

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

Civil Action No. 1:19-CV-08454

TODAY’S GROWTH CONSULTANT, INC. :
(dba THE INCOME STORE) :

and :

KENNETH D. COURTRIGHT, III, :

Defendants. :

PROOF OF CLAIM AND RELEASE FORM

IF YOU ENTERED INTO A CONSULTING PERFORMANCE AGREEMENT OR SOFTWARE DEVELOPMENT AGREEMENT (“INVESTOR”) WITH DEFENDANT TODAY’S GROWTH CONSULTANT, INC. d/b/a THE INCOME STORE (“TGC”)

YOU MAY BE ENTITLED TO RECEIVE A TRANSFER OF A WEBSITE OR PAYMENT FROM ASSETS RECOVERED IN THIS SEC ENFORCEMENT ACTION.

OR

IF YOU TRANSFERRED FUNDS TO OR ARE OTHERWISE A CURRENT CREDITOR OF TGC (“CREDITOR”),

YOU MAY BE ENTITLED TO PARTICIPATE IN MONETARY RECOVERY FROM THE ASSETS RECOVERED IN THIS ACTION

DEADLINE FOR ALL INVESTORS AND CREDITORS TO SUBMIT CLAIMS TO THE RECEIVER: _____.

GENERAL INSTRUCTIONS

1. In order to recover a website and/or domain name/URL (a “Website”) assigned by Defendant Today’s Growth Consultant, Inc. d/b/a The Income Store or funds to which you may be entitled as an Eligible Claimant (as defined in the Legal Notice of Claims Administration Process and Partial Plan of Distribution (the “Legal Notice”) [ECF # ____-1]) in this SEC enforcement action, you must complete this Proof of Claim and Release Form and sign it under penalty of perjury where indicated on page 12 of this document. If you fail to timely submit a Proof of Claim and Release Form and/or provide supporting documentation (as discussed herein) your claim may be rejected, and you may be precluded from any recovery in this enforcement action.

2. Submission of this Proof of Claim and Release Form, however, does not assure that you will receive the Website assigned to you by Defendants or that you will share in the proceeds of the settlement fund, or that if you do receive a distribution, that you will be fully compensated for your loss. The Receiver is providing the Proof of Claim and Release Form in connection with this Claims Process and encourages all Investors and Creditors, who are Eligible Claimants (as defined in the Legal Notice), to submit a claim against the Receivership Estate.

3. You must send, by email, U.S. mail, FedEx or other express delivery service, or other secure method of delivery, your completed and signed Proof of Claim and Release Form with all supporting documentation to the Receiver postmarked on or before [*Claims Bar Date*], 2020 to the following address:

Melanie E. Damian, Receiver
The Income Store Receivership Estate
c/o Damian & Valori LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
incomestore@dvllp.com

4. The Receiver shall conduct one Claims Process for all creditors of the TGC Estate. Upon completing her determinations as to the Allowed status of each filed claim, the Receiver shall first turn over all of the assigned Websites to their respective assignees holding Allowed Claims and electing that remedy. The Receiver shall then complete the asset recovery and liquidation phases of the Receivership to raise funds to make a distribution to all creditors holding Allowed Claims and electing that monetary remedy. Such distribution will be the subject of separate approval by the Court.

5. If you are NOT an Eligible Claimant, as that term is defined in the Legal Notice, DO NOT submit a Proof of Claim.

INSTRUCTIONS FOR CLAIM FORM

1. In you are an Investor Please complete the “Claimant Information” section, on page 6 below, which requests information regarding each customer that incurred a net loss as a result of transferring funds to TGC (each, a “Claimant”). Some of the Claimant Information may have been provided for you based on information provided to the Receiver. Any incomplete or incorrect information must be completed and/or corrected by the Claimant or the Claimant’s legal representative. If investments were made jointly, all joint Claimants must sign this Proof of Claim and Release Form. Executors, administrators, guardians, conservators, and trustees of Claimants must complete and sign this form on behalf of persons represented by them, their titles and capacities must be stated, and documentation establishing their authority must accompany this Proof of Claim and Release Form.
2. In you are an Investor, please complete the Election of Remedy in Section II on page 7 below and ***choose only 1 remedy*** either return of your assigned Website(s) **or** monetary distribution. Regardless of which remedy you choose, you must

complete the remainder of the Proof of Claim Form. So, even if you do not choose a monetary distribution, you must establish that you suffered monetary losses in the TGC – Income Store fraud by providing the information requested in Section III of this Proof of Claim and Release Form.

3. If you are an Investor and the information is not fully or accurately provided for you, please provide on Table “A” entitled “Transactions in the Income Store Fraud” in Section III on pages 8-9 below (i) a copy of your Consulting Performance Agreement or Software Development Agreement entered into with TGC, (ii) evidence of payment of your up-front fee to TGC, (iii) evidence of any payments or transfer of funds from TGC to you in connection with your investment, (iv) evidence of the Website(s) that were assigned to you if you are electing to receive the Website(s).

You should identify all amounts of funds that you received from TGC or Defendant Courtright regardless of whether you believe such transfer or receipt resulted in a profit or loss. You must accurately provide the date and amount of each such transfer or receipt.

The name(s) of the Website(s) assigned to each Investor and the total amount that each Investor received from TGC if available to the Receiver is printed on your form. Each Investor must (i) confirm and revise such information, as appropriate and (ii) add any other Website the Investor believes was assigned to him or her. If an Investor does not know the total amount he or she received from TGC and/or

the name(s) of the Website(s) assigned to him or her, such Investor may contact the Receiver to confirm such information.

4. If you are a Creditor, please provide on Table "A" entitled "Transactions in the Income Store Fraud" in Section III on pages 8-9 below all information related to any debt to you that TGC incurred for goods and/or services that you provided to TGC, including (i) the type of goods and/or services provided, (ii) the value of those goods and/or services, (iii) the date those goods and/or services were provided, (iv) the date that payment for such goods and/or services was due, (v) any document evidencing the debt that TGC incurred for goods or services that you provided to them, (vi) the amount you are claiming that TGC currently owes to you for such goods and/or services, and (vii) the amount of any transfer of funds that you received from TGC, Defendant Kenneth D. Courtright, III, or any of their affiliates.
5. Failure to report accurately any detail related to your claim may result in the rejection of your claim.
6. In addition to filling out and signing the Proof of Claim and Release Form, you should attach to that Form any and all documentation you have supporting the information you are providing, including without limitation all correspondence, emails, statements, confirmations, and other documents relating to your transactions, dealings and communications with Defendants and their affiliates, whether those documents are in hard copy or electronic form. If you have already provided such materials to the Receiver, please check the box that states "Documents Already Provided to Receiver." Failure to provide such

documentation could delay verification of your claim and/or result in rejection of the claim.

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CHECKLIST FOR PROOF OF CLAIM AND RELEASE FORM

1. Complete the Claimant Information (Section I below).
2. Complete the Election of Remedy (Section II below).
3. Complete the Transaction in Income Store Fraud section (Section III – Table “A” below).
4. Complete and sign the Certification and Release (Section IV below).
5. Detach and send the completed and signed Proof of Claim and Release Form (pages 6-12 of this document), together with a copy of all supporting documentation, by email, U.S. mail, Federal Express or other express delivery service, or other secure method of delivery, to the Receiver at the address below no later than [*Claims Bar Date*], 2020. Please keep a copy of your completed and signed Proof of Claim and Release Form and supporting documentation for your records. If you have any questions regarding the Proof of Claim and Release Form, please contact the Receiver at:

**Melanie E. Damian, Receiver
Income Store Receivership Estate
c/o Damian & Valori LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Email: incomestore@dvlp.com
Telephone: 305-542-4410**

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PROOF OF CLAIM AND RELEASE FORM

I. CLAIMANT INFORMATION (Please print or type)

Check here if this is a corrected or amended Proof of Claim and Release: _____

Date(s) of prior Proof of Claim and Release filings: _____

Check here if you already provided supporting documentation to the Receiver: _____

1. _____
Name of Claimant (If an individual, enter Last, First and Middle)

2. _____
If an entity, that entity's Taxpayer Identification Number

3. _____
Name of Joint Claimant, if applicable. (If an individual, enter Last, First and Middle)

4. _____
In Joint Claimant is an entity, that entity's Taxpayer Identification Number

5. _____

Claimant's Street Address, including City, State and Zip Code

Claimant's Foreign Province or Foreign Country (if applicable)

6. _____ _____
Daytime Telephone No. Evening Telephone No.

II. ELECTION OF REMEDY (Choose only 1 remedy and mark with an "X")

TURNOVER OF WEBSITE(S)/DOMAIN NAME(S)/URL(S) TO INVESTOR

MONETARY DISTRIBUTION (SUBJECT TO FUTURE COURT APPROVAL)

List all Website(s)/Domain name(s)/URL(s) you claim are assigned to you:

List all Website(s)/Domain name(s)/URL(s) that you are requesting that the Receiver turn over to you:

III. TRANSACTIONS WITH THE TGC - INCOME STORE FRAUD – TRANSFERS TO AND RECEIPTS FROM THE DEFENDANTS, AND/OR THEIR AFFILIATES, OR DEBTS INCURRED BY THE DEFENDANTS

TABLE A – Enter the information requested below for ALL AMOUNTS TRANSFERRED TO, AND RECEIVED FROM, THE TGC - INCOME STORE FRAUD, or ALL DEBTS TO YOU INCURRED BY THE DEFENDANTS. *See* Instructions on Pages 1-5, above.

Amount you paid to TGC OR Amount TGC currently owes to you	Transaction Date	Account(s) FROM which your payment to TGC was made OR Due date for TGC’s payment for goods and/or services you provided	Account(s) and name(s) of person or entity TO which your payment was made OR Goods and/or services provided and their value
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			

Amount of monies TGC returned OR paid to you	Date TGC returned or paid monies to you	Account(s) and name(s) of person or entity FROM which monies were returned OR paid to you	Account(s) TO which TGC returned OR paid monies to you
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			

If you need additional space, please attach additional pages formatted in the same manner as Table A.

IV. CERTIFICATION AND RELEASE

Each of the undersigned separately represents and certifies that each such person or entity:

1. Did not receive from the Defendants OR their affiliates, an amount equal to or in excess of: (a) the amount such Investor or Creditor transferred to TGC in connection with the fraud subject of this enforcement action, or (b) the value of the goods and/or services that such person or entity provided to TGC underlying the debt that arose during such time period.

2. Table A in Section III of this Proof of Claim and Release Form accurately reflects, to the best of the undersigned's knowledge and understanding, (a) all transfers to and receipts from the Defendants and/or their affiliates, or (b) all debts that the TGC incurred to such Creditor.

3. Is not (a) Defendant Kenneth D. Courtright, III, or a member of his family, including without limitation a spouse, child, parent, sibling or parent or sibling of Defendant Courtright's spouse, or any entity directly or indirectly controlled by them or a trust established for their benefit; (b) a person who was employed by or contracted to TGC or Defendant Courtright at any time from December 2009 through December 2019 (the "relevant period"); (c) a person or entity affiliated with TGC or Defendant Courtright during the relevant period, including without limitation Conklin Web Properties; and (d) a person or entity that promoted TGC or its investment contracts and was directly or indirectly compensated for such promotion.

4. Did not knowingly assist any Defendant or any affiliate of any Defendant to effectuate, perpetuate or promote the fraud subject of this enforcement action *at any time*, or have knowledge of its fraudulent nature at the time undersigned (a) made any transfer for the purposes upon which this claim is based, or (b) provided the goods and/or services to TGC giving rise to the debt upon which this claim is based.

5. If executing this Proof of Claim and Release Form on behalf of a corporation, partnership, limited liability company, or other entity, possesses all requisite power and authority

to execute this form, to grant the Release provided below, and to do all other things necessary and appropriate in connection with the submission of this Proof of Claim and Release Form.

6. Consents to the Receiver's and her agents' use of any of the information provided herein including, but not limited to, email address, name, address, telephone number, and bank account information in any way deemed appropriate for verification of the claim.

7. Submits to the jurisdiction of the United States District Court for the Northern District of Illinois (the "Court") in connection with any matter relating to the administration of the Defendants' Receivership Estate and the processing and disposition of this Proof of Claim and Release Form; waives trial by jury, to the extent such a right exists; and agrees to the Court's summary disposition of the determination of the validity or the amount of the claim made by this Proof of Claim and Release Form, all in accordance with the Partial Distribution Plan.

8. Upon receipt and acceptance of (i) turnover of the assigned Website(s) or (ii) any monetary distribution from TGC, fully, finally and forever waives, releases and relinquishes any and all claims of any kind, nature or description whatsoever that the undersigned may now, or at any time in the future, have against each of the Receiver, the Defendants' Receivership Estate, and their respective employees, agents and affiliates, whether known or unknown, that arise out of or relate in any manner to the performance by such persons of their respective duties and responsibilities under the Claims Administration Process and Partial Distribution Plan, including, without limitation, the administration of the Websites, the TGC Fund, and/or the Defendants' Receivership Estate.

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Each of the undersigned declares under penalty of perjury under the laws of the United States of America (and the applicable laws of any other jurisdiction) that the statements made and the answers given in this Proof of Claim and Release Form are true and correct, and that the documents submitted herewith are true and genuine.

Executed on this _____ day of _____ (Month), 2020, in _____ (City, State, Country)

CLAIMANT (Individuals, Corporations, Partnerships, Other Entities)

Signature of Claimant or Authorized Signatory

Print or Type Name of Claimant

Capacity of person signing above
(e.g., Beneficial Owner, Executor, Administrator, Other)

Signature of Joint Claimant (if any)

Print or Type Name of Joint Claimant (if any)

Capacity of person signing above
(e.g., Beneficial Owner, Executor, Administrator, Other)