

# In re Sanctuary Belize Litigation

## Civil Action No. 18-cv-3309 (PJM)

*Court-Ordered Compensation Plan Administration*

*Understanding the Claim Application Process & Confirming your Eligibility*

**Information Session Hosted by the Receivership Team**

October 2022

# Introductions & Agenda

## The Receivership Team



**Marc  
Ferzan**



**Terry  
Brody**



**Mike  
Schultz**



**Rachel  
Woloszynski**

## Agenda

- Compensation Plan Steps Approved by the Court
- Compensation Plan Timeline & Important Claim Application Dates
- Understanding the Claim Application Process
- Resolving any Claim Application Deficiencies
- Helpful Resources
- Eligibility Notifications
- Questions & Answers

# Compensation Plan Steps Approved by the Court

## Topics in this Section:

August 18, 2022 Court Order approved initial steps of the Compensation Plan

- What parts of the Compensation Plan are approved
- What parts of the Compensation Plan are not approved
- What's next, and when will the other parts of the Compensation Plan be approved

# Compensation Plan Steps Approved by the Court

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The Redress Plan, also known as the “Compensation Plan,” was proposed by the Federal Trade Commission to provide remedies for eligible lot owners in Sanctuary Belize, Kanantik, and other specified development areas in the *In re Sanctuary Belize Litigation* matter.

## ► Approved Compensation Plan steps per August 18, 2022 Court Order

Sections II. through III.A., which require the Receivership Team to:

- Provide Claim Applications to lot owners;
- Collect completed Claim Applications from lot owners; and
- Make eligibility determinations & notify lot owners.

## ► What’s not yet approved by the Court under the Compensation Plan

The Receiver is not yet authorized (under Sections III.B through IX.N.) to:

- Make payments to eligible lot owners;
- Provide lot owners with their lot ownership options; or
- Transfer Sanctuary Belize or Kanantik development area properties to qualified developer(s).

# Compensation Plan Steps Approved by the Court

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## ► What's next, and when will the other parts of the Compensation Plan be approved

The Receiver will submit a progress report to the Court by March 13, 2023 (following eligibility notifications).

- The Court must approve the other parts of the Compensation Plan before the Receivership Team can proceed with additional steps.
- We do not know when the Court may act, but the Receivership Team will provide more information as soon as it becomes available.

The **Compensation Plan** and the **Court's August 18, 2022 Order** approving the initial steps outlined above can be found on the Receiver's website at:  
[www.SanctuaryBelizeReceivership.com](http://www.SanctuaryBelizeReceivership.com).

# Compensation Plan Timeline & Important Claim Application Dates



# Compensation Plan Timeline & Important Claim Application Dates

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Important Dates	
Claim Applications distributed:	October 27, 2022
Deadline to submit completed Claim Application:	December 12, 2022
Deadline to resolve Claim Application deficiencies:	January 10, 2023
Eligibility notifications:	February 9, 2023

# Understanding the Claim Application Process

## Topics in this Section:

- Who is eligible to participate in the Compensation Plan
- Who should complete a Claim Application
- Purpose of the Claim Application and what types of information requests to expect
- How to submit a Claim Application
- Documentation that will be helpful in completing your Claim Application
- Signing your Claim Application before you submit it
- What to expect if you jointly purchased and co-signed an agreement to buy a lot, or jointly own your lot with others
- What to expect if you are a third party authorized to complete a Claim Application on behalf of a lot owner



# Understanding the Claim Application Process

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## ► Who is eligible to participate in the Compensation Plan

The Compensation Plan outlines who is eligible to participate, and includes lot owners in:

- Sanctuary Belize;
- Kanantik; and
- Other covered development areas in Belize, Costa Rica, the Dominican Republic, and possibly elsewhere, that were marketed and sold by the original developers.

While the Compensation Plan definitions and terms will control eligibility determinations, it is expected that most of those who will receive a notice to complete a Claim Application will be eligible (based on available records reviewed by the Receivership Team).

There are limited reasons outlined in the Compensation Plan why a lot buyer would not be eligible. For example:

- Buyers who received a full refund for their lot purchase are not eligible.

# Understanding the Claim Application Process

## ► Who should complete a Claim Application

Lot buyers who signed an agreement to purchase a lot in Sanctuary Belize, Kanantik, or one of the other covered development areas; or individuals who have had a lot ownership interest transferred to them from a buyer.

### Claim Applications will generally seek information to establish eligibility for individuals who:

- 1 Purchased a lot in their own name(s)
- 2 Purchased a lot in the name of a business or other entity (like a trust)
- 3 Received an interest in a lot from an original lot buyer (either in their own name(s), or in the name of a business, trust, estate, or other entity)
- 4 Sold a lot at a loss

Submitting a Claim Application and establishing your eligibility at this stage doesn't commit you to anything.

- However, if you don't participate in the Claim Application process, you can't be included in the Compensation Plan -- and the FTC believes the probability of getting compensation on your own is low.

# Understanding the Claim Application Process

## ► Purpose of the Claim Application and what types of information requests you should expect

Submitting a completed Claim Application by the December 12, 2022 deadline is required under the Compensation Plan to establish your eligibility.

- The Claim Application itself is designed to be easy to follow, and the requests for information (and documentation as may be necessary) should be self-explanatory as you work through the questions.

### The Claim Application will ask about:

- |   |   |
|---|---|
| 1 Contact information   | 4 Lot purchase terms                    |
| 2 Lot location  | 5 Refunds you may have received         |
| 3 Payments made across specified categories: <ul style="list-style-type: none"><li>• Principal</li><li>• Interest</li><li>• HOA Fees</li><li>• Late Fees</li><li>• Belize General Sales Tax</li></ul> | 6 Foreclosures you may have experienced |

# Understanding the Claim Application Process

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## Pre-populated information in your Claim Application:

- For most lot buyers and owners, you will notice that many of the answers to these information requests needed to establish your eligibility under the Compensation Plan will be pre-populated in your Claim Application.

**The information that's filled in will come from the corporate records of the original developers who were named as defendants in the FTC's enforcement case.**

- If you agree with the information that's been filled in on the Claim Application, you will be able to confirm it and move through the rest of the Claim Application quickly, sign off on it, and submit it.
- If you disagree with any of the information presented in the Claim Application, you'll have the ability to make corrections, and you may be asked to provide documentation to support the updated information you added.

# Understanding the Claim Application Process

## ► How to submit a Claim Application

### General Claim Application Guidelines

- One Claim Application is required to establish eligibility for each lot.
  - For those lot owners who bought multiple lots, the Receivership Team will send you a separate Claim Application for each lot.
- Each Claim Application will have a Unique ID number, and will also reference your lot information, if available.
- If you own your lot with other people, it will be necessary to coordinate and submit one completed Claim Application on behalf of all co-owners.

### Online Claim Application

- Claim Applications may be submitted through an easy-to-use online claim portal.
  - Using the online claim portal will help ensure your Claim Application is filed by the deadline.
  - The claim portal will also enable you to check on the status of your Claim Application, and find out whether any additional information or documents may be required.
- If you don't feel comfortable using a computer or don't have access to the internet, you are encouraged to ask a family member or friend to help you complete the online Claim Application.

# Understanding the Claim Application Process

## ► How to submit a Claim Application

### Using the Claim Portal

- You will be provided with a link to get to the Claim Application in the notice that will be sent to you on October 27, 2022.

**The notice will provide step-by-step guidance on how to access the online Claim Application through the claim portal. The steps include:**

- 1 Logging on to the claim portal using your name and Unique ID number provided in the notice
- 2 Reviewing the Claim Application questions and answers, and updating the requested information as necessary
- 3 Clicking to sign the declaration once the Claim Application is completed
- 4 Uploading a copy of your government-issued ID to validate your identity

### Alternative

- While using the online claim portal will be the best way to file your Claim Application without delay, the Claim Application notices will provide information on how to contact the Receivership Team, should it be necessary to request a paper copy of the Claim Application.
- Completed paper Claim Applications must be mailed and postmarked by **December 12, 2022** to meet the deadline.

# Understanding the Claim Application Process

## ► Documentation that will be helpful in completing your Claim Application

We encourage all lot owners to gather records now that will help them complete their Claim Application by the **December 12, 2022** deadline.

Examples of records that will be helpful in completing your Claim Application include:

- lot sales contracts;
- payments records;
- title records;
- any lot transfer documents; and
- any other correspondence or transaction documents related to the lot.

Depending on your situation, other records may also be necessary to complete your Claim Application if:

- the lot was purchased in the name of a business (for example, a corporation, LLC, or partnership), or in the name of a trust or other legal entity;
- ownership status has been impacted by divorce or death of a former co-owner; or
- a legally-authorized third party is completing the Claim Application on behalf of an owner.

# Understanding the Claim Application Process

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## ▶ Signing your Claim Application before you submit it

The Compensation Plan requires that every lot owner (and co-owner) complete the Claim Application by signing off on the sworn declaration at the end of the Claim Application.

- Electronic sign off (that will involve checking a box) will be required for the online Claim Applications.
- Hand-written signatures will be required for paper Claim Applications.

You will also be required to provide a copy of a valid and current government-issued ID to complete the Claim Application.



# Understanding the Claim Application Process

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## ► What to expect if you jointly purchased and co-signed an agreement to buy a lot, or jointly own your lot with others

If you jointly bought or co-own a lot with other people, special guidance will be provided on how you should coordinate to complete the Claim Application process.

**Reminder:** If your co-owner(s) still have an ownership interest in the lot, you must submit a single, joint Claim Application with the other owners.

While all co-owners of a lot must review and sign off on a Claim Application before it is considered complete, **one person should first be designated to fill out the Claim Application on behalf of all owners.**

The person who is selected to fill in the Claim Application on behalf of all co-owners should log on to the online claim portal first. **That person will automatically be designated as the responsible co-owner for filling in the Claim Application.**

# Understanding the Claim Application Process

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Once the Claim Application questions are answered on behalf of all co-owners, and signed by the person responsible for filling it in, the other co-owners will automatically be notified that the Claim Application is available for their final review and sign off.

## Co-owners will receive an email notification to:

- 1 Log on to the claim portal using their name and the Unique ID number
- 2 Review the Claim Application questions and answers
- 3 Sign off on the declaration, if they are satisfied that the Claim Application is accurate and complete
- 4 Upload a copy of their government-issued ID to validate their identity

Reminder: The Claim Application will not be considered complete until every question is answered, and all co-owners have signed the declaration.

# Understanding the Claim Application Process

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## ► What will be needed if you are an authorized third party completing a Claim Application on behalf of a lot owner

If you are not a named co-owner and are completing a Claim Application on behalf of a person, business, trust, or decedent's estate, you will be asked to explain your legal authority to do so and provide supporting documentation, which may include things like:

- a power of attorney
- articles of incorporation
- a business operating agreement
- a partnership agreement
- a trust agreement
- estate documents
- court orders

If you have questions on how to complete a Claim Application under these circumstances, you will be able to review the FAQs available on the Receiver's website at [www.sanctuarybelizereceivership.com](http://www.sanctuarybelizereceivership.com), or contact the Receivership Team.

# Resolving any Claim Application Deficiencies

## Topics in this Section:

- Responding to a Deficiency Notice from the Receivership Team *after* your Claim Application is submitted

# Resolving any Claim Application Deficiencies

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## ▶ Responding to a Claim Application deficiency notice

- If the Receivership Team contacts you about a deficiency in the Claim Application you submitted, please provide the requested information or documentation as soon as possible.
- Your Claim Application won't be considered complete until you provide the necessary information and/or documentation to the Receivership Team.

## ▶ Additional time to resolve a Claim Application deficiency

After meeting the **December 12, 2022 deadline** to submit your Claim Application, it will be possible to resolve any remaining identified deficiencies up until **January 10, 2023**, if additional time may be necessary.

# Helpful Resources

# Helpful Resources

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- ▶ There are several resources that will be available to help guide you through the Claim Application process

The Receiver's website at [www.sanctuarybelizereceivership.com](http://www.sanctuarybelizereceivership.com), which will include:

- Resources relating to the Compensation Plan and relevant Court proceedings;
- Helpful guides on how to complete the Claim Application; and
- Frequently Asked Questions about the Compensation Plan and the Claim Application.

Additionally, you can contact the Receivership Team in any of the following ways:

- **Recommended**: Click the “Contact Us” button on the Receiver's website
- Email: [info@sanctuarybelizereceivership.com](mailto:info@sanctuarybelizereceivership.com)
- Telephone (if you can't access the internet or use email): Help Line will go live on October 27, 2022
- By mail (if you can't access the internet, use email, or use telephone):

Ankura Consulting Group, LLC  
2000 K Street NW, 12th Floor  
Washington, DC 20006

**Attention: Sanctuary Belize Receiver**

# Eligibility Notifications



# Eligibility Notifications

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The Receivership Team will make eligibility determinations based on the criteria set forth in the Compensation Plan, and provide notice of eligibility by **February 9, 2023** to all lot owners who submitted a Claim Application.

# Questions & Answers