

MARK J. BERNET, RECEIVER

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LIFE MANAGEMENT SERVICES OF ORANGE COUNTY, LLC

LOYAL FINANCIAL & CREDIT SERVICES, LLC

IVD RECOVERY, LLC

KWP SERVICES, LLC

KWP SERVICES OF FLORIDA LLC

LPSOFFLA LLC

LPSOFFLORIDA L.L.C.

PW&F CONSULTANTS OF FLORIDA LLC

UAD SECURE SERVICES LLC

UAD SECURE SERVICE OF FL LLC

URB MANAGEMENT, LLC

YCC SOLUTIONS LLC

YFP SOLUTIONS LLC

Tampa, Florida

December 10, 2018

On Friday, December 7, 2018, Judge Mendoza entered an *Order and Permanent Injunction* in favor of the Federal Trade Commission and the Florida Attorney General and against the Defendant Kevin Guice. The order, which is posted elsewhere on this site, finds that Kevin Guice, through his various companies, engaged in a pattern of unlawful conduct that defrauded consumers in violation of state and federal law. Judge Mendoza:

- Permanently enjoined Kevin Guice from engaging in any telemarketing activities of any kind;
- Found Kevin Guice liable to the FTC for \$23,099,878.02; and
- Directed Kevin Guice to turn over to me the property identified on the attached exhibit, so that I can sell it.

Kevin Guice can file an appeal from Judge Mendoza's ruling. He has sixty days to do so. In my view, Judge Mendoza's ruling is sound and very unlikely to be reversed on appeal. Even if Kevin Guice appeals, he still will be required to turn over the personal property identified on the exhibit, unless he is able to obtain an order staying, or delaying, the effectiveness of Judge Mendoza's ruling. This is very unlikely.

After I receive the items of personal property I will sell them at a public auction, which likely will occur in January, 2019. Further details will be posted on this site.

Still pending before Judge Mendoza is my motion seeking an order finding that the Guices' homestead property is subject to a "constructive trust" in favor of the receivership estates. In Florida, an individual person's "homestead," or primary residence, is exempt from creditors, which means that typically it cannot be taken to satisfy debts owed by the individual person. There are exceptions to this doctrine. For example, there is no homestead protection where funds obtained through fraud or egregious conduct were used to invest in, purchase or improve the homestead. In my *Receiver's Motion to Compel disgorgement of Assets from Defendant Kevin Guice and his Spouse, Shannon Guice, to Impose Constructive Trust, and for Other Equitable*

Relief,¹ I have argued that Kevin Guice transferred almost \$8.6 million from his various companies to a bank account that he owns jointly with his spouse, and that the Guices used a portion of this \$8.6 million to purchase and improve their homestead. I have requested that the Court impose a constructive trust over the homestead, and that it authorize me to sell it. Hopefully, Judge Mendoza will grant the motion in the near future.

Keep watching this site for further information concerning this case. Best wishes for a happy holiday season.

Mark

Mark J. Bernet, Receiver

¹ A copy of the motion is posted on this website.

LIST OF GUICES' PERSONAL PROPERTY SUBJECT TO TURNOVER

2 2014 Yamaha Model FXSVHO Jet Skis, with trailer

Remington Model 700 Rifle, s/n 67031709

Weatherby, Inc. Rifle, s/n VB010830

MEN'S WATCHES

All watches should include all receipts, owner's manuals, certificates of authenticity and maintenance/repair records

Tag Heuer 300 Carrera Jack Jeuer Edition

Hublot Classic Fusion 38 Rose Gold

Breitling Mercury 7 Aurora

Breitling Transocean

Tag Heuer 300 sir watch

Mont Blanc Nicholas Rieussec

Mont Blanc UTC

Hublot Classic Fusion

Omega Moonphase

Tag Heuer Carrera Calibre,

1887 Chronograph

Tag Heuer Link watch

Cartier Balloon Blue

Hublot Classic Fusion

(second Hublot Classic Fusion)

Brueget White Gold

Tag Heuer Smart Watch

Omega Seamaster Steel Aqua Terra

Omega Seamaster Steel Rose Gold

Hublot Classic Fusion Ultra Thin

Hublot King Power