55
Claim No. 01192	Forfeit	Unable to locate	$259.17
Claim No. 01246	Forfeit	Unable to locate	$2,466.82
Claim No. 01247	Forfeit	Unable to locate	$1,394.99
Claim No. 01248	Forfeit	Deceased NF	$2,735.37
Claim No. 01252	Forfeit	Unable to locate	$796.63
Claim No. 01294	Forfeit	Unable to locate	$3,574.95
Claim No. 01316	Forfeit	Deceased NF	$4,282.05
Claim No. 01328	Forfeit	Unable to locate	$3,793.60
Claim No. 01441	Forfeit	Unable to locate	$6,505.73
Claim No. 01569	Forfeit	Deceased NF	$29,138.17
Claim No. 01595	Forfeit	Unable to locate	$91.55
Claim No. 01626	Forfeit	Deceased NF	$10,358.36
Claim No. 01674	Forfeit	Unable to locate	$1,679.81
Claim No. 01693	Forfeit	Unable to locate	$1,782.31
		Total	**$250,972.96**

EXHIBIT A