

EXHIBIT 9

CAUSE NO. 2024-48085

ATLANTIC WAVE HOLDINGS, LLC § IN THE DISTRICT COURT
and SECURE COMMUNITY, LLC., §
Plaintiffs, Judgment-Creditors, §
v. § 129TH JUDICIAL COURT
CYBERLUX CORPORATION and §
MARK D. SCHMIDT, individually, § IN AND FOR
Defendants, Judgment-Debtors. § HARRIS COUNTY, TEXAS

**RECEIVER'S FINAL REPORT, FINAL ACCOUNTING,
VERIFIED MOTION FOR DISBURSEMENT OF FUNDS,
AND MOTION TO TERMINATE RECEIVERSHIP**

NOTICE: IF NO WRITTEN RESPONSE OR OBJECTION TO THE MOTION IS FILED WITH THE COURT WITHIN FIVE DAYS OF THE DATE OF SERVICE, THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT FURTHER NOTICE OF HEARING.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Robert W. Berleth, of Berleth, as Receiver, appointed by this Honorable Court as Receiver on May 22, 2025 hereinafter the "Order" to take and files this Receiver's Final Report, Final Accounting, Verified Motion for Disbursement of Funds, and Motion to Terminate Receivership, and for good cause shows the following:

A. REPORT OF RECEIVER

1. The work performed by Receiver in this Receivership to date includes, without limitation, the following: researching the latest developments in relevant turnover receivership law, communications with Plaintiff's counsel, communications with Defendant's counsel, communications with other creditors,

reviewing records concerning Defendant, preparing and filing the Receiver Oath, posting bond, taking physical possession of the real property, engaging and supervising the inventory and shipment of goods in a commercially reasonable manner, receiving and accounting for recovered funds, physical reconnoiter of the debtors going concerns, and preparing and filing this Receiver's Verified Motion for Disbursement and the proposed Order.

2. In accordance with the Order, The Receiver has recovered from the Debtor **\$3,083,639.75**, the balance owed on the Judgment Calculation.

3. It is the Receiver's opinion the Receiver's actions in this receivership to date were reasonable and necessary. It is the Receiver's belief all expenses and fees incurred during the receivership is a customary, reasonable, and necessary fee for the services rendered in Harris County, Texas. The receiver collected the full amount of the judgment, and is thus entitled to his presumptive fee of 33% of the total amount collected.

4. The receiver incurred expenses of **\$83,341.22**. These expenses were necessary to complete the receivership and shipment of the final inventory.

5. The receiver is aware of a TRO/serial receivership in cause no. 2025-41073, styled *Tucker v. Cyberlux*, in the 129th District Court that will take effect upon the termination of this receivership.

B. COLLECTIONS ACCOUNTING

6. During the receivership there have been funds totaling **\$3,083,639.75** which are being held in trust for this receivership.
7. The Receiver recommends and request authorization to disburse funds as follows:
 - a. \$2,182,234.91 to Plaintiff, reflecting full and final satisfaction of the Virginia court judgment, cause no. 23-07422, styled *Atlantic Waves Holdings, LLC*, in the Circuit Court of the City of Richmond, Virginia.
 - b. \$21,677.50 to BellNunnally to Defendant, reflecting a portion of the legal fees incurred by the Plaintiff.
 - c. \$21,880.00 to Vargo Law Firm, PC to Defendant, reflecting attorney's fees incurred by the Plaintiff.
 - d. \$9,392.50 to Caudle Law Firm, reflecting full and final satisfaction of cause no. CL22-3882-4, in the Circuit Court of the City of Richmond, Virginia.
 - e. \$83,341.22 to the Receiver as reasonable and incurred expenses in the prosecution of the receivership, to be taxed as a cost of court.
 - f. \$765,113.62 as the Receiver's Fee to be taxed as a cost of court.
 - g. Any incidental interest, fractional cents, or small calculation errors to be forwarded to the Texas Access to Justice Foundation.
8. As of date of this filing, the Receiver has not distributed funds, funds are being held by the Receiver for distribution in trust.

C. MOTION TO TERMINATE

9. The Receivership has completed with no further remaining issues pending the final distribution of funds as detailed above. The Receiver has fulfilled his obligations required by law. The Receiver moves the Court order the judgment satisfied and Receivership terminated. The Receiver as that effective on the of entry of the Termination Order, the Receivership has been terminated, the Receiver has been discharged, and the Receivership has ceased to exist as a legal entity.

D. PRAYER

10. **WHEREFORE**, Receiver prays that this Motion be considered by submission more than five days from the date of service to Judgment Defendants or, alternatively, by oral hearing, and that after consideration of the Motion, the Court grant Receiver's Verified Motion, and that this Court order the following:

- a. The Receiver Fee is reasonable. The Receiver's actions to date during this receivership were reasonable;
- b. Receiver disburse \$2,182,234.91 to Plaintiff, reflecting full and final satisfaction of the Virginia court judgment, cause no. 23-07422, styled *Atlantic Waves Holdings, LLC v. Cyberlux Corporation, et. al.*, in the Circuit Court of the City of Richmond, Virginia.

- c. Receiver disburse \$21,677.50 to BellNunnally to Defendant, reflecting a portion of the legal fees incurred by the Plaintiff.
- d. Receiver disburse \$21,880.00 to Vargo Law Firm, PC to Defendant, reflecting attorney's fees incurred by the Plaintiff.
- e. Receiver disburse \$9,392.50 to Caudle Law Firm, reflecting full and final satisfaction of cause no. CL22-3882-4, in the Circuit Court of the City of Richmond, Virginia.
- f. Receiver disburse \$83,341.22 to the Receiver as reasonable and incurred expenses in the prosecution of the receivership, to be taxed as a cost of court.
- g. Receiver disburse \$765,113.62 as the Receiver's Fee to be taxed as a cost of court.
- a. The Receivership be terminated; and,
- b. Such other and further relief which Receiver is justly entitled.

Respectfully submitted by:



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CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, June 11, 2025, a true and correct copy of the above and foregoing was forwarded to all counsel of record via certified mail, return receipt requested, regular mail, e-mail and/or facsimile. Electronic records were also forwarded in accordance with local rules through the E-file or CM/ECF system.

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Respectfully submitted by:



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APPOINTED RECEIVER