

2003-274-CD
RE: JAMES D. LONG, III

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

In Re: JAMES D. LONG, III

: No. 03-274-CD
:
: Type of Pleading: Petition to Transfer
: Structured Settlement
:
: Filed on behalf of: James D. Long, III,
: Petitioner
:
:
: Counsel of Record for this party:
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court No. 42519
:
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
:
: (814) 375-0300

FILED

FEB 26 2003

**William A. Shaw
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

In Re: JAMES D. LONG, III : No.

:
:

PETITION TO TRANSFER STRUCTURED SETTLEMENT

AND NOW, comes Petitioner, James D. Long, III, by and through his attorneys, The Hopkins Law Firm, and files the within Petition and in support thereof states as follows:

1. Petitioner is James D. Long, III whose address is 108 N. Mann Avenue, Yeagertown, Pennsylvania 17099.

2. Petitioner was involved in a motor vehicle accident in 1999 and as a result thereof received a structured settlement issued by Metropolitan Life Insurance Company, 200 Park Avenue, 5/P New York, New York 10166. The structure settlement provides payments to the Petitioner as follows:

- a. August 28, 2004 - \$14,239.00;
- b. August 28, 2008 - \$27,500.00;
- c. August 28, 2013 - \$40,000.00;

3. Petitioner proposes to enter into a purchase agreement with 321 Henderson Receivables Limited Partnership whose address is c/o J.G. Wentworth & Company, 30 South 15th Street, Floor 10, Philadelphia, Pennsylvania 19102 who will purchase the August 28, 2004 payment of \$14,239.00 and will further purchase \$10,000.00 of the \$27,500.00 payment due August 28, 2008 for a total lump sum payment of \$14,000.00.

4. 321 Henderson Receivables Limited Partnership has provided Petitioner, James D. Long, with a Disclosure Statements pursuant to 40 P.S. §4003(a)(2), (a)(4) and (b). See attached Disclosure Statement set forth as Exhibit "A".

5. The best interest of James D. Long, III would be served by granting the relief requested herein because James D. Long, III is in need of the funds to pay off his motor vehicle. Paying off the Petitioner's motor vehicle will improve the quality of his life inasmuch as his employer has reduced his hours of employment and by paying off the motor vehicle, he will have sufficient monies to continue to meet the remainder of his obligations and enjoy his youth.

6. Today James D. Long, III is a bright nineteen (19) year old individual. He is employed by Hanover Foods of Centre Hall, Pennsylvania. He is the owner of a duplex in which he lives in half of the duplex and rents out the remaining half.

7. James D. Long, III will retain \$17,500.00 of the August 28, 2008 payment and all of the \$40,000.00 due and payable on August 28, 2013.

8. James D. Long, III does not suffer from further complications from the motor vehicle accident that lead to the structured settlement.

9. James D. Long, III has been represented by his own independent legal counsel regarding the implications of the transfer including consideration of the tax ramifications of the transfer.

10. James D. Long, III will give written notice of the transferee's name, address and taxpayer identification number to Metropolitan Life Insurance Company, and will file a copy of such notice with the Court.

WHEREFORE, Petitioner, James D. Long, III, respectfully requests this Honorable Court approve and authorize the sale of Metropolitan Life Insurance Company structured settlement payments of \$14,239.00 due August 28, 2004 and \$10,000.00 out of a total payment of \$27,500.00 due August 28, 2008 for the total purchase price of \$14,000.00. Said purchase to be paid by 321 Henderson Receivables Limited Partnership.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Petitioner

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.



James D. Long, III

SCHEDULE 1

DATE PROVIDED: January 24, 2003

DISCLOSURE STATEMENT

PLEASE BE ADVISED THAT THE PROPOSED TRANSACTION IS A SALE, NOT A LOAN, AND THAT YOU WILL BE SELLING ALL RIGHTS AND TITLE TO THE ASSIGNED ASSETS ONCE THIS TRANSACTION IS CONSUMMATED. PLEASE BE ADVISED THAT YOU MAY BE SUBJECT TO ADVERSE FEDERAL AND STATE INCOME TAX CONSEQUENCES AS A RESULT OF THE PROPOSED TRANSACTION. YOU SHOULD CONSULT YOUR OWN COUNSEL, ACCOUNTANT, OR FINANCIAL ADVISOR REGARDING ANY FEDERAL OR STATE INCOME TAX CONSEQUENCES ARISING FROM THE PROPOSED TRANSFER.

YOUR PURCHASE PRICE WAS DERIVED ASSUMING A DISCOUNT RATE SIGNIFICANTLY HIGHER THAN THE PRIME INTEREST RATES CHARGED BY COMMERCIAL BANKS, THEREFORE, WE URGE YOU TO EXPLORE ALL FINANCIAL OPTIONS.

**WE WILL PURCHASE FROM YOU A) 1 payment of \$14,239.00 on 08/28/2004
B) 1 payment of \$10,000.00 on 08/28/2008**

**THE AGGREGATE AMOUNT OF THE PURCHASED PAYMENTS IS
\$24,239.00.**

THE DISCOUNT PRESENT VALUE OF THE AGGREGATE PAYMENTS AT 4% IS \$21,420.57. THE GROSS AMOUNT PAYABLE TO SELLER IS \$14,000.00. THE NET AMOUNT PAYABLE TO THE SELLER IS \$14,000.00. NO EXPENSES ARE INCURRED BY YOU.

Initial:

JL

©2001 321 Henderson Receivables Limited Partnership

EXHIBIT "A"

SCHEDULE 1, PAGE 2

DATE PROVIDED: January 24, 2003

THE DISCOUNT RATE FOR THIS TRANSACTION IS 21.06%. THE CASH PAYMENT YOU RECEIVE IN THIS TRANSACTION FROM US WAS DETERMINED BY APPLYING THE SPECIFIED EFFECTIVE ANNUAL DISCOUNT RATE, COMPOUNDED MONTHLY, TO THE TOTAL AMOUNT OF FUTURE PAYMENTS TO BE RECEIVED BY US.

THE QUOTIENT OBTAINED BY DIVIDING THE NET PAYMENT BY THE DISCOUNTED PRESENT VALUE IS 65.4 %.

BASED ON THE NET AMOUNT THAT YOU WILL RECEIVE FROM US AND THE AMOUNTS AND TIMING OF THE STRUCTURED-SETTLEMENT PAYMENTS THAT YOU ARE TURNING OVER TO US, YOU WILL, IN EFFECT, BE PAYING INTEREST TO US AT A RATE OF 21.06% PER YEAR.

NOTICE OF CANCELLATION RIGHTS:

YOU MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO 5:00 P.M. OF THE TWENTY-FIRST DAY FOLLOWING THE LATER OF THE EXECUTION OF THE PURCHASE AGREEMENT, OR THE DATE THE PAYEE BECOMES OBLIGATED UNDER THE PURCHASE AGREEMENT WITHOUT PENALTY OR FURTHER OBLIGATION.

THIS CANCELLATION RIGHT CANNOT BE WAIVED IN ANY MANNER.

TO CANCEL, YOU MUST PROVIDE WRITTEN NOTICE TO THE TRANSFeree. WRITTEN NOTICE SHOULD BE MAILED OR DELIVERED TO THE ADDRESS BELOW BY 5:00 P.M. OF 3-7-2003 (THE TWENTY-FIRST DAY FOLLOWING THE TRANSACTION). IT IS BEST TO MAIL IT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND TO KEEP A PHOTOCOPY OF THE SIGNED FORM AND YOUR POST OFFICE RECEIPT. ADDRESS TO WHICH CANCELLATION IS TO BE RETURNED:

Initial:

JL

©2001 321 Henderson Receivables Limited Partnership

SCHEDULE 1, PAGE 3

DATE PROVIDED: January 24, 2003

**321 HENDERSON RECEIVABLES LIMITED PARTNERSHIP
2920 NORTH GREEN VALLEY PARKWAY
BUILDING # 3, SUITE 321
HENDERSON, NV 89014
ATTENTION: VICE PRESIDENT – OPERATIONS**

**THE DISCOUNTED PRESENT VALUE OF PAYMENTS SHALL BE
CALCULATED AS FOLLOWS:**

**THE CURRENT VALUE OF THE TRANSFERRED STRUCTURED
SETTLEMENT PAYMENTS UNDER FEDERAL STANDARDS FOR
VALUING ANNUITIES.**

**THE APPLICABLE FEDERAL RATE USED IN CALCULATING THE
DISCOUNTED PRESENT VALUE IS 4%.**

**IMPORTANT NOTICE: YOU ARE STRONGLY URGED TO CONSULT
WITH AN ATTORNEY WHO CAN ADVISE YOU OF THE POTENTIAL
TAX CONSEQUENCES OF THIS TRANSACTION.**

**I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTOOD
THE LANGUAGE CONTAINED IN SECTION 8 OF THE PURCHASE
AGREEMENT WHICH STATES:**

**THE NET AMOUNT THAT YOU WILL RECEIVE FROM US IN
EXCHANGE FOR YOUR FUTURE STRUCTURED SETTLEMENT
PAYMENTS REPRESENTS 65.4% OF THE ESTIMATED CURRENT
VALUE OF THE PAYMENTS BASED UPON THE DISCOUNTED VALUE
USING THE APPLICABLE FEDERAL RATE.**

Initial:

JL

©2001 321 Henderson Receivables Limited Partnership

SCHEDULE 1, PAGE 4

DATE PROVIDED: January 24, 2003

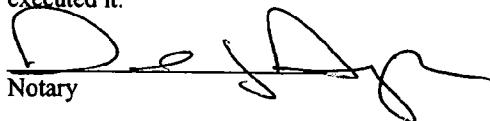
PLEASE BE ADVISED THERE ARE NO PENALTIES OR LIQUIDATED DAMAGES PAYABLE BY YOU IN THE EVENT OF ANY BREACH OF THE TRANSFER AGREEMENT BY YOU. THERE ARE NO BROKERS COMMISSIONS, SERVICE CHARGES, APPLICATION FEES, PROCESSING FEES, CLOSING COSTS, FILING FEES, ADMINISTRATIVE FEES, LEGAL FEES, NOTARY FEES AND OTHER COMMISSIONS, FEES, COSTS, EXPENSES AND CHARGES PAYABLE BY YOU OR DEDUCTED FROM GROSS AMOUNT OTHERWISE PAYABLE TO YOU.

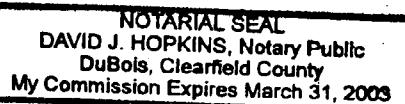
James Long III
James Long, III

Date Executed: 2-14-03

STATE OF PA
COUNTY OF Clearfield

On this 14 day of Feb, 2003, before me, the above signed personally appeared before me, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed it.


Notary



Initial:

JL

©2001 321 Henderson Receivables Limited Partnership

FILED

1/20/03
FEB 26 2003

Aug Pd
85.00

1cc Aug Hopkins

cc
William A. Shaw
Prosternetary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

In Re: JAMES D. LONG, III

No. 03-274-CD

RULE RETURNABLE

NOW, this 28th day of February, 2003, upon consideration of the Petition to Transfer Structured Settlement, a Rule is hereby issued upon Metropolitan Life Insurance Company and 321 Henderson Receivables Limited Partnership to Show Cause why the Petition should not be granted.

Rule Returnable on the 1st day of April, 2003, at 3:00 o'clock P.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

FILED

FEB 28 2003

William A. Shaw
Prothonotary

COURT ADMINISTRATOR
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641

BY THE COURT,

JUDGE

FILED

10:00 AM
FEB 28 2003
Atty Hopkins

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

In Re: LINDA MCGONIGAL

No. 03-226 C.D.

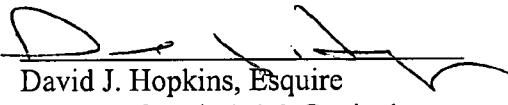
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Petition to Transfer Structured Settlement together with Rule to Show Cause, filed on behalf of Linda McGonigal, was forwarding by certified mail, postage prepaid, on the 3rd day of March, 2003, to all counsel of record, addressed as follows:

BY CERTIFIED MAIL

Article Number: 7001 1940 0000 7443 4255
Pacific Life Insurance Company
700 Newport Center Drive
Newport Beach, CA 30339

Article Number: 7001 1940 0000 7443 4231
321 Henderson Receivables Limited Partnership
c/o J. G. Wentworth & Company
30 South 15th Street, Floor 10
Philadelphia, PA 19102


David J. Hopkins, Esquire
Attorney for Linda McGonigal

FILED

APR 01 2003

William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

321 Henderson Receivables
Limited Partnership
c/o J. G. Wentworth & Company
30 South 15th Street, Floor 10
Philadelphia, PA 19102

2. Article Number 7001 1940 0000 7443 4231
(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Howard K. Deesee* Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

MAR 18 2003

**D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No****3. Service Type**

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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Pacific Life Insurance Company
700 Newport Center Drive
Newport Beach, CA 30339

2. Article Number 7001 1940 0000 7443 4255
(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Scot Morrison* Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

*MAR 11 2003
NEWPORT BEACH, CA
USPS*

**D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No****3. Service Type**

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

FILED

APR 9 1 2003
04/11/03

William A. Shaw
Prothonotary
2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

In Re: JAMES D. LONG, III : 274
: Case No. 03-284 C.D.
:

ORDER

AND NOW, this 7th day of April, 2003, upon consideration of the unopposed petition of James D. Long, III ("Mr. Long"), it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. The transfer of the structured settlement proceeds (the "Assigned Payments") by Mr. Long to 321 Henderson Receivables Limited Partnership ("Henderson Receivables") as described in the petition in this matter (the "Proposed Transfer"): (i) does not contravene any federal or state statute or the order of any court or responsible administrative authority, and (ii) is in the best interest of Mr. Long or his dependents.

2. Pursuant to §4001 through §4009 of the Pennsylvania Statutes, the Structured Settlement Protection Act, the Court expressly finds that:

a. The Proposed Transfer complies with the requirements of the Structured Settlement Protection Act (40 P.S. §§4001-4009) and will not contravene other applicable Federal or State statutes or regulations or any applicable law limiting the transfer of worker's compensation claims as required under 40 P.S. §4003(A)(1).

FILED

APR 07 2003

William A. Shaw
Prothonotary

1 CEN to Harry Hopkins

- b. Not less than ten days prior to the date on which Mr. Long signed the transfer agreement, Henderson Receivables provided a disclosure statement as required under 40 P.S. §4003(A)(2).
- c. Mr. Long has established that the Proposed Transfer is in his best interests as required under 40 P.S. §4003(A)(3).
- d. Mr. Long has received or expressly waived in a separate written acknowledgement signed by his, independent legal advice regarding the implications of the Proposed Transfer, including consideration of the tax ramifications of the Proposed Transfer as required under 40 P.S. §4003(A)(4).
- e. Written notice of Henderson Receivables name, address, and taxpayer identification number has been given to the annuity issuer and the structured settlement obligor and a copy of such notice has been filed with the court as required under 40 P.S. §4003(A)(6).
- f. Prior to entering the Purchase Agreement to make the Proposed Transfer, Mr. Long was provided with a written notice regarding consultation with an attorney as required under 40 P.S. §4003(B).

3. The Proposed Transfer from Mr. Long to 321 Henderson Receivables Limited Partnership is approved.

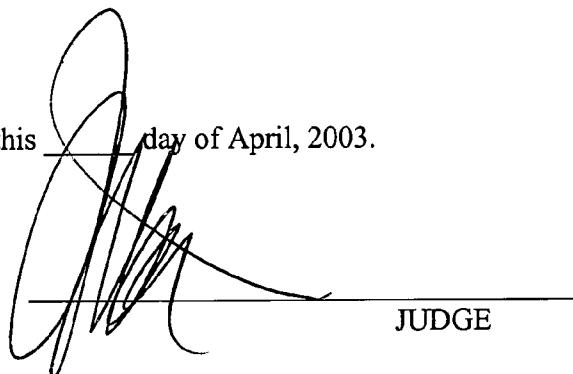
4. Any remaining Periodic Payments that are not the subject of the Proposed Transfer shall be made payable to Mr. Long and will be forwarded to his home address or any payment address designated by Mr. Long.

5. Henderson Receivables shall defend, indemnify, and hold harmless Metropolitan Life Insurance Company, and its directors, shareholders, officers, agents, employees, servants, successors, executors, administrators, and assigns, and any parent, subsidiary, or affiliate thereof, and their directors, shareholders, officers, agents, employees, servants, successors, executors, administrators, and assigns, past and present, from and against any and all liability, including reasonable attorney's fees and costs, for all claims, including but not limited to claims by Mr. Long, his heirs, beneficiaries, and/or contingent beneficiaries, arising out of, related to, or in

connection with the Assigned Payments, the Proposed Transfer, or the Stipulation executed in connection with this matter, except with respect to claims to enforce the Stipulation.

6. Henderson Receivables and Mr. Long, for themselves and for their respective directors, shareholders, officers, agents, employees, servants, successors, heirs, beneficiaries, contingent beneficiaries, executors, administrators, and assigns, and any parent, subsidiary, or affiliate thereof, and their directors, shareholders, officers, agents, employees, servants, successors, heirs, beneficiaries, contingent beneficiaries, executors, administrators, and assigns, past and present (the "Releasors"), hereby remise, release and forever discharge Metropolitan Life Insurance Company, and its directors, shareholders, officers, agents, employees, servants, successors, executors, administrators, and assigns, and any parent, subsidiary, or affiliate thereof and their directors, shareholders, officers, agents, employees, servants, successors, executors, administrators, and assigns, past and present (the "Releasees"), of and from any and all manner of actions and causes of action, suits, debts, dues, accounts, bonds, covenants, contracts, agreements, judgments, settlements, damages, claims, and demands whatsoever, in law or in equity, in connection with, related to, or arising out of, any claim or allegation that was or could have been asserted in connection with, related to, or arising out of, the Assigned Payments or the Proposed Transfer, in connection with this matter, which against each other or the Releasees, the Releasors can, shall or may have, except for claims to enforce any party's rights under the Stipulation.

DONE IN OPEN COURT this _____ day of April, 2003.

A handwritten signature in black ink, appearing to be a stylized 'J' or a similar character, is written over a horizontal line. To the right of the signature, the word "JUDGE" is printed in capital letters.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

In Re: JAMES D. LONG, III :
: No. 03-~~284~~⁷ C.D.
:

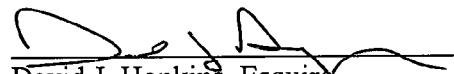
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Petition to Transfer Structured Settlement together with Rule to Show Cause, filed on behalf of James D. Long, III, was forwarding by certified mail, postage prepaid, on the 3rd day of March, 2003, to all counsel of record, addressed as follows:

BY CERTIFIED MAIL

Article Number: 7001 1940 0006 2175 7387
Metropolitan Life Insurance Company
200 Park Avenue, 5P
New York, NY 10166

Article Number: 7001 1940 0000 7443 4262
321 Henderson Receivables Limited Partnership
c/o J. G. Wentworth & Company
30 South 15th Street, Floor 10
Philadelphia, PA 19102



David J. Hopkins, Esquire
Attorney for James D. Long, III

FILED

APR 01 2003

William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Metropolitan Life Insurance
200 Park Avenue, 5P
New York, NY 10166

2. Article Number

(*Tr*)

PS Fc

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

Agent
 Addressee

B. Received by (Printed Name)

Mail Division

C. Date of Delivery**D. Is delivery address different from item 1? Yes**

If YES, enter delivery address below: No

MAR 11 2003

C. HUSBANDS

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-02-M-1540

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

321 Henderson Receivables Limited
c/o J. G. Wentworth & Company
30 South 15th Street, Floor 10
Philadelphia, PA 19102

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Wende Decker

Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

MAR 18 2003

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

FILED

APR 01 2003

04/11/03
William A. Shaw
Prothonotary
ES