

U.S. Department of  
Homeland Security

United States  
Coast Guard



Director  
United States Coast Guard  
National Pollution Funds Center

NPFC CA MS 7100  
US COAST GUARD  
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Arlington, VA 20598-7100  
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CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
Number: 7011 1570 0001 2446 2438

5890  
18 April 2012

Bernadette Brenda Bailey



RE: Claim Number: N10036-1576

Dear Ms. Bailey:

The National Pollution Funds Center (NPFC), in accordance with the Oil Pollution Act of 1990, 33 U.S.C. § 2701 et seq. (OPA) and the associated regulations at 33 C.F.R. Part 136, denies payment on the claim number N10036-1576 involving Deepwater Horizon. Please see the attached Claim Summary / Determination Form for further explanation.

You may make a written request for reconsideration of this claim. The reconsideration must be received by the NPFC within 60 days of the date of this letter and must include the factual or legal basis of the request for reconsideration, providing any additional support for the claim. However, if you find that you will be unable to gather particular information within the time period, you may include a request for an extension of time for a specified duration with your reconsideration request.

Reconsideration of the denial will be based upon the information provided. A claim may be reconsidered only once. Disposition of that reconsideration in writing will constitute final agency action. Failure of the NPFC to issue a written decision within 90 days after receipt of a timely request for reconsideration shall, at the option of the claimant, be deemed final agency action. All correspondence should include claim number N10036-1576.

Mail reconsideration requests to:

Director (ca)  
NPFC CA MS 7100  
US COAST GUARD  
4200 Wilson Blvd, Suite 1000  
Arlington, VA 20598-7100

Sincerely,

Claims Adjudication Division  
National Pollution Funds Center  
U.S. Coast Guard

Enclosure: (1) Claim Summary / Determination Form  
(2) Information Provided by the Claimant

## CLAIM SUMMARY / DETERMINATION FORM

Claim Number	: N10036-1576
Claimant	: Bernadette Brenda Bailey d/b/a Bailey's Property Management
Type of Claimant	: Private (US)
Type of Claim	: Loss of Profits and Earning Capacity
Amount Requested	: \$64,500.00

### ***FACTS***

On or about 20 April 2010, the Mobile Offshore Drilling Unit Deepwater Horizon (Deepwater Horizon) exploded and sank in the Gulf of Mexico. As a result of the explosion and sinking, oil was discharged. The Coast Guard designated the source of the discharge and identified BP as a responsible party (RP). BP accepted the designation and advertised its OPA claims process. On 23 August 2010, the Gulf Coast Claims Facility (GCCF) began accepting and adjudicating certain individual and business claims on behalf of BP.

### ***CLAIM AND CLAIMANT***

On 23 November 2011, Bernadette Brenda Bailey a/k/a Bailey's Property Management ('jointly referred to as the 'Claimant') presented a claim to the Oil Spill Liability Trust Fund (OSLTF) for \$64,500.00 for loss of profits and impairment of earning capacity resulting from the Deepwater Horizon oil spill.<sup>1</sup> The Claimant is a licensed real estate agent who asserts lost profits on a number of home sales due to the oil spill, as well as a property manager whose job was lost due to tenants' losing their jobs because of the oil spill.<sup>2</sup>

### ***APPLICABLE LAW***

Under the Oil Pollution Act of 1990 (OPA), at 33 U.S.C. § 2702(a), responsible parties are liable for removal costs and damages resulting from the discharge of oil into or upon the navigable waters or adjoining shorelines or the exclusive economic zone, as described in Section 2702(b) of OPA.

The OSLTF which is administered by the NPFC, is available, pursuant to 33 U.S.C. § 2712(a)(4) and § 2713 and the OSLTF claims adjudication regulations at 33 C.F.R. Part 136, to pay claims for uncompensated damages. One type of damages available pursuant to 33 C.F.R. § 136.231 is a claim for loss of profits or impairment of earning capacity due to injury to or destruction of natural resources.

Under 33 C.F.R. § 136.233 a claimant must establish the following:

- (a) That real or personal property or natural resources have been injured, destroyed, or lost.
- (b) That the claimant's income was reduced as a consequence of injury to, destruction of, or loss of property or natural resources, and the amount of that reduction.
- (c) The amount of the claimant's profits or earnings in comparable periods and during the period when the claimed loss or impairment was suffered, as established by income tax returns, financial statements, and similar documents. In addition, comparative figures for

<sup>1</sup> Optional OSLTF Claim Form received 23 November 2011, Claimant's letter dated 23 January 2012, and Claimant's email to NPFC Staff dated 14 February 2012.

<sup>2</sup> Optional OSLTF Claim Form received 23 November 2011.

profits or earnings for the same or similar activities outside of the area affected by the incident also must be established.

- (d) Whether alternative employment or business was available and undertaken and, if so, the amount of income received. All income that a claimant received as a result of the incident must be clearly indicated and any saved overhead and other normal expenses not incurred as a result of the incident must be established.

Under 33 C.F.R. § 136.105(a) and § 136.105(e)(6), the claimant bears the burden of providing to the NPFC, all evidence, information, and documentation deemed necessary by the Director, NPFC, to support the claim.

Under 33 C.F.R. § 136.235, the amount of compensation allowable for a claim involving loss of profits or impairment of earning capacity is limited to the actual net reduction or loss of earnings or profits suffered. Calculations for net reductions or losses must clearly reflect adjustments for—

- (a) All income resulting from the incident;
- (b) All income from alternative employment or business undertaken;
- (c) Potential income from alternative employment or business not undertaken, but reasonably available;
- (d) Any saved overhead or normal expenses not incurred as a result of the incident; and
- (e) State, local, and Federal taxes.

## ***DETERMINATION OF LOSS***

### **Claimant's Submission to the OSLTF**

On 23 November 2011, the Claimant presented a claim to the Oil Spill Liability Trust Fund (OSLTF) for \$64,500.00 in loss of profits and impairment of earnings capacity in 2010 resulting from the Deepwater Horizon oil spill.<sup>3</sup> This loss is associated with the Claimant's lost earnings as a real estate agent on a specific home and property sales due to the oil spill. The Claimant also states that her job as a property manager was lost due to tenants' losing their jobs because of the oil spill.<sup>4</sup> The Claimant indicated that she submitted a claim the GCCF on 25 August 2011 and that the GCCF says she has no losses.<sup>5</sup> The Claimant also identified that she had submitted a separate claim to the GCCF for losses associated with her bridal planning business that were not part of her real estate and property management business.<sup>6</sup>

The NPFC conducted an independent investigation of claim presentation and payments. The NPFC confirmed presentment of an Interim Payment (IP) Claim to the GCCF on 24 August 2011 in the amount of \$200,000.00.<sup>7</sup> The NPFC also confirmed that the GCCF applied Claimant ID No. 3539945 and Claim No. 9442659 to the claim. The NPFC also found that the GCCF had not issued a formal denial, but had determined the Claimant had not established a loss of earnings for 2010.<sup>8</sup>

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<sup>3</sup> Optional OSLTF Claim Form received 23 November 2011, the Claimant's letter dated 23 January 2012, and the Claimant's email to NPFC Staff on 14 February 2012.

<sup>4</sup> Optional OSLTF Claim Form received 23 November 2011.

<sup>5</sup> Optional OSLTF Claim Form received 23 November 2011.

<sup>6</sup> Claimant's signed, but undated, letter faxed to the GCCF on 6 September 2011.

<sup>7</sup> GCCF – U.S. Coast Guard Report as of 23 January 2012.

<sup>8</sup> GCCF – U.S. Coast Guard Report as of 23 January 2012.

Based upon the information provided and independent verification by the NPFC, this claim can be adjudicated in the full amount of damages presented to the NPFC, \$64,500.00. Further, because the subject matter of the Claimant's IP Claims (IC Q3-2011 and IC Q4-2011) before the GCCF and because this claim appears to be based upon the same subject matter, i.e. that the Claimant lost income as a result of the Deepwater Horizon oil spill, the NPFC deems this Claim Summary Determination as being outcome determinative for the Claimant's GCCF claim for 2010 real estate and property management losses. This Claim Summary Determination does not address any losses for the Claimant's bridal planning business.

### **NPFC Determination**

Under 33 C.F.R. § 136.105(a) and § 136.105(e)(6), the claimant bears the burden of providing to the NPFC all evidence, information and documentation deemed necessary by the Director, NPFC, to support the claim. The NPFC considered all documentation presented by the Claimant.

This claim is denied because (1) the Claimant failed to prove she experienced a loss in income and (2) she failed to prove that any of her alleged loss was due to the Deepwater Horizon oil spill.

#### (1) Failure to Prove Loss of Income

The Claimant alleged that she experienced a loss of income in the amount of \$64,500.00 in 2010 due to the Deepwater Horizon oil spill.<sup>9</sup> The Claimant asserts alleged loss of real estate agent commission values on sales that transpired and alleged losses of entire commissions associated with loss of certain sales.

The Claimant provided Federal Tax returns for 2008, 2009 and 2010, with Schedule Cs from those returns indicating the following:

<u>Year</u>	<u>Gross Profits</u>
2008	\$71,761
2009	\$36,006
2010	\$77,244

The NPFC notes that the Claimant received three emergency payments from BP through the Alabama Real Estate Licensee Claim Fund in 2010, totaling \$44,336.00.<sup>10</sup> These payments are not reflected as income in the Claimant's 2010 tax return stated above. Based on gross profits reported and the additional payments received in 2010, which total \$121,580.00, the Claimant has not demonstrated a loss compared to the previous year's gross profits from real estate of \$36,006.00.

The NPFC also looked at the individual losses for which the Claimant asserts lost profits, including a contract with Alfred Murphy/Murphy Enterprises, for alleged loss of a \$1,695,000.00 land sale, with commission as both listing agent and selling agent to have gone to the Claimant.<sup>11</sup>

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<sup>9</sup> Optional OSLTF Claim Form received 23 November 2011, the Claimant's letter dated 23 January 2012, and the Claimant's email to NPFC Staff on 14 February 2012.

<sup>10</sup> Alabama Real Estate Licensee's Claim Fund checks #30479 for \$8,696.00, #30912 for \$21,150.00, and #31983 for \$14,490.00.

<sup>11</sup> Claimant email to NPFC Staff dated 19 December 2011.

The Claimant requested that this contract and alleged loss be excluded from her claim;<sup>12</sup> therefore, the NPFC has adjusted the sum certain to \$64,500.00.

Documentation provided by the Claimant has not proven that she lost profits in 2010 compared to the previous year and has not proven that there was a single contract lost due to the oil spill that might be viewed independently of annual profits.

The Claimant also asserted damages for the loss of sales on a number of other properties, for which the Claimant was unable to provide contracts. The Claimant also asserted damages for two properties which had contracts, but for which the buyers were unable to complete the contract for sale because they lost jobs. Even if losses of the buyers' jobs could be proven to be due to the oil spill, the resulting value of the loss is less than the compensation the Claimant has already received from the RP through the Alabama Real Estate Licensee's Claim Fund. The uncompensated loss for this claim has not been proven.

## (2) Failure to Prove Causation

The Claimant asserted that her loss in income was due to a reduction in business in 2010, caused by the Deepwater Horizon oil spill. The Claimant asserts that she had been with a real estate company that paid her a commission based on 95% of the closed sale amount. She asserts that, due to the oil spill, she was transfer to another company to save overhead.<sup>13</sup> The Claimant transferred her license to another real estate company on 30 September 2010.<sup>14</sup> The Claimant also asserts that she lost her job as property manager for Alexis Investments' rental apartments in Mobile because tenants lost their jobs due to the oil spill.<sup>15</sup>

Based on publicly available real estate sales information for Mobile, the NPFC notes that local economic activity in Mobile, as indicated by the Mobile Business Activity Index (MBAI), had begun to fall in late 2008 and continued to fall until late 2009, after which time, it remained essentially flat until the end of 2010. Beginning then, the MBAI began to rise.<sup>16</sup> The Claimant has provided no information to show that it was the oil spill, not other local economic factors at play in Mobile in 2010 that were the cause of her alleged loss.

Regarding the Claimant's loss of job as property manager with Alexis Investments, the owner's letter describes the reasons for her departure as the poor economy, the oil spill, and a lack of renters, among other factors.<sup>17</sup> The NPFC does not consider this causation information to differentiate adequately among numerous causal factors to attribute cause to the oil spill.

Based on the above, the Claimant has failed to prove that any of her alleged losses were due to the Deepwater Horizon oil spill. Although there were references to a bridal planning business in the documentation presented by the Claimant, neither the claim to the NPFC<sup>18</sup> nor the

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<sup>12</sup> The Claimant's email to NPFC Staff dated 14 February 2012 requested that \$129,000 be excluded from her claim amount.

<sup>13</sup> Optional OSLTF Claim Form received 23 November 2011.

<sup>14</sup> Alabama Real Estate Commission Transfer Receipt, transferring to Dauphin Realty of West Mobile, dated 30 September 2010.

<sup>15</sup> Optional OSLTF Claim Form received 23 November 2011.

<sup>16</sup> Alabama Coastal Economy, Center for Real Estate Studies, Period ending July, 2011, accessed 10 April 2010 at [www.southalabama.edu/mcob/realestate/documents/mobilemarket/eco/coastaleconomyaugust2011](http://www.southalabama.edu/mcob/realestate/documents/mobilemarket/eco/coastaleconomyaugust2011).

<sup>17</sup> 1 September 2010 unsigned letter, "To Whom It may Concern", from Henry Murphy on behalf of Alexis Investments.

<sup>18</sup> Optional OSLTF Claim Form received 23 November 2011.

Claimant's business claims to the GCCF demand losses for a bridal planning business.<sup>19</sup>  
Therefore, this Claim Summary and Determination does not address any bridal planning losses.

This claim is denied for the following reasons: (1) Claimant has failed to demonstrate the alleged loss through financial documentation and (2) Claimant has failed to demonstrate that the alleged loss is due to injury or destruction or loss of real or personal property or a natural resource as a result of a discharge or a substantial threat of a discharge of oil.

Claim Supervisor: *NPFC Claims Adjudication Division*

Date of Supervisor's Review: *4/18/12*

Supervisor's Action: *Denial approved*

Supervisor's Comments:

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<sup>19</sup> Optional OSLTF Claim Form received 23 November 2011 and Claimant's email to NPFC Staff on 14 February 2012.

1. Claimant's Optional OSLTF Claim Form (page 1) received 23 November 2011.
2. Page 2 of Optional OSLTF Claim Form, signed 23 November 2011 and received on 12 December 2011.
3. Claimant letter To Whom It May Concern, dated 20 November 2011 with 2<sup>nd</sup> page note regarding determination letter of 17 November 2011.
4. Email to NPFC dated 15 December 2011 requesting that a copy of claimant's GCCF file be sent to the Coast Guard-NPFC.
5. Statement by Bernadette Bailey, signed and dated 28 December 2010 and countersigned by Ann Akridge, indicating no closings in November 2010.
6. Email dated 12 December 2011 to NPFC Staff.
7. GCCF Interim Claim Form, Bailey's Property Management, for Loss of Earnings or Profits in the amount of \$200,000.00, dated 24 August 2011.
8. GCCF Interim Claim Form, Bailey's Property Management, for Loss of Earnings or Profits in the amount of \$169,900.00, dated 20 November 2011.
9. 2008 Form 1099-Misc from ReMax Realty Centre.
10. 2008 Form 1099-Misc from Prudential Cooper & Co. Inc.
11. 2009 Form 1099 Misc. from RMX Enterprises, Inc.
12. 2010 Form 1099 Misc. from RMX Enterprises, Inc.
13. 2010 Form 1099 Misc. from Dauphin Realty of West Mobile, Inc.
14. 2010 Form 1099-Misc. from Alabama Association of Realtors, Inc.
15. 2008 Form 1040 with Schedules A, C, & SE, Forms 8812 & 4562.
16. 2009 Form 1040 with Schedules A, C, SE & M, Forms 8812 & 4562.
17. 2010 Form 1040 with Schedule C, Forms 8829 & 4562.
18. GCCF undated letter on claim documentation.
19. GCCF Deficiency Letter dated 17 September 2011.
20. GCCF Deficiency Letter dated 5 October 2011.
21. GCCF Deficiency Letter dated 21 October 2011.
22. GCCF Deficiency Letter dated 17 November 2011.
23. Re/Max Realty Professionals 1099 Detail 1 January 2009 – 31 December 2009, signed 1 November 2011, totaling \$29,475.26.
24. ReMax Professionals 1099 Detail-2010, undated, signed by Matt Avinger, Broker, showing \$56,903.00 total, as of October 2010.
25. ReMax Professionals Commission Earned Statement for August 2010, undated, showing total of \$8,865.00.
26. ReMax Professionals 1099 Detail for August 2010 through September 2010, undated, showing grand total of \$68,351.29.
27. Re/Max Realty Professionals 1099 Detail 1 January 2010 – 31 December 2010, signed 1 November 2011, totaling \$68,351.29.
28. Re/Max Realty Professionals 1099 Detail January 2008 through December 2010, totaling \$97,826.55.
29. Re/Max Realty Professionals Commission Earned Statement for September 2010, undated, showing total of \$2,400.00.
30. Re/Max Realty Professionals Statement to Claimant dated 1 January 2010.
31. Re/Max Realty Professionals Statement to Claimant dated 20 March 2010
32. Re/Max Realty Professionals Statement to Claimant dated 21 April 2010.
33. Re/Max Realty Professionals Statement to Claimant dated 21 April 2010.
34. Re/Max Realty Professionals Statement to Claimant dated 20 May 2010.
35. Re/Max Realty Professionals Statement to Claimant dated 20 May 2010.

36. Re/Max Realty Professionals Statement to Claimant dated 9/20/2010
37. ReMax Realty Centre document (unsigned) showing monthly 2008 commissions, fees, expenses and net profits.
38. ReMax Realty Centre document (unsigned) showing 2007-2008 dates of offers and closings, with commissions and net balance to agent.
39. ReMax Realty Centre check no. 01062 dated 31 January 2008, payable to Bernadette Brenda Bailey in the amount of \$14,074.68.
40. ReMax check #01695 detail, dated 16 August 2008.
41. ReMax Realty Centre document (unsigned) showing 2009 dates of offers and closings, with commissions and net balance to agent.
42. Dauphin Realty document (unsigned) dated 21 September 2011, indicating 2008 ReMax Realty Centre, 2009 & 2010 ReMax Professionals, and 2010 Dauphin Realty earnings (unsigned).
43. Dauphin Realty letter (unsigned) of 5 October 2010 in reply to GCCF Deficiency Letter.
44. Dauphin Realty commission statement for October 2010, signed by Brenda Bailey and Ann Akridge. (Letter indicates there was one referral fee paid.)
45. Agent Report for Brenda Bailey, from 1 January 2010 to 31 December 2010, signed by Ann N. Akridge, printed 6 September 2011, totaling \$9,927.66.
46. Agent Report (Dauphin Realty) for Brenda Bailey, from 1 January 2011 to 31 December 2011, in the amount of \$12,102.12, dated 28 September 2011.
47. Dauphin Realty letter to Gulf Coast/BP Claims Division, signed by Ann Akridge, dated 31 October 2011.
48. Dauphin Realty letter (undated) signed by claimant, countersigned by Ann Akridge.
49. Dauphin Realty letter To Whom It May Concern, signed by Brenda Bailey and dated 1 September 2011.
50. Dauphin Realty letter To Whom It May Concern, from Brenda Bailey (unsigned) and dated 21 July 2011.
51. Dauphin Realty letter To Whom It May Concern, from Ann Akridge (unsigned) and dated 5 April 2011.
52. Dauphin Realty letter on Lost Income from Real Estate, signed by Brenda Bailey and countersigned by Ann Akridge, undated but bearing fax date of 6 November 2011.
53. Alexis Investments letter from Henry Murphy (unsigned) dated 1 September 2011.
54. Email to NPFC dated 20 December 2011.
55. Email to NPFC dated 19 December 2011.
56. Alexis Investments Corporation, Bailey's Property Management lease for 1-year lease of 211 Durant Avenue, Whistler, Ala. beginning on 19 January 2005.
57. ReMax Realty Professionals, Commercial Lease check #2015 dated 2/1/2010.
58. ReMax Realty Professionals, Gross Commission check #2023 dated 2/5/2010.
59. ReMax Realty Professionals, Personal Expense Holding Account check #2060 dated 3/5/2010.
60. ReMax Realty Professionals, Ty Irby Realty, Rental Commission check #208x dated 3/10/2010.
61. ReMax Realty Professionals, Commercial Lease check #211x dated 2 April 2010.
62. ReMax Realty Professionals, Gross Commission check #219x dated 27 May 2010.
63. ReMax Realty Professionals, Gross Commission check #229x dated 19 July 2010.
64. ReMax Realty Professionals, Personal Expense Holding Account check #229x dated 19 July 2010.
65. ReMax Realty Professionals, Rental Referral check #233x dated 19 August 2010.
66. ReMax Realty Professionals, Personal Expense Holding Account check #2377 dated 31 August 2010.
67. ReMax Realty Professionals, Gross Commission check #2378 dated 31 August 2010.

68. ReMax Realty Professionals, Personal Expense Holding Account check #242x dated 28 September 2010.
69. ReMax Realty Professionals, 1099 Details, January through July 2010.
70. ReMax Realty Professionals 1099 Details-2009, signed by Matt Avinger.
71. Dauphin Realty of West Mobile, check #7095, dated 30 December 2010.
72. Dauphin Realty of West Mobile, check #7080, dated 21 December 2010.
73. Reli Escrow Account check #21958 dated 25 March 2011.
74. Dauphin Realty of West Mobile check #7258 dated 28 April 2011.
75. Dauphin Realty of West Mobile check #7405 dated 8 August 2011.
76. Courtyard Manor, LLC, check #10356 dated 18 May 2010, payable to Brenda Bailey in the amount of \$250.00.
77. Courtyard Manor, LLC, check #11344 dated 29 September 2011, payable to Brenda Bailey in the amount of \$625.00, with the description, For Final Commission/Callahan & Lytle.
78. Email from AlabamaRealtors.com dated 3 March 2011.
79. Alabama Real Estate Commission certificate issued to Bernadette Brenda Bailey on 14 September 2007, expiring 30 September 2008.
80. Alabama Real Estate Commission certificate issued to Bernadette Brenda Bailey on 1 October 2008, expiring 30 September 2010.
81. Alabama Real Estate Commission certificate issued to Bernadette Brenda Bailey on 30 September 2010, expiring 30 September 2012.
82. Alabama Real Estate Commission receipt of payment, dated 30 September 2010.
83. Alabama Association of Realtors undated letter on filing claims with the GCCF and NCA, from Robert Scott, unsigned and undated.
84. Alabama Real Estate Commission license renewal letter for 2009-2010, sent to Re/Max Realty Center and Bernadette Brenda Bailey.
85. Alabama Real Estate Commission Certification of Licensure dated 5 October 2011 for the period 16 January 2007 to 30 September 2012.
86. Alabama Real Estate Commission Transfer Receipt, transferring to Re/Max Realty Professionals, dated 10 June 2009.
87. Alabama Real Estate Commission Transfer Receipt, transferring to Dauphin Realty of West Mobile, dated 30 September 2010.
88. Alabama Driver License issued on 22 May 2008, expiring on 25 May 2012.
89. IRS letter to Bernadette Bailey/Bailey's Property Management undated and unsigned (1 page only).
90. Advertisement for merger of Roberts Brothers, Inc. and Dauphin Realty (undated).
91. Undated letter from GCCF to claimant, regarding supporting documentation.
92. Dauphin Realty letter signed 31 October 2011 and signed by Ann Akridge, verifying commissions from 1 January 2011 through 30 September 2011.
93. Claimant letter to GCCF faxed 6 September 2011, explaining February-filed claim for bridal planning business.
94. 2008 Sales Agent Report Form, Mobile Area Association of Realtors, Inc. dated 10 June 2009.
95. Certificate of Completion from Certified Distressed Property Institute, dated 22 June 2010.
96. Mobile Area Association of Realtors Membership Directory, 8 March 2010, excerpt showing claimant.
97. GE Security Supra invoice to Claimant dated 12 February 2010.
98. GE Security Supra invoice to Claimant dated 12 February 2010.
99. Copy of Dauphin Realty MLS listing #217730md for 3220 Wynncliff Ct., W. Mobile, AL, indicating LD of 10/11/2010 and XD of 11 April 2011 and a SoldPrice of \$382,500.00.

100. Copy of Dauphin Realty MLS listing #228962p for 7216 Wynnridge Dr., Mobile, AL, indicating LD of 1 August 2011, XD of 8/5/2011, a CD of 5 August 2011 and a SoldPrice of \$420,000.
101. Courtyard Manor Event Contract for Jan Ladnier dated 5 February 2010.
102. Sea Pearl Seafood letter dated 24 July 2010.
103. John L. Leflore High School letter dated 13 June 2010.
104. Sara C. Lewis letter dated 7 July 2010.
105. Victoria Cawthorn letter (unsigned) dated 4 September 2010.
106. Purchase Agreement for 1457 Boudousquie Street, Mobile, Ala, dated 25 September 2009, between Valerie Jackson and Jami E. Bailey.
107. Decision of the U.S. Bankruptcy Court, Southern District of Alabama, under Chapter 13, Case No.: 11-02471 MAM, decided 27 July 2011.
108. To Whom It May Concern letter dated 22 September 2011 by Jami E. Bailey.
109. Byrd Properties, LLC, d/b/a Ty Irby Realty check no. 1020 dated 1 September 2010, payable to ReMax Professionals in the amount of \$58.29, with the description, For Commission (Aug) 5963 Hwy 90W.
110. MapQuest undated graphic and route showing travel estimate of 1.07 miles – about 3 minutes, between 751 Dauphin St. and 1 S. Water St, both in Mobile, AL.
111. Claimant's unsigned letter of 17 January 2012 providing explanations of seven questions presented by the NPFC staff.
112. The Dinkins appraisal Group letter dated 1 June 2004 to Brenda Bailey, Re: Bid For Appraisal Work.
113. Unsigned and voided Alexis Investment Corporation check no. 1065, dated 6 September 2007, with the following corporate check records: #1082, dated 4/2/08 and payable to Bernadette Bailey in the amount of \$600.00; #1095, undated and payable to Brenda Bailey in the amount of 600.00; #1109, dated 14 August 2009 and payable to Brenda Bailey in the amount of \$600.00; #1133, dated 1 March 2010 and payable to Bernadette Bailey in the amount of \$600.00 with the note For Feb.
114. Bailey's Property Management letter to Wells Fargo Home Mortgage, dated 25 August 2010 Re: 1760 Cheeseman Avenue, Whistler, AL 36612.
115. Letter from Concheater Ross of Theodore, Ala., signed and dated 15 August 2010, with June-July 2010 emails.
116. Courtyard Manor unaddressed and undated letter from Bernadette Bailey to new special event customers.
117. Claimant email to NPFC on 14 February 2012.
118. Claimant email to NPFC on 10 February 2012.
119. Claimant letter to NPFC dated 23 January 2012.
120. Alabama Real Estate Licensee's Claim Fund payment #30479 for \$8,696.00.
121. Alabama Real Estate Licensee's Claim Fund payment #30912 for \$21,150.00.
122. Alabama Real Estate Licensee's Claim Fund payment #31983 for \$14,490.00.
123. The Alabama Association of Realtors, Inc. letter to the Claimant dated 22 November 2010.
124. Optional OSLTF Claim Form (page 1 only) amending claim amount to \$193,500.00.
125. Commission Calculation Work Sheet for Agents -- for: Brenda Bailey, property: 2508 Magnolia Grand Ct., closed: 17 December 2011.
126. Purchase Agreement dated 22 July 2009 for property at 7804 Heaton Drive East, between Concheater R. Ross and Kenxx J. Carlxxx.
127. Residential MLS listing for 7804 Heaton Dr. E., Theodore, AL, listing date 19 September 2007.
128. Purchase Agreement dated 22 July 2009 for property at 958 McCay Avenue, Mobile, AL, dated 30 June 2010, offer signed by Alfred Murphy, but not accepted.

129. Home Inspection Report (Cover Sheet only) for 958 McCay Avenue, Mobile, AL, dated 6/19/2010, with invoice to Alfred Murphy and 5 emails with Mr. Murphy.
130. Claimant's Form 8829 for 2008.
131. Claimant's Form 8829 for 2009.
132. Federal Supporting Statements for 2010 taxes.