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Clarification of Institutional Standing and Jurisdictional Reality regarding SEC v. NVC Fund LLC et al.

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The Three Pillars of Clarification



1

Jurisdictional Independence

NVC Fund Holding Trust is a Common Law Pure Trust chartered under the African Union (AFRA/ECO-6). It is not a statutory U.S. entity and exists outside SEC regulatory jurisdiction.



Status: Sovereign Entity.
Jurisdiction: Non-Domestic (AFRA/ECO-6).

REDACTED FOR SECURITY



2

Entity Conflation

The SEC penalized a 100%-owned private subsidiary (SPV), not the parent Trust. The SEC never sought or obtained veil-piercing.



Action Target: Subsidiary (SPV).
Parent Trust Status: Unaffected.

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3

Procedural Irregularity

Federal judgments were obtained by procedural default, not on merit. The SEC admitted in court filings it had zero damages and zero injured parties.



Judgment Basis: Default, Not Merit.
Damages: None Admitted.

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The Crucial Legal Distinction Ignored by the SEC

	NVC Fund Holding Trust (Parent)	NVC Fund, LLC (Subsidiary)
Legal Form	Common Law Pure Trust / AU Treaty	Delaware LLC (Private SPV)
Date Established	October 2000 (18 years pre-SEC)	2009
Role in Allegations	Never named in SEC lawsuit	Named Defendant
Veil Piercing	SEC never sought veil-piercing	Enforcement isolated to SPV
Current Status	Active institutional operations	Subject to domestic injunction

Standard corporate law dictates that subsidiary liability does not pierce to the parent without explicit judicial veil-piercing.

Operating Outside Statutory Domestic Jurisdiction

The Sovereign Domain: NVC Fund Holding Trust

- **Authority:** U.S. Constitution (Common Law Pure Trust) & African Union Treaty (AFRA / ECO-6).
- **Attributes:** Sovereign developmental finance, international treaty frameworks.



The Statutory Domain: SEC

- **Authority:** Securities Exchange Act of 1934.
- **Attributes:** Limited strictly to domestic statutory entities issuing registered securities.

The SEC possesses only the authority Congress granted it. It cannot reach non-statutory entities.

Dismantling the Primary Allegations

SEC Allegation: **“Pump & Dump” Scheme**

The SPV acted solely as an asset lender. Third-party borrowers (Cherubim, PDX, Victura) maintained total editorial control over their own press releases.

SEC Allegation: **Fabricated “AAA-Rated” Valuations**

Institutional assets are valued using established S&P Metrics applied to sovereign developmental finance, not domestic retail securities standards.

SEC Allegation: **Subpoena Non-Compliance**

Resistance was a valid, formal jurisdictional objection (Common Law Trust vs Statutory SEC), not an attempt to conceal records.

SEC Allegation: **“Sovereign Citizen” Movement**

General Executor is a classical, constitutionally recognized common law standing dating back centuries, not a fringe ideology.

The Fatal Legal Flaw in the Federal Action

“Here, the SEC has no claim or allegations regarding damages.”

SEC Motion for Default Judgment |
Case 2:20-CV-08985-ODW-DFM | Doc. 60-1, p.5.

Rule 10b-5 Requirements

- (1) Material Misstatement or Omission
- (2) Scierter
- (3) Connection with Purchase or Sale
- (4) Reliance
- ~~(5) Plaintiff suffered economic loss~~
- ~~(6) Loss causation~~

Conclusion: By sworn admission, the SEC initiated a Rule 10b-5 action while possessing neither mandatory element of harm. The action failed as a matter of law.

Court-Filed Evidence: The 2017 Independent CPA Audit

The SEC ignored its own subpoenaed evidence. NVC Fund filed a fully independent appraisal confirming the Trust's assets, permanently on record (Case Doc 86).



Appraiser: Standards and Partners CPA (Istanbul, Turkey)

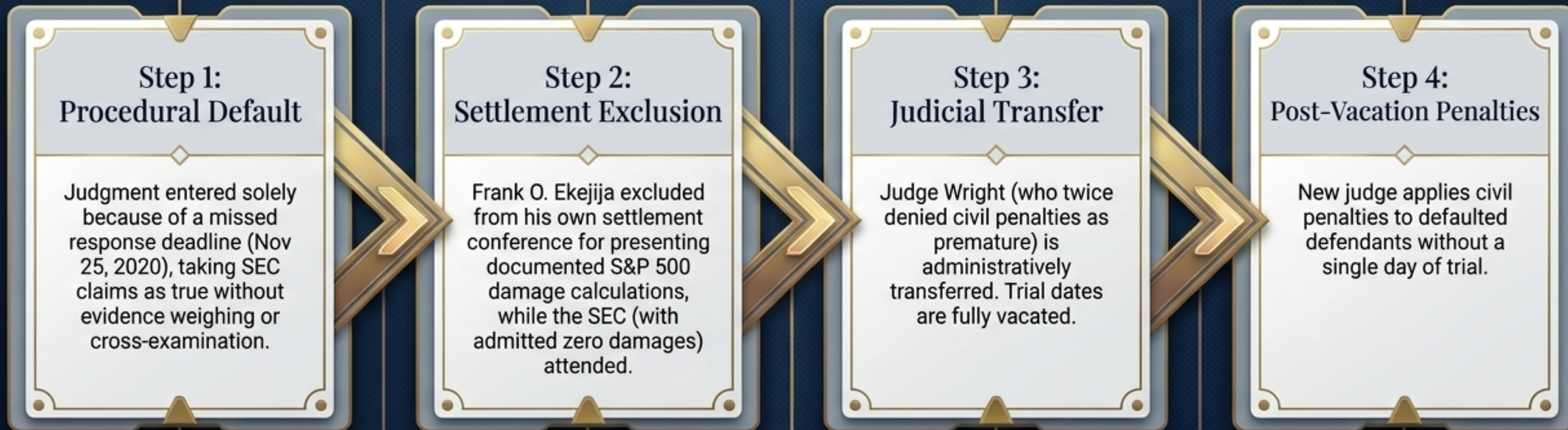
Standards Applied: USPAP & International Valuation Standards (IVS)

Verified Unit Value: \$48,881 USD per Trust Certificate Unit

Verified AUM: \$48,000,000,000,000+ (Forty-Eight Trillion USD)

The SEC produced **zero expert witnesses** to rebut this methodology.

Procedural Irregularities: Adjudication Without Merit



No substantive adjudication of fraud ever occurred.

A Pattern of Systemic Institutional Targeting

The SEC Action

Los Angeles SEC destroys PAA Foundation bond offering (\$100B JV).

2010

Outcome: Company destroyed. SEC attorney later expelled from practice. No fraud proven.

The SEC Action

Atlanta SEC interrupts US Capital Private Bank (\$50B NVC deposit).

2013

Outcome: Investigation closed without verifying the deposit with the principal. No fraud proven.

The SEC Action

Los Angeles SEC intercepts \$700M OTC preferred share investments.

2018

Outcome: 30-month investigation. Admitted no victims. Default judgment only. No fraud proven.

Synthesis: Three strikes aligned perfectly with major capital deployments. The pattern reveals deliberate interruption of minority-led institutional commerce.

Affirmative Counterclaims: The Legal Counter-Offensive

In Document 127, NVC Fund formally asserted affirmative counterclaims against the SEC and individually named officials (Sew Hoy, Tercero, Vazquez, Layne, Zoladz).

Statute	Allegation
RICO Act (18 U.S.C. § 96)	An 11-year pattern of corrupt organizational activity, intercepting commerce without proving fraud.
Civil Rights Deprivation (42 U.S.C. § 1983)	A structural pattern of restricting minority-owned business access to a public capital markets precisely at moments of major deployment.
Defamation & Libel (28 U.S.C. § 4101)	Publishing fraud allegations while internally conceding a lack of damages.
Interference with Commerce	Intercepting and interrupting \$700 million in legitimate investments to close banking and broker-dealer access.

The Commercial Settlement Demand

(Invoice NVC-1000-AU-013121-GRB)

Total Calculated Baseline Damages
(S&P 500-Indexed): **\$45 Trillion**

Wave 3 (2018-2021) = \$44.7 Trillion

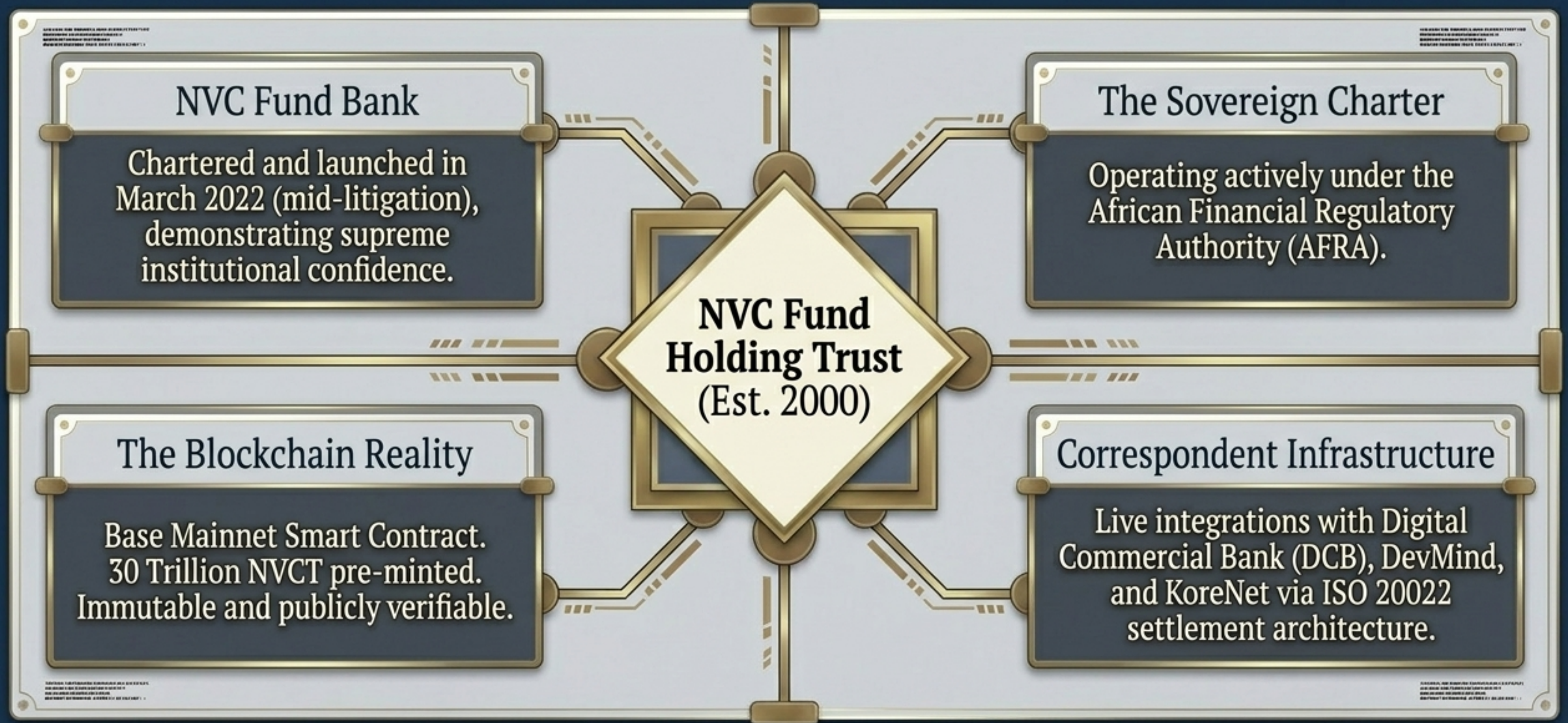
Wave 2 (2012-2021) = \$181.1 Billion

Wave 1 (2010-2021) = \$47.7 Billion

The Pragmatic Resolution Offer

- **Offer:** 100 Million NVC Trust Units @ \$48,881 per unit.
- **Total Offset:** \$4.88 Trillion.
- **Mechanism:** Deposited via DTC-eligible U.S. Treasury Certificate of CD to avoid further litigation costs.

Unbroken Operations & Verifiable Legitimacy



Correcting Due Diligence & Background Checks

Claim

vs.

Fact



“Definitively linked to illegal financial activities.”



Judgments pertain strictly to the 2009 SPV by default. The 2000 Parent Trust remains legally untouched.



“Permanent injunctions halt operations.”



Injunction is limited to U.S. domestic penny stock operations. NVC Fund Bank operates globally under AFRA jurisdiction.



“Reputation nullified in the legitimate financial world.”



Parent Trust maintains active, live correspondent integrations with verified institutional counterparties globally.



The Blockchain Does Not Lie. The Charter Remains Intact.

Systemic confidence established by the Estate Trust in 1958.
Operating continuously since 2000. Institutional banking launched in 2022.
No genuine fraud enterprise survives and builds infrastructure for over two decades.

**We invite rigorous, fact-based due diligence over third-party narratives.
The ledger is open.**
