

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

RMA STRATEGIC
OPPORTUNITY FUND, LLC,

Case No. 17-13328-FJB
Chapter 7
Adv. Proc. No. 18-01019

Debtor
MARK G. DEGIACOMO,
CHAPTER 7 TRUSTEE FOR
THE ESTATE OF RMA
STRATEGIC OPPORTUNITY
FUND, LLC,

Plaintiff,

v.

RAYMOND K. MONTOYA,
ET AL,

Defendants

Settlement Status Report

Now come the plaintiff, Mark G. DeGiacomo, and defendants Raymond K. Montoya, Alma Montoya, Ross Montoya, and Ryan Montoya (together, "Defendants") and hereby file the following status report pursuant to the Court's order of 10/29/2020, Docket No. 146.

1. The parties reported the matter settled as of 9/29/2020, however, implementation of the agreement requires the notarized signature of Raymond K. Montoya, who is

currently incarcerated in a Federal Bureau of Prisons facility, FCI Lompoc, located in Lompoc, CA.

2. Defendants have diligently sought to obtain a notarized signature, but this has not yet been accomplished. See prior status report at Docket No. 145.
3. After the filing of the prior status report, counsel for defendants made further inquiries with prison officials regarding the facility's list of authorized notaries. These calls were not returned.
4. Due to the COVID pandemic, FCI Lompoc is presently closed to visitors, including notaries. There is no notary available on the staff of the facility. The parties do not know when FCI Lompoc will re-open to visitors.
5. Defendants' counsel is reaching out to Mr. Montoya about whether he executed a power of attorney prior to his incarceration (potentially enabling someone else to sign the mortgage before a notary), but does not believe that to be the case.

Wherefore, the parties request an additional 30 days to file the settlement approval motion or a further status report.

Respectfully submitted,

Plaintiff,
By his attorney,

/s/ Jonathan Horne
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Defendants,
By their attorney,

/s/ William C. Parks
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Dated: 12/28/2020