

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

RMA STRATEGIC OPPORTUNITY
FUND, LLC,
Debtor.

CHAPTER 7
CASE NO. 17-13328-FJB

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

Plaintiff,

v.

Adv. Pro. 18-01019

RAYMOND K. MONTOYA, ROSS P.
MONTOYA, ALMA U. MONTOYA, RYAN
J. MONTOYA, RESOURCE MANAGED
ASSETS, LLC, RESEARCH MAGNATE
ADVISORS, LLC and RMA GROUP, INC.,

Defendants,

CENTURY BANK AND TRUST COMPANY
and SANTANDER BANK, N.A.

Trustee Process
Defendants.

STATEMENT OF AGREED FACTS

1. The plaintiff, Mark G. DeGiacomo, is the Chapter 7 trustee of the bankruptcy estate of RMA Strategic Opportunity Fund, LLC. (the "Plaintiff" or "Trustee").

2. RMA Strategic Opportunity Fund, LLC (the "Debtor") was a pooled investment vehicle that was formed on May 18, 2007 as a Delaware limited liability

company with the name RMA Group Galleon Fund, LLC.

3. On March 27, 2009, the Debtor registered to do business in Massachusetts, at which time defendants Raymond K. Montoya (“Raymond”) and Ross P. Montoya (“Ross”) were its managers.

4. Raymond K. Montoya (“Raymond”) is an individual who, at the time of the filing of the Complaint that commenced this action, resided at 26 High Rock Way, Allston, Massachusetts.

5. Raymond is currently incarcerated at FCI Lompoc, 3600 Guard Road, Lompoc, CA 93436.

6. Alma U. Montoya (“Alma”) is Raymond’s wife.

7. Ross is Raymond and Alma’s son.

8. Ryan is Raymond and Alma’s son.

9. On September 5, 2017, three petitioning creditors filed an involuntary petition pursuant to Chapter 11 of the Bankruptcy Code against the Debtor.

10. On October 6, 2017, this Court entered an Order for Relief.

11. On November 15, 2017, the Court entered an order converting the Debtor’s case to Chapter 7.

12. On November 15, 2017, the Trustee was appointed as the Chapter 7 Trustee of this bankruptcy estate.

13. On November 16, 2009, Raymond filed a Certificate of Amendment with the Office of the Secretary of the Commonwealth, changing the Debtor’s managers from himself and Ross, to RM Assets.

14. Following the change of managers, Raymond and Ross continued to

manage the Debtor by virtue of their being the managers of the Debtor's sole manager, RM Assets.

15. On June 8, 2017, the Massachusetts Securities Division Enforcement Section filed an Administrative Complaint against Raymond, RM Advisors and RM Assets, alleging that they had violated Massachusetts securities laws by operating the Debtor as "a fraudulent hedge fund" whereby he raised money by misleading investors while using the money for his own personal benefit and that of his immediate family and make Ponzi-like repayments to certain other investors.

16. On August 1, 2017, a Criminal Complaint was filed against Raymond in the United States District Court for the District of Massachusetts alleging that Raymond committed wire and mail fraud by using the Debtor to commit a scheme to defraud investors.

17. On March 25, 2019 the United States District Court sentenced Raymond to a period of 175 months of incarceration.

Respectfully submitted,

Raymond K. Montoya, et. al.
By Their Attorney

MARK G. DEGIACOMO, CHAPTER 7
By his Attorney

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