

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR MANATEE COUNTY
CIVIL DIVISION**

FORTRESS 2020 LANDCO, LLC, a Delaware
limited liability company, as assignee of Regions Bank,
as successor in interest by merger of AmSouth Bank,

Plaintiff,

vs.

Civil Action No. 2020-CA-004459-AX

HRK HOLDINGS, LLC, a Florida limited liability
company, ARSENAL GROUP, LLC, a Delaware
limited liability company, WILLIAM F. HARLEY
III, FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
ARDAMAN & ASSOCIATES, INC., a Florida
corporation, INTERNATIONAL SALT
COMPANY, LLC, a Delaware limited liability
company, MC WEIGHING SYSTEMS, LLC, a
Florida limited liability company, 9079-8042
QUEBEC, INC., a foreign corporation,

Defendants.

RECEIVER'S THIRD QUARTER 2022 STATUS REPORT

Receivership Activity from July 1, 2022, through September 30, 2022

DONICA RECEIVERSHIP SERVICES, LLC
238 East Davis Boulevard, Suite 209
Tampa, FL 33606
Telephone: (813) 878-9790
Facsimile: (813) 878-9746
e-mail: herb@donicalaw.com

By: /s/ Herbert R. Donica
Herbert R. Donica, Receiver

TABLE OF CONTENTS

TABLE OF CONTENTS i

INTRODUCTION1

BACKGROUND1

I. Procedure and Chronology1

II. The Receivership Process2

III. Overview of the Receiver’s Activities.3

IV. Funding the Receivership3

V. Actions Taken by the Receiver3

Overview of Significant Activities
During This Reporting Period.....4

VI. Management of the Receivership Estate.....6

VII. Retention of Professionals.....7

VIII. Receiver’s Accounting.....7

IX. Pending and Contemplated Litigation.....8

A. Pending Litigation.....8

B. Potential Litigation..... 9

X. The Next Ninety Days.....9

XI. CONCLUSION.....9

INTRODUCTION

Herbert R. Donica, the Court-appointed receiver (the “**Receiver**”) over the assets of HRK Holdings, LLC (the “**Receivership**” or “**Receivership Estate**”) files this Status Report for the Third Quarter 2022, including activity for the period of July 1, 2022, through September 30, 2022¹ to inform the Court, creditors, and others interested in this Receivership of activities to date as well as the Receiver’s proposed course of action.

BACKGROUND

I. Procedure and Chronology

The Piney Point plant (the “**Facility**” or “**Piney Point Site**”) is an industrial site in Manatee County, Florida, and the location of a former fertilizer plant. The Facility holds stacks of phosphogypsum, a byproduct of fertilizer production, and pools of polluted water (the “**Stack System**”). The Stack System holds approximately 480 million gallons of process water. The owner of the Piney Point Site, HRK Holdings, LLC, is believed to be insolvent. In November 2020, FORTRESS 2020 LANDCO, LLC, the mortgage holder, initiated foreclosure proceedings on the site (the “**Foreclosure Case**”)², seeking to recover portions of the property not directly associated with the Stack System. HRK Holdings, LLC has effectively abandoned the Piney Point Site.

In March 2021, a portion of the Stack System began to fail, prompting evacuations on April 1, 2021, followed by the issuance of a state of emergency order on April 3, 2021, by the Governor of Florida. This episode required 221 million gallons of contaminated water to be discharged into Tampa Bay to prevent a collapse of the Stack System.

On August 25, 2021, in the Foreclosure Case, the Manatee Circuit Court entered an order (the “**Order**”) (**Doc. No. 77**) appointing Herbert R. Donica as a Receiver to take control of the Facility and oversee its expeditious closure. Pursuant to the Order, the Receiver is charged with “maintain[ing], manag[ing] and clos[ing] as efficiently and expeditiously as possible the Facility in accordance with all applicable State and Federal laws.” The purpose of the Receivership is to

¹ The Receiver will submit his next Status Report for the calendar quarter ending September 30, 2022, and subsequent reports will be filed within thirty days after the end of each calendar quarter.

² Fortress 2020 Landco, LLC v. HRK Holdings, Arsenal Group, William Harley, DEP, Ardaman and Associates, et al., Manatee Circuit Court foreclosure; Case No. 2020-CA-4459.

maintain, repair, and close the Stack System so that it is no longer a threat to public safety and the environment.

II. The Receivership Process

On August 5, 2021, counsel for the Florida Department of Environmental Protection (the “FDEP”) filed a Motion for Appointment of Receiver (Doc. No. 66) in the Foreclosure Case. All the active parties in the case entered into a stipulation to appoint a Receiver to take control of the property (**Doc. No. 75**). On August 25, 2021, the Court appointed Mr. Donica as Receiver (**Doc. No. 77**).

Although the FDEP recommended Mr. Donica’s appointment as the Receiver, the Receiver is an agent of the Court – not an agent or employee of the FDEP. To ensure that the Court is informed of the Receiver’s activities, the Order Appointing Receiver (**Doc. No. 77**) requires the Receiver to file Status Reports.

To ensure the activities of the Receiver and his professionals benefit the Receivership Estate or are otherwise appropriate, the Receiver first reviews all invoices and makes any necessary adjustments. The Receiver is required to submit his applications for the payments of fees and costs first to the FDEP for review and then to the Court for approval. The Receiver is in regular communication with his professionals and interested parties to ensure his activities benefit the Receivership Estate or are otherwise necessary.

The Receiver has engaged an engineering firm, Ardaman & Associates, Inc. (“**Ardaman**”), to design the work to close the Stack System. Ardaman assisted the Receiver with the development of bid packages for the work.

When the Receiver determines that the project is complete, the FDEP will evaluate the results to determine that the closure was performed in accordance with procedures of Rule 62-673.620, F.A.C. Upon determining compliance, the Department will issue a Closure Letter to the Receiver. The Closure Letter establishes the official date of closing and the beginning of the long-term care period pursuant to Rule 62-673.630, F.A.C.

After issuance of the Closure Letter, the Receiver will move the Court to close the Receivership along with a final report and an accounting.

The Receiver believes that these procedures and safeguards will allow him to close the Stack System in an efficient and cost-effective manner. Presently, the Receiver estimates the project to be completed by the end of 2024.

III. Overview of the Receiver's Activities

The Order Appointing Receiver (**Doc. No. 77**) authorizes, empowers, and directs the Receiver to manage and undertake closure of the Facility. Consistent with his responsibilities, the Receiver has:

- 1) Purchased materials for remediation of the Old Gyp Stack – South (**OGS-S**).
- 2) Entered into a contract with Forgen, LLC to perform construction activities on OGS-S.
- 3) Coordinated deliveries dates with materials suppliers.
- 4) Completed negotiation with Manatee County for the construction and operation of a pretreatment water facility and deep injection well.

IV. Funding the Receivership

The FDEP has agreed to provide funding to the Receiver to perform his duties under the Order (**Doc. No. 77**) from funds appropriated by the Florida Legislature. Accordingly, the FDEP and the Receiver have entered into a Maintenance and Funding Agreement (the “**Agreement**”) that outlines the activities to be undertaken by the Receiver and identifies the projects to be managed. As of this date, the FDEP has distributed **\$40,104,203.46** to fund the Receiver's activities.

The total anticipated funding of the Agreement currently is \$81,740,367; however, the FDEP is preparing an amendment to the Agreement to add an additional \$18,259,633 to bring the funding to \$100,000,000 based on the appropriation total to date. The State of Florida's performance and obligation to pay under the Agreement is contingent upon an annual appropriation by the Legislature. The Agreement is not a commitment of future appropriations.

V. Actions Taken by the Receiver

The First Status Report for the period of August 25, 2021, through October 31, 2021 (**Doc. No. 92**) was filed on November 2, 2021 and covered the first 10 weeks of the Receivership. The Receiver filed his Second Status Report (**Doc. No. 117**) on January 10, 2022, and covered the period of August 25, 2021, through December 31, 2021. On April 22, 2022, the Receiver filed his First Quarter 2022 Status Report (**Doc. Nos. 145 and 146**) covering the period of January 1, 2022, through March 31, 2022. On July 11, 2022, the Receiver filed his Second Quarter 2022 Status Report (**Doc. No. 161**) covering the period of April 1, 2022, through June 30, 2022.

The Receiver filed the Monthly Progress Reports for July and August 2022 (**Doc. Nos. 172 and 176**) detailing the status of planned closure activities, and a monthly updated water balance projection, including corresponding water removal rates for closure, and projected future closure schedule dates.

The activities of the Receiver detailed in the First and Second Status Reports, and the First and Second Quarter 2022 Status Reports, and the Monthly Progress Reports for July and August 2022 are incorporated by reference herein. All the Receiver's actions have been done pursuant to the Order Appointing Receiver (**Doc. No. 77**).

The Receiver has also met with the mortgage holder Plaintiff, Fortress 2020 Landco LLC to discuss status of the project and the Conceptual Closure Plan submitted to the FDEP. The Conceptual Closure Plan includes Hydrologic and Hydraulic Evaluations that illustrates how storm water will be managed post-closure. The Receiver and Plaintiff are working together to identify new boundary lines of the portions of the property subject to the Plaintiff's foreclosure.

Overview of Significant Activities During This Reporting Period

Several significant and notable goals were successfully achieved during the third quarter of calendar year 2022 in addition to continued routine operations to move toward closure of the Facility as expeditiously as possible.

Significant Activities

- Hired and onboarded three new employees
- Continued to negotiate Service Agreement with Manatee County for funding and operating a deep injection well
- Sourced sufficient quantities of sand and soil from multiple vendors for closure of Old Gyp Stack-South
- Negotiated multiple agreements for sand and soil supplies and for required transport
- Prepared and filed second quarter status report
- Corresponded with Director of Sarasota Bay Estuary regarding analysis of water quality for accumulated rainwater in the Old Gyp Stack-South
- Completed registration in the federal government's System for Award Management (SAM.gov)
- Reviewed and formatted accounting reports, assembled packages for DEP in connection with interim funding requests

- Worked with Environmental Consulting & Technology, Inc. (ECT) on the site's wastewater National Pollutant Discharge Elimination System Permit ("NDPES") for the purpose of updating the pending application to renew the wastewater permit for the Piney Point Site; presented updated application information to FDEP for review and permit approval
- Approved preliminary construction scheduling
- Worked with project manager and site manager to coordinate sand and soil deliveries, orientation meeting with a contractor and on-site employees, silt fence installation and installation of load scanner
- Prepared Budget and Materials Summary worksheets and related narrative for six-month projection of use of funds
- Reviewed multiple water cleanup technologies
- Worked with engineers to develop updated cost projections
- Prepared summary of activities relating to Monthly Progress Reports; file monthly Progress Reports and Summaries with the Court
- Worked with engineers and Fortress 2020 Landco, LLC's principal to determine new property boundaries
- Communicated with materials suppliers to determine delivery schedules
- Finalized negotiations of a Service Agreement with Manatee County for funding and operating a deep injection well
- Prepared Budget and Materials Summary worksheets and related narrative for six-month projection of use of funds
- Continued to negotiate Service Agreement with Manatee County for funding and operating a deep injection well
- Continued to run the day-to-day operations of the property including management of eight employees, several service providers, and contractors
- Performed all necessary accounting tasks including bank account reconciliations, payroll management, payables management, tracked and recorded payment of expenses and arranged for auto payment of utilities and cell service
- Prepared monthly operating budgets and filed Notices of Filing budgets with the Court (**Doc. Nos. 160 and 170**)

- Prepared monthly financial reports
- Prepared budget requests for distributions from the Long-Term Care Escrow Fund managed by the FDEP for the monthly operating budgets
- Conferred with special counsel regarding contract and sales tax issues
- Reviewed Analytical Test Reports
- Completed contract negotiations with Forgen, LLC; executed contract
- Arranged for the release of stormwater held in OGS-S to facilitate commencement of construction by Forgen, LLC
- Attended Agency on Bay Management meeting with FDEP to present status of Piney Point closure activities
- Worked with engineers to prepare and file Monthly Progress Reports for July and August 2022 along with supplemental information (**Doc. Nos. 172 and 176**)
- Worked with site personnel, FDEP and Forgen to coordinate efforts to protect site from hurricane Ian
- Responded to media request for site status information post hurricane Ian

VI. Management of the Receivership Estate

At the time that the Receiver was appointed, there were six employees on site managing the Stack System and related property. The Receiver has increased staff to nine full time on-site employees to continue to oversee and maintain the property.

The Receiver has negotiated agreements with key service providers and suppliers.

As part of ongoing water management activities, the Receiver has continued to use the services of a contractor providing an innovative water treatment process. This process requires a substantial amount of chemicals.

The innovative water treatment process has reduced the levels of nitrogen and phosphorus ("nutrients") in the New Gyp Stack South (NGS-S) by over 95%. By reducing the nutrient levels in the water in the NGS-S, the risk of causing or exacerbating algae and/or red tide outbreaks is substantially reduced if the water is discharged into the bay.³

³ The Receiver does not plan to discharge wastewater into the bay unless exigent circumstances require consideration such as an imminent tropical storm, hurricane, or a heightened possibility of a Stack sidewall failure. The Receiver will discharge collected stormwater into the bay from time to time pursuant to a permit issued by the Department. The stormwater is segregated from the site's wastewater and is tested prior to discharge.

The Receiver is performing all accounting, payroll, and administrative activities. The Receiver believes that the current staffing is adequate to support the activities of the Receivership, but additional employees may be needed as construction activities are started.

VII. Retention of Professionals

In the Court's initial Order Appointing Receiver (**Doc. No. 77**), the Court allowed the Receiver to employ independent legal counsel to furnish legal advice to the Receiver. The Receiver has employed the Standley Law Office, P.A., (**Doc. No. 107**) and Fox Rothschild LLP (**Doc. No. 109**). The Standley Law Office will assist in filing routine pleadings. Fox Rothschild LLP is a law firm with expertise in complex commercial litigation, insolvency matters, regulatory proceedings, construction law, and federal procurement matters. Fox Rothschild will primarily assist the Receiver with respect to procurement, contract and potential litigation issues.

The Receiver has engaged consulting engineers on an as needed basis to review and comment on water management issues and methods. The consulting engineers will be used in other capacities such as contractor evaluations and related matters on an as needed basis.

The Receiver is considering the engagement of an independent program manager to coordinate efforts of the various contractors that will be performing construction activities and to provide advice as to logistical issues that will arise.

VIII. Receiver's Accounting

The Receiver established a Receivership Bank Account (Account # 0017) at Axos Bank on August 30, 2021, for deposit and disbursement of funds received from the HRK Long Term Care Escrow Fund. In the Third Quarter 2022, the Receiver's Axos Bank account # 0017 was funded as follows:

August 17, 2022 - Distribution from the HRK Long-term Care Fund \$ 8,602.57

Sept 01, 2022 - Distribution from the HRK Long-term Care Fund \$ 38,199.38

Total deposits into the Receiver's Axos Bank account # 0017

From July 1 through September 30, 2022:

\$ 46,801.95⁴

The Receiver's Axos Bank Account # 0017 was used to fund \$29,216.15 of day-to-day maintenance and operations from July 1 through September 30, 2022. An analysis of the Axos Bank account # 0017 is attached as **Exhibit A**.

⁴ A deposit of \$3,876,433.75 was received from the FDEP on September 7, 2022 and was intended for receivership Axos Bank account # 0025 but was inadvertently deposited into Account # 0017. Upon discovery of the error, the funds were transferred to account # 0025.

The Receiver established a Receivership Bank Account (Bank Account # 0025) at Axos Bank on October 21, 2021, for deposit and disbursement of funds distributed by the FDEP pursuant to the Maintenance and Funding Agreement between the FDEP and the Receiver. The funds are to be used to close the Stack System at the Piney Point site. The account is an interest-bearing account. In the Third Quarter 2022, the Receiver's Axos Bank Account # 0025 was funded as follows:

| | |
|--|-------------------------------|
| July 5, 2022 - Distribution from the State of Florida: | \$ 7,566,485.89 |
| July 31, 2022 - Interest received | \$ 1,110.74 |
| August 31, 2022 - Interest received | \$ 1,007.44 |
| Sept 9, 2022 - Distribution from the State of Florida: | \$ 3,876,433.75 |
| Oct 2, 2022 – Interest received: | <u>\$ 1,009.80</u> |
| Total deposits into the Receiver’s Axos Bank Account # 0025 From April 1 through June 30, 2022: | <u>\$11,446,047.62</u> |

The Axos Bank Account # 0025 earned \$ 3,127.98 of interest in the Third Quarter of 2022. During the Third Quarter of 2022, ended September 30, 2022, \$7,611,425.93 was disbursed from account # 0025, primarily for engineering, site maintenance and repair, and water management activities. An analysis of the Axos Bank account # 0025 is attached as **Exhibit B**.

Funding and disbursement activities for the Axos Bank Accounts # 0017 and # 0025 have been accounted for separately. The Receiver’s comprehensive accounting incorporating the activity of both accounts from July 1, 2022, through September 30, 2022, is attached hereto as **Exhibit C**.

IX. Pending and Contemplated Litigation

A. Pending Litigation.

The Receivership is not currently involved in any litigation. At the time that the Receiver was appointed, there were four pending cases involving HRK Holdings, LLC. The receivership is not a party to any of the cases. These matters were discussed in the Receiver’s First Status Report (**Doc. No. 92**).

The Manatee Circuit Case No. 2020-CA-4459, *Fortress 2020 Landco, LLC v. HRK Holdings, Arsenal Group, William Harley, DEP, Ardaman and Associates, et al.*, is a foreclosure case brought by the mortgage holder, Fortress 2020 Landco, LLC against HRK. On August 24, 2021, the parties stipulated to the appointment of the Receiver (**Doc. No. 75**). The case has been informally stayed pending a proposal to permit Fortress to foreclose on selected parcels after an engineering plan is approved that will also determine the Receiver’s ingress and egress needs.

B. Potential Litigation.

A former employee has engaged counsel and has demanded payment for a claim of overtime hours. After reviewing timecards submitted by the employee, the Receiver has determined that the claim is without basis. The former employee's timecards were provided to his counsel. As of this date the former employee has not filed a lawsuit.

X. **The Next Ninety Days.**

During the next 90 days, the Receiver will continue to collaborate with engineers to monitor Stack System Closure activities and develop bid packages for future construction and closure work. The Receiver will also continue to review and employ methods to decrease the water levels in the Stack System until the deep injection well project commences operation. A more definitive time estimate of final Stack System Closure will be available as the project advances.

XI. **Conclusion.**

The Receiver has received many emails and telephone inquiries regarding the status and future plans for the Piney Point site and has had to expend significant resources to address them. The Receiver continues to encourage individuals or entities having information helpful in closing the Stack System to email him at herb@donicalaw.com.

RESPECTFULLY SUBMITTED this 6th day of October 2022.

DONICA RECEIVERSHIP SERVICES, LLC
238 East Davis Boulevard, Suite 209
Tampa, Florida 33606
Telephone: (813) 878-9790
Facsimile: (813) 878-9746
e-mail: herb@donicalaw.com

By: /s/ Herbert R. Donica
Herbert R. Donica, Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 6, 2022, the undersigned has electronically filed the foregoing with the Clerk of the Court using the Florida Courts E-Portal which will provide a copy via email to counsel and parties of record.

/s/ Herbert R. Donica
Herbert R. Donica, Receiver

**PINEY POINT RECEIVERSHIP - AXOS SUMMARY ACCT 0017
JULY 1, 2022 TO SEPTEMBER 30, 2022**

| Row Labels | Sum of Disbursement |
|----------------------------------|----------------------------|
| Bank Transfer | 3,876,433.75 |
| Transfer to Acct # xxxxxx0025 | 3,876,433.75 |
| Construction | 802.33 |
| FEDEX | 802.33 |
| Maintenance & Repairs | 16,996.68 |
| 84 LUMBER COMPANY | 10.09 |
| AMAZON Mktp US | 1,724.02 |
| BIG EARTH LANDSCAPE | 2,368.38 |
| BROWN HEATING AND COOLING | 129.00 |
| CIRCLE K | 643.75 |
| DOODIE CALLS INC | 374.50 |
| DYNAMIC EQUIPMENT | 1,005.80 |
| EBAY | 67.73 |
| EVERGLADES EQUIP GROUP | 166.27 |
| GATOR PIPE AND SUPPLY | 150.98 |
| GRAVELY OF BRADENTON | 134.59 |
| JOHNNY NELSON TIRE | 1,530.50 |
| LINDER T&T | 3,802.07 |
| PALMETTO AUTO WAREHOUSE | 1,219.32 |
| PALMETTO HARDWARE | 167.90 |
| PALMETTO PLUMBNG | 10.00 |
| THE HOME DEPOT | 2,286.75 |
| THE HOME DEPOT 6951 | 498.19 |
| THE UPS STORE | 203.73 |
| THOMPSON TRACTOR COMPANY | 304.70 |
| THOR TRAILERS | 114.04 |
| WALMART SUPERCENTER | 82.37 |
| WINN-DIXIE | 2.00 |
| Monitoring-Analytical | 3,774.88 |
| COUNCIL OXFORD INC | 3,197.05 |
| EXAXOL CHEMICAL CLEARWATER | 451.83 |
| FULCRUMAPP.COM | 126.00 |
| Office Expenses | 5,408.24 |
| A-1 Fingerprinting | 114.38 |
| AMAZON Mktp US | 316.53 |
| AMAZON PRIME | 45.27 |
| AMAZON.COM | 73.35 |
| Amazon.com*1V31G0X50 | 34.24 |
| Amazon.com*2M8352443 | 93.72 |
| CIRCLE K | 29.94 |
| EBAY | 21.67 |
| HP Instant Ink | 38.49 |
| IN NEOCLOUD CONSULTING | 2,250.00 |
| INDEED | 525.00 |

EXHIBIT A

| | |
|---|---------------------|
| Jeffrey A Barath | 0.00 |
| POPALOCK OF SARASOTA | 100.00 |
| PUBLIX SUPER MAR 9520 | 269.52 |
| SAMS CLUB | 1,054.61 |
| THE UPS STORE | 80.41 |
| THE UPS STORE 7318 | 202.37 |
| USPS PO | 8.95 |
| WWW.SPENDWISE.COM | 74.85 |
| YAHOO SMALL BUSINESS | 74.94 |
| Receipts | 0.00 |
| State of Florida Department of Financial Services | 0.00 |
| Utilities | 1,033.91 |
| ATT BILL PAYMENT | 617.73 |
| VZWLSS | 416.18 |
| #N/A | 1,200.11 |
| CIRCLE K #05097 | 120.02 |
| LINDER T&T - BRADENTON | 530.09 |
| SP ILOCKSMITH | 550.00 |
| Grand Total | 3,905,649.90 |
| Less erroneous deposit | -3,876,433.75 |
| Amount of routine disbursements | <u>29,216.15</u> |

EXHIBIT A

PINEY POINT RECEIVERSHIP - AXOS SUMMARY ACCT # 0025

JULY 1, 2022 TO SEPTEMBER 30, 2022

| Row Labels | Sum of Disbursement | Sum of Receipt |
|---|----------------------------|-----------------------|
| Bank Transfer | 0.00 | 3,876,433.75 |
| Transfer from Acct # xxxxxx0017 | 0.00 | 3,876,433.75 |
| Construction | 2,315,123.44 | 0.00 |
| Ecosilt Sediment Control LLC | 8,460.00 | 0.00 |
| FedEx | 2,067.48 | 0.00 |
| Forgen LLC | 371,250.00 | 0.00 |
| HDPE Inc. | 11,847.20 | 0.00 |
| Horne & Willis, Inc. | 12,231.00 | 0.00 |
| Kleinfelder | 8,789.60 | 0.00 |
| Mosaic Fertilizer, LLC | 2,326.00 | 0.00 |
| Peninsula Technologies, Inc. | 6,897.60 | 0.00 |
| Trans-Phos, Inc. | 1,087,572.56 | 0.00 |
| Trans-Phos, Inc. | 803,682.00 | 0.00 |
| Employee Wages | 178,626.01 | 0.00 |
| NATIONAL EMPLOYEE | 178,626.01 | 0.00 |
| Engineering | 286,517.11 | 0.00 |
| Environmental Consulting & Technology, Inc. | 11,868.75 | 0.00 |
| JBM&R Engineering, Inc. | 1,662.50 | 0.00 |
| TETRA TECH, INC. | 206,506.53 | 0.00 |
| Tetra Tech, Inc. | 66,479.33 | 0.00 |
| Garage Rent | 5,550.00 | 0.00 |
| A-C-T Environmental & Infrastructure, Inc. | 5,550.00 | 0.00 |
| Interest Income | 0.00 | 2,118.18 |
| Axos Bank | 0.00 | 2,118.18 |
| Maintenance & Repairs | 3,543,377.68 | 111,153.70 |
| American Wireless Alarm Inc. | 2,378.33 | 0.00 |
| Fleetwing Corporation | 2,165.74 | 0.00 |
| FPS | 2,221.04 | 0.00 |
| GARNER ENVIRONMENTAL SERVICES | 2,818,607.34 | 111,153.70 |
| Horne & Willis, Inc. | 200.00 | 0.00 |
| J & D Welding, Fabrication and Repair, LLC | 17,017.36 | 0.00 |
| Nicolon Corp. | 108,473.94 | 0.00 |
| Solmax | 105,467.01 | 0.00 |
| Synergy Equipment | 11,156.04 | 0.00 |
| Thunder Technologies LLC | 482.38 | 0.00 |
| Tropic Oil Company | 19,768.91 | 0.00 |
| Underwater Engineering Service | 455,439.59 | 0.00 |
| Monitoring-Analytical | 16,340.11 | 0.00 |
| Benchmark EnviroAnalytical, Inc. | 6,478.55 | 0.00 |
| FPS | 2,518.96 | 0.00 |
| Peterson Environmental, Inc. | 7,342.60 | 0.00 |
| Office rent | 5,880.53 | 0.00 |
| MOBILE MODULAR WEB | 4,820.55 | 0.00 |

EXHIBIT B

| | | |
|--------------------------------|---------------------|----------------------|
| WILLIAMS SCOTSMAN, Inc. | 1,059.98 | 0.00 |
| Receipts | 0.00 | 7,566,485.89 |
| Herb Donica Trustee | 0.00 | 7,566,485.89 |
| Receiver Expenses | 54.00 | 0.00 |
| Manatee County Clerk of Court | 54.00 | 0.00 |
| Utilities | 57,007.80 | 0.00 |
| HRK HOLDINGS LLC DIP | 23,662.00 | 0.00 |
| MANATEE COUNTY | 482.06 | 0.00 |
| MANATEE COUNTY U | 32,863.74 | 0.00 |
| Water Management | 1,314,102.95 | 0.00 |
| Ecosilt Sediment Control LLC | 1,608.75 | 0.00 |
| Phosphorus Free Water Solution | 987,484.20 | 0.00 |
| Phosphorus Free Water Solution | 325,010.00 | 0.00 |
| Grand Total | 7,722,579.63 | 11,556,191.52 |

Less returned wire: -111,153.70
11,445,037.82

EXHIBIT B

PINEY POINT RECEIVERSHIP - AXOS SUMMARY ACCT 0017 & 0025
JULY 1, 2022 TO SEPTEMBER 30, 2022

| Row Labels | Sum of Receipt | Sum of Disbursement |
|---|---------------------|---------------------|
| Bank Transfer | 3,876,433.75 | 3,876,433.75 |
| Transfer from Acct # xxxxxx0017 | 3,876,433.75 | 0.00 |
| Transfer to Acct # xxxxxx0025 | 0.00 | 3,876,433.75 |
| Construction | 0.00 | 2,315,925.77 |
| Ecosilt Sediment Control LLC | 0.00 | 8,460.00 |
| FEDEX | 0.00 | 2,869.81 |
| Forgen LLC | 0.00 | 371,250.00 |
| HDPE Inc. | 0.00 | 11,847.20 |
| Horne & Willis, Inc. | 0.00 | 12,231.00 |
| Kleinfelder | 0.00 | 8,789.60 |
| Mosaic Fertilizer, LLC | 0.00 | 2,326.00 |
| Peninsula Technologies, Inc. | 0.00 | 6,897.60 |
| Trans-Phos, Inc. | 0.00 | 1,087,572.56 |
| Trans-Phos, Inc. | 0.00 | 803,682.00 |
| Employee Wages | 0.00 | 178,626.01 |
| NATIONAL EMPLOYEE | 0.00 | 178,626.01 |
| Engineering | 0.00 | 286,517.11 |
| Environmental Consulting & Technology, Inc. | 0.00 | 11,868.75 |
| JBM&R Engineering, Inc. | 0.00 | 1,662.50 |
| TETRA TECH, INC. | 0.00 | 206,506.53 |
| Tetra Tech, Inc. | 0.00 | 66,479.33 |
| Garage Rent | 0.00 | 5,550.00 |
| A-C-T Environmental & Infrastructure, Inc. | 0.00 | 5,550.00 |
| Interest Income | 2,118.18 | 0.00 |
| Axos Bank | 2,118.18 | 0.00 |
| Maintenance & Repairs | 112,180.29 | 3,560,374.36 |
| 84 LUMBER COMPANY | 0.00 | 10.09 |
| AMAZON Mktp US | 1,026.59 | 1,724.02 |
| American Wireless Alarm Inc. | 0.00 | 2,378.33 |
| BIG EARTH LANDSCAPE | 0.00 | 2,368.38 |
| BROWN HEATING AND COOLING | 0.00 | 129.00 |
| CIRCLE K | 0.00 | 643.75 |
| DOODIE CALLS INC | 0.00 | 374.50 |
| DYNAMIC EQUIPMENT | 0.00 | 1,005.80 |
| EBAY | 0.00 | 67.73 |
| EVERGLADES EQUIP GROUP | 0.00 | 166.27 |
| Fleetwing Corporation | 0.00 | 2,165.74 |
| FPS | 0.00 | 2,221.04 |
| GARNER ENVIRONMENTAL SERVICES | 111,153.70 | 2,818,607.34 |
| GATOR PIPE AND SUPPLY | 0.00 | 150.98 |
| GRAVELY OF BRADENTON | 0.00 | 134.59 |
| Horne & Willis, Inc. | 0.00 | 200.00 |
| J & D Welding, Fabrication and Repair, LLC | 0.00 | 17,017.36 |
| JOHNNY NELSON TIRE | 0.00 | 1,530.50 |

EXHIBIT C

| | | |
|----------------------------------|--------------|------------------|
| LINDER T&T | 0.00 | 3,802.07 |
| Nicolon Corp. | 0.00 | 108,473.94 |
| PALMETTO AUTO WAREHOUSE | 0.00 | 1,219.32 |
| PALMETTO HARDWARE | 0.00 | 167.90 |
| PALMETTO PLUMBNG | 0.00 | 10.00 |
| Solmax | 0.00 | 105,467.01 |
| Synergy Equipment | 0.00 | 11,156.04 |
| THE HOME DEPOT | 0.00 | 2,286.75 |
| THE HOME DEPOT 6951 | 0.00 | 498.19 |
| THE UPS STORE | 0.00 | 203.73 |
| THOMPSON TRACTOR COMPANY | 0.00 | 304.70 |
| THOR TRAILERS | 0.00 | 114.04 |
| Thunder Technologies LLC | 0.00 | 482.38 |
| Tropic Oil Company | 0.00 | 19,768.91 |
| Underwater Engineering Service | 0.00 | 455,439.59 |
| WALMART SUPERCENTER | 0.00 | 82.37 |
| WINN-DIXIE | 0.00 | 2.00 |
| Monitoring-Analytical | 0.00 | 20,114.99 |
| Benchmark EnviroAnalytical, Inc. | 0.00 | 6,478.55 |
| COUNCIL OXFORD INC | 0.00 | 3,197.05 |
| EXAXOL CHEMICAL CLEARWATER | 0.00 | 451.83 |
| FPS | 0.00 | 2,518.96 |
| FULCRUMAPP.COM | 0.00 | 126.00 |
| Peterson Environmental, Inc. | 0.00 | 7,342.60 |
| Office Expenses | 21.67 | 5,408.24 |
| A-1 Fingerprinting | 0.00 | 114.38 |
| AMAZON Mktp US | 0.00 | 316.53 |
| AMAZON PRIME | 0.00 | 45.27 |
| AMAZON.COM | 0.00 | 73.35 |
| Amazon.com*1V31G0X50 | 0.00 | 34.24 |
| Amazon.com*2M8352443 | 0.00 | 93.72 |
| CIRCLE K | 0.00 | 29.94 |
| EBAY | 0.00 | 21.67 |
| HP Instant Ink | 0.00 | 38.49 |
| IN NEOCLOUD CONSULTING | 0.00 | 2,250.00 |
| INDEED | 0.00 | 525.00 |
| Jeffrey A Barath | 21.67 | 0.00 |
| POPALOCK OF SARASOTA | 0.00 | 100.00 |
| PUBLIX SUPER MAR 9520 | 0.00 | 269.52 |
| SAMS CLUB | 0.00 | 1,054.61 |
| THE UPS STORE | 0.00 | 80.41 |
| THE UPS STORE 7318 | 0.00 | 202.37 |
| USPS PO | 0.00 | 8.95 |
| WWW.SPENDWISE.COM | 0.00 | 74.85 |
| YAHOO SMALL BUSINESS | 0.00 | 74.94 |
| Office rent | 0.00 | 5,880.53 |
| MOBILE MODULAR WEB | 0.00 | 4,820.55 |

EXHIBIT C

| | | |
|---|----------------------|----------------------|
| WILLIAMS SCOTSMAN, Inc. | 0.00 | 1,059.98 |
| Receipts | 11,489,721.59 | 0.00 |
| Herb Donica Trustee | 7,566,485.89 | 0.00 |
| State of Florida Department of Financial Services | 3,923,235.70 | 0.00 |
| Receiver Expenses | 0.00 | 54.00 |
| Manatee County Clerk of Court | 0.00 | 54.00 |
| Utilities | 0.00 | 58,041.71 |
| ATT BILL PAYMENT | 0.00 | 617.73 |
| HRK HOLDINGS LLC DIP | 0.00 | 23,662.00 |
| MANATEE COUNTY | 0.00 | 482.06 |
| MANATEE COUNTY U | 0.00 | 32,863.74 |
| VZWRLSS | 0.00 | 416.18 |
| Water Management | 0.00 | 1,314,102.95 |
| Ecosilt Sediment Control LLC | 0.00 | 1,608.75 |
| Phosphorus Free Water Solution | 0.00 | 987,484.20 |
| Phosphorus Free Water Solution | 0.00 | 325,010.00 |
| #N/A | 0.00 | 1,200.11 |
| CIRCLE K #05097 | 0.00 | 120.02 |
| LINDER T&T - BRADENTON | 0.00 | 530.09 |
| SP ILOCKSMITH | 0.00 | 550.00 |
| Grand Total | 15,480,475.48 | 11,628,229.53 |

EXHIBIT C