

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION**

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION,

Plaintiff,

v.

CASE NO.: 50-2021-CA-008718-XXXX-MB

NATIONAL SENIOR INSURANCE, INC.  
D/B/A SEEMAN HOLTZ,  
MARSHAL SEEMAN,  
CENTURION INSURANCE SERVICES GROUP, LLC,  
BRIAN J. SCHWARTZ,  
EMERALD ASSETS 2018, LLC,  
INTEGRITY ASSETS 2016, LLC,  
INTERGRITY ASSETS, LLC,  
PARA LONGEVITY 2014-5, LLC,  
PARA LONGEVITY 2015-3, LLC,  
PARA LONGEVITY 2015-5, LLC,  
PARA LONGEVITY 2016-3, LLC,  
PARA LONGEVITY 2016-5, LLC,  
PARA LONGEVITY 2018-3, LLC,  
PARA LONGEVITY 2018-5, LLC,  
PARA LONGEVITY 2019-3, LLC,  
PARA LONGEVITY 2019-5, LLC,  
PARA LONGEVITY 2019-6, LLC,  
PARA LONGEVITY VI, LLC,  
SH GLOBAL, LLC N/K/A PARA LONGEVITY V, LLC,  
ALTRAI GLOBAL, LLC A/K/A ALTRAI HOLDINGS, LLC,  
VALENTINO GLOBAL HOLDINGS, LLC,  
AMERITONIAN ENTERPRISES, LLC,  
SEEMAN-HOLTZ CONSULTING CORP.,  
CENTURION ISG Holdings, LLC,  
CENTURION ISG Holdings II, LLC,  
CENTURION ISG (Europe) Limited,  
CENTURION ISG SERVICES, LLC,  
CENTURION ISG FINANCE GROUP, LLC,  
CENTURION FUNDING SPV I LLC,  
CENTURION FUNDING SPV II LLC,  
GRACE HOLDINGS FINANCIAL, LLC,  
PRIME SHORT TERM CREDIT INC.,

Defendants.

THE ESTATE OF ERIC CHARLES HOLTZ,  
SEEMAN HOLTZ PROPERTY AND CASUALTY, LLC  
F/K/A SEEMAN HOLTZ PROPERTY AND CASUALTY, INC.,  
SHPC HOLDINGS I, LLC,

Relief Defendants.

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**CORPORATE MONITOR, DANIEL J. STERMER'S, UNOPPOSED MOTION FOR APPROVAL TO ADMINISTER ANNUAL CORPORATE REGISTRATION EXPENSES**

Daniel J. Stermer, as Court-appointed Corporate Monitor (the “Corporate Monitor”) for the property, assets, and business of the thirty-two (32) corporate entities (the “Monitorship Entities”) pursuant to the *Agreed Order Granting Plaintiff's Consent Motion for Appointment of Corporate Monitor and Related Injunctive Relief*, dated September 14, 2021 (the “Monitorship Order”), and the *Agreed Order Granting Corporate Monitor, Daniel J. Stermer's Unopposed Motion to Expand Corporate Monitorship Estate*, dated January 5, 2022, respectfully moves for entry of the proposed agreed order attached as **Exhibit “A”**, authorizing the Corporate Monitor to (i) make payments of the annual registration, reinstatement, and/or annual report fees, state taxes, and registered agent fees (collectively, “Corporate Service Charges”) for certain Monitorship Entities, and (ii) cease and/or withhold payments of the Corporate Service Charges for certain other Monitorship Entities, given the paucity of funds available to the Corporate Monitor from the Monitorship Estate.<sup>1</sup>

**I. SUMMARY OF REQUESTED RELIEF**

Among the liabilities of the Monitorship Entities are annual registration, reinstatement, and/or annual reporting fees, state taxes, and registered agent fees (collectively, “Corporate Service Charges”) which must be paid to maintain the entities’ respective corporate statuses as “active”

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<sup>1</sup> The Monitorship Estate is comprised of the collective assets of the Monitorship Entities.

and in compliance with their respective states of registration, which include Florida, Georgia, and Delaware. To date, based on invoices and past-due notices received by the Corporate Monitor from the states of registration for the Monitorship Entities and the entities' respective out-of-state registered agents, the current Corporate Service Charges exceed **\$22,000** to simply maintain and/or reinstate the Monitorship Entities as "active" corporate entities with foreign registered agents' fees accounting for nearly half of the amount due/overdue.

The Corporate Monitor submits that maintaining the corporate status of each of the Monitorship Entities places an unnecessary financial burden on the Monitorship Estate. The Corporate Monitor submits that fewer than one-third of the Monitorship Entities have a semblance of ongoing operations for which their "active" status should be maintained for purposes of ordinary course of business activities. The Corporate Monitor identifies the Monitorship Entities for which he seeks Court approval to maintain and fund the Corporate Services Charges and those for which he seeks relief from the obligations to maintain the entities and/or fund the Corporate Service Charges immediately below.

**A. The Monitorship Entities that the Corporate Monitor Will Renew/Reinstate and Fund the Corporate Services Charges.**

At this time, the Corporate Monitor submits that it is in the best interest of the Monitorship Estate to maintain "active" status for a limited number of Monitorship Entities and avoid administrative and/or other dissolution actions which may result in the absence of paying the Corporate Service Charges. The Monitorship Entities for which the Corporate Monitor seeks Court approval to maintain "active" status and authorization to fund the Corporate Service Charges which are due or overdue, are:

1. NATIONAL SENIOR INSURANCE, INC.
2. CENTURION INSURANCE SERVICES GROUP, LLC
3. PARA LONGEVITY 2019-3, LLC
4. PARA LONGEVITY 2019-6, LLC

5. CENTURION ISG HOLDINGS II, LLC
6. CENTURION FUNDING SPV II LLC
7. SEEMAN HOLTZ WEALTH MANAGEMENT, INC.
8. AGENCY ACQUISITION FUNDING, LLC
9. ALLOY ASSETS, LLC
10. AMERICA'S FAVORITE INSURANCE SERVICES, LLC

Given the limited cash assets available to the Corporate Monitor, assets which are not proportionally shared by the Monitorship Entities, the Corporate Monitor seeks authorization from the Court to use any source of cash available to the Monitorship Estate to pay Corporate Service Charges, irrespective of the source of funds and/or ability of the respective Monitorship Entity to cover its own Corporate Service Charges.

**B. The Monitorship Entities that the Corporate Monitor Will Not Renew/Reinstate or Fund the Corporate Services Charges**

Alternatively, however, the Corporate Monitor submits that it is in the best interest of the Monitorship Estate to allow for the administrative dissolution, non-renewal, non-reinstatement and/or to cease or withhold payment of Corporate Service Charges for the following Monitorship Entities:

1. EMERALD ASSETS 2018, LLC
2. INTEGRITY ASSETS 2016, LLC
3. INTEGRITY ASSETS, LLC
4. PARA LONGEVITY 2014-5, LLC
5. PARA LONGEVITY 2015-3, LLC
6. PARA LONGEVITY 2015-5, LLC
7. PARA LONGEVITY 2016-3, LLC
8. PARA LONGEVITY 2016-5, LLC
9. PARA LONGEVITY 2018-3, LLC
10. PARA LONGEVITY 2018-5, LLC
11. PARA LONGEVITY 2019-5, LLC
12. PARA LONGEVITY VI, LLC
13. SH GLOBAL, LLC N/K/A PARA LONGEVITY V, LLC
14. VALENTINO GLOBAL HOLDINGS, LLC
15. AMERITONIAN ENTERPRISES, LLC
16. SEEMAN-HOLTZ CONSULTING CORP.
17. CENTURION ISG Holdings, LLC
18. CENTURION ISG (Europe) Limited
19. CENTURION ISG SERVICES, LLC

20. CENTURION ISG FINANCE GROUP, LLC
21. CENTURION FUNDING SPV I LLC
22. PARA GLOBAL 2019, LLC

## II. MEMORANDUM

### A. The Court Vested the Corporate Monitor With the Authority to Seek the Relief Requested

The Monitorship Order requires that the Corporate Monitor take the actions necessary to maintain the Monitorship Entities' ordinary operations and further instructs the Corporate Monitor to seek Court approval to make payments such as the Corporate Service Charges, which authorization is sought by this Motion:

13. The Corporate Monitor shall have the following general powers to perform the following duties in good faith, with reasonable diligence, and with reasonable discretion:

F. To take any action which, prior to the entry of this Order, could have been taken by the officers, directors, member managers, shareholders, employees, affiliates, agents, servants, attorneys, and custodians of the Consenting Corporate Defendants with respect to maintaining the Consenting Corporate Defendants ordinary operations;

...

Y. To apply to this Court for authority to make payments and disbursements from the monitorship estate that are necessary or advisable for carrying out of the day-to-day operations of the monitorship consistent with the authority granted by this Order;

See Monitorship Order at ¶ 13. F., Y.

Accordingly, Corporate Monitor submits that the relief requested by this Motion should be granted, that the authority requested is consistent with the terms of the Monitorship Order, and that the request is a good faith exercise of the Corporate Monitor's duties to the Court and the parties.

### B. Non-Renewal of Certain Monitorship Entities Will Have *De Minimis* Effect on the Administration of the Monitorship Estate

The Corporate Monitor submits that for the Monitorship Entities for which the Corporate Monitor seeks Court approval for non-renewal and relief from payment of the Corporate Service

Charges, the effect on the Monitorship Estate will be negligible, particularly when compared to the costs associated with paying those entities' Corporate Service Charges.

*First*, Florida law permits the Monitorship Entities to cease conducting business while allowing them, here through the Corporate Monitor, to wind up their affairs once dissolved. Here, the Corporate Monitor will continue to have the rights and powers necessary to commence legal actions in the names of the Monitorship Entities, and their dissolution will not affect the OFR's/Plaintiff's or other claimants' claims against them. For example, case law in Florida confirms that Florida LLCs, and out-of-state LLCs operating in Florida, may wind up their affairs even once dissolved.

Section 605.0707(4), Florida Statutes (2014), states that “[u]pon the filing of the articles of dissolution, the limited liability company shall cease conducting its business and shall continue solely for the purpose of winding up its affairs in accordance with s[ection] 605.0709, except for the purpose of lawsuits, other proceedings, and appropriate action as provided in this chapter.” Section 605.0717(1)(b), Florida Statutes (2014), states that the dissolution of a limited liability company does not “[p]revent commencement of a proceeding by or against the limited liability company in its name. ...”

*Spa Creek Servs., LLC v. S.W. Cole, Inc.*, 239 So. 3d 730, 735 (Fla. 5th DCA 2017)

Florida's Fifth DCA also confirmed that foreign LLC's doing business in Florida are also permitted to bring and defend lawsuits as long as they are not otherwise “actively transacting business” in Florida:

While section 605.0904(1), Florida Statutes (2014), states that “[a] foreign limited liability company transacting business in this state or its successors may not maintain an action or proceeding in this state unless it has a certificate of authority to transact business in this state,” the statutes that require a certificate of authority to maintain court actions in Florida only apply when the foreign corporation is actively transacting business. [] Maintaining, defending, or settling any court proceeding is not considered to be transacting business.

*Id.*, at 735-36 (internal citations omitted).

The same holds true for corporations in Florida, according to the Third DCA:

The issue in this case is whether a corporation, which has been administratively dissolved by the state for failure to file annual reports, must obtain reinstatement to active corporate

status in order to bring a lawsuit or defend one. In *Vacation Break of Boca Raton, Inc. v. Breeden*, 765 So. 2d 281 (Fla. 4th DCA 2000), we held that reinstatement is necessary and certified conflict with *Cygnnet Homes, Inc. v. Kaleny Ltd. of Florida*, 681 So. 2d 826 (Fla. 5th DCA 1996). We now conclude that *Cygnnet* was correctly decided and recede from *Vacation Break*.

*Nat'l Judgment Recovery Agency, Inc. v. Harris*, 826 So. 2d 1034, 1034–35 (Fla. 3d DCA 2002) (The *en banc* Court of Appeal held that a corporation which has been administratively dissolved by the state for failure to file annual reports is not required to obtain reinstatement to active corporate status in order to bring or defend lawsuits).

*Second*, Delaware and Georgia also permit the winding up activities of dissolved limited liability companies registered in those states. *See* 6 *Del. C.* § 18-803(b);<sup>2</sup> *see also* GA Code § 14-11-603(3).<sup>3</sup>

Accordingly, the Corporate Monitor asserts that the dissolution of the non-renewing Monitorship Entities as active corporate entities should not be avoided, as the Corporate Monitor's activities in managing the entities listed in Section I.B. above is already limited to the winding up of their affairs.

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<sup>2</sup> “Upon dissolution of a limited liability company and until the filing of a certificate of cancellation as provided in §18-203 of this title, the persons winding up the limited liability company's affairs may, in the name of, and for and on behalf of, the limited liability company, prosecute and defend suits, whether civil, criminal or administrative, gradually settle and close the limited liability company's business, dispose of and convey the limited liability company's property, discharge or make reasonable provision for the limited liability company's liabilities, and distribute to the members any remaining assets of the limited liability company, all without affecting the liability of members and managers and without imposing liability on a liquidating trustee.”

<sup>3</sup> “A limited liability company administratively dissolved continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs. Winding up the business of a limited liability company administratively dissolved may include, without limitation, the limited liability company proceeding, at any time after the effective date of the administrative dissolution, in accordance with Code Sections 14-11-607 and 14-11-608. The administrative dissolution of a limited liability company does not terminate the authority of its registered agent.”

**C. Non-Opposition by the Parties.**

The Corporate Monitor has obtained confirmation from counsel for the Plaintiff and counsel representing the entities affected by the relief requested in this Motion and submits that this Motion is filed without opposition.

**WHEREFORE**, Daniel J. Stermer, as Corporate Monitor, respectfully requests entry of the proposed agreed Order attached as **Exhibit “A”**, authorizing the Corporate Monitor to administer the payment of the Corporate Service Charges for the Monitorship Entities identified in Section I.A. above, from funds available to the Corporate Monitor from the Monitorship Estate, and for Court approval to otherwise withhold payment of the Corporate Service Charges for the Monitorship Entities listed in Section I.B. above, and for such other and additional relief as the Court deems just and proper.

Dated: March 28, 2022

Respectfully submitted,

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By: /s/ Gavin C. Gaukroger

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on March 28, 2022 the foregoing was filed using the Florida Court's E-Filing Portal, which served a copy of the foregoing electronically upon all electronic service parties. I further certify that a true and correct copy of the foregoing was served by electronic transmission and first class, U.S. Mail upon all parties on the attached Service List.

By: /s/ Gavin C. Gaukroger  
Gavin C. Gaukroger

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# **EXHIBIT “A”**

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION**

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION,

Plaintiff,

v.

CASE NO.: 50-2021-CA-008718-XXXX-MB

NATIONAL SENIOR INSURANCE, INC.  
D/B/A SEEMAN HOLTZ,  
MARSHAL SEEMAN,  
CENTURION INSURANCE SERVICES GROUP, LLC,  
BRIAN J. SCHWARTZ,  
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CENTURION ISG SERVICES, LLC,  
CENTURION ISG FINANCE GROUP, LLC,  
CENTURION FUNDING SPV I LLC,  
CENTURION FUNDING SPV II LLC,  
GRACE HOLDINGS FINANCIAL, LLC,  
PRIME SHORT TERM CREDIT INC.,

Defendants.

THE ESTATE OF ERIC CHARLES HOLTZ,  
SEEMAN HOLTZ PROPERTY AND CASUALTY, LLC  
F/K/A SEEMAN HOLTZ PROPERTY AND CASUALTY, INC.,  
SHPC HOLDINGS I, LLC,

Relief Defendants.

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**ORDER GRANTING CORPORATE MONITOR, DANIEL J. STERMER'S  
UNOPPOSED MOTION FOR APPROVAL TO ADMINISTER ANNUAL  
CORPORATE REGISTRATION EXPENSES**

**THIS MATTER** came before the Court on the *Corporate Monitor, Daniel J. Stermer's Unopposed Motion for Approval to Administer Annual Corporate Registration Expenses* (the "Motion") filed by Daniel J. Stermer, the Court-appointed Corporate Monitor (the "Corporate Monitor"). The Motion seeks to authorization for the Corporate Monitor to (i) make payments of Corporate Service Charges<sup>1</sup> for certain Monitorship Entities, and (ii) cease and/or withhold payments of the Corporate Service Charges for certain other Monitorship Entities, given the paucity of funds available to the Corporate Monitor from the Monitorship Estate. The Court, having considered the Motion and having reviewed the Court file, and being otherwise fully advised in the premises, it is hereupon **ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The Corporate Monitor is authorized to administer the payment of the Corporate Service Charges for the following ten (10) Monitorship Entities, from funds available to the Corporate Monitor from the Monitorship Estate:

- a. NATIONAL SENIOR INSURANCE, INC.
- b. CENTURION INSURANCE SERVICES GROUP, LLC
- c. PARA LONGEVITY 2019-3, LLC
- d. PARA LONGEVITY 2019-6, LLC
- e. CENTURION ISG HOLDINGS II, LLC
- f. CENTURION FUNDING SPV II LLC

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed in the Motion.

- g. SEEMAN HOLTZ WEALTH MANAGEMENT, INC.
- h. AGENCY ACQUISITION FUNDING, LLC
- i. ALLOY ASSETS, LLC
- j. AMERICA'S FAVORITE INSURANCE SERVICES, LLC

3. The Corporate Monitor is authorized to withhold payment of the Corporate Service

Charges for the following twenty-two (22) Monitorship Entities:

- a. EMERALD ASSETS 2018, LLC
- b. INTEGRITY ASSETS 2016, LLC
- c. INTEGRITY ASSETS, LLC
- d. PARA LONGEVITY 2014-5, LLC
- e. PARA LONGEVITY 2015-3, LLC
- f. PARA LONGEVITY 2015-5, LLC
- g. PARA LONGEVITY 2016-3, LLC
- h. PARA LONGEVITY 2016-5, LLC
- i. PARA LONGEVITY 2018-3, LLC
- j. PARA LONGEVITY 2018-5, LLC
- k. PARA LONGEVITY 2019-5, LLC
- l. PARA LONGEVITY VI, LLC
- m. SH GLOBAL, LLC N/K/A PARA LONGEVITY V, LLC
- n. VALENTINO GLOBAL HOLDINGS, LLC
- o. AMERITONIAN ENTERPRISES, LLC
- p. SEEMAN-HOLTZ CONSULTING CORP.
- q. CENTURION ISG Holdings, LLC
- r. CENTURION ISG (Europe) Limited
- s. CENTURION ISG SERVICES, LLC
- t. CENTURION ISG FINANCE GROUP, LLC
- u. CENTURION FUNDING SPV I LLC
- v. PARA GLOBAL 2019, LLC

**DONE AND ORDERED** in Chambers at West Palm Beach, Florida this \_\_\_\_\_ day of

\_\_\_\_\_, 2022.

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BRADLEY HARPER  
CIRCUIT COURT JUDGE

Copies to: Counsel of Record and Corporate Monitor

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