

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : No. 3:06cr189 (JBA)

v. :

EDWARD FORBES SMILEY III : February 19, 2010

**ORDER REGARDING DISTRIBUTION OF ESTATE
PROCEEDS AND CLARIFICATION OF
AMENDED RESTITUTION ORDER, DATED MAY 22, 2007**

The Court having considered the Parties' Joint Motion for Distribution of Estate Proceeds and for a Second Amended Restitution Order, it is hereby ORDERED:

(1) The \$165,400 held in escrow as the result of the disbursements of Mr. Smiley's interest in his mother's estate is to be distributed in the following manner:

(A) \$65,011 to the Clerk of the Court for distribution to the victims set forth in the Court's existing restitution order, with the monies to be disbursed pro rata, as set forth below;

(B) \$32,000 to remain in escrow with Attorney Ellen Kaplan to satisfy various federal and state estate/IRA taxes, with any unpaid balance, including any additional monies put into the escrow account for any other reason, to be paid to the Clerk of the Court for distribution to the victims set forth in the Court's existing restitution order, with the monies to be disbursed pro rata.;

(C) \$29,960 to the law firm of Sheehan & Reeve to satisfy outstanding legal obligations Mr. Smiley owes to that firm, for services rendered in connection with both pre-conviction and post-conviction matters;

(D) \$9,940 to Attorney Kaplan for her work in liquidating certain real estate, efforts to settle the estate issues, and in holding the monies in escrow for distribution to the victims; and

(E) \$28,500 to be returned to Smiley to address current debts and to provide the family with funds over the next few months.

In the event that the full \$28,500 is not needed for payment of back bills, outstanding loans, and monthly living expenses between now and April 30, 2010, Mr. Smiley is directed to pay any remaining balance to the Clerk of Court, to be applied to restitution. In addition, it is further ordered that Mr. Smiley keep a detailed accounting of the disbursement of any portion of this sum, and provide said accounting to the United States Probation Office on a monthly basis, as a supplement to the required monthly financial statement.

(2) The Clerk of Court is respectfully directed to distribute any remaining monies to enumerated victims on a pro rata basis, i.e., based on victims' losses as a percentage of total loss.

IT IS SO ORDERED.

/s/ _____
Janet Bond Arterton, U.S.D.J.