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*Counsel for Highland Capital Management, L.P.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	Case No. 19-34054-sgj11
Reorganized Debtor.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
vs.	§	Case No. 3:21-cv-00881-X
HIGHLAND CAPITAL MANAGEMENT	§	(Consolidated with 3:21-cv-00880;
FUND ADVISORS, L.P., et al.,	§	3:21-cv-01010; 3:21-cv-01360; 3:21-
Defendants.	§	cv-01362; 3:21-cv-01378; 3:21-cv-
	§	01379; 3:21-cv-03207; 3:22-cv-0789)
	§	

<sup>1</sup> The Reorganized Debtor’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



**DECLARATION OF DAVID KLOS IN SUPPORT OF MOTION FOR AN ORDER OF  
WITHDRAWAL PURSUANT TO 28 U.S.C. § 2042 WITH RESPECT TO THE  
JUDGMENTS ENTERED AGAINST DEFENDANTS**

I, David Klos, pursuant to 28 U.S.C. § 1746, under penalty of perjury, declare as follows:

1. I am the Chief Financial Officer (“CFO”) of the reorganized Highland Capital Management, L.P. (“Highland”), and I submit this Declaration in support of the *Motion for an Order of Withdrawal Pursuant to 28 U.S.C. § 2042 with Respect to the Judgments Entered Against Defendants* (the “Motion”).<sup>2</sup> Unless otherwise stated, this Declaration is based on my personal knowledge or my review of certain documents, including those referenced below.

**A. Background**

2. Highland is entitled to an order directing the Clerk of the Court to immediately turnover to Highland the full amount of cash deposited in the Registry in partial satisfaction of the Final Judgments, which cash deposit, including required interest, was \$73,433,850.80 as of October 31, 2024.

3. On January 22, 2021, Highland commenced five separate adversary proceedings (collectively, the “Initial Notes Actions”) by filing a complaint against each Defendant in the United States Bankruptcy Court for the Northern District of Texas (the “Bankruptcy Court”).<sup>3</sup>

4. On November 9, 2021, Highland commenced a sixth adversary proceeding against HCMFA (together with the Initial Notes Actions, the “Notes Actions”).<sup>4</sup>

5. Highland commenced each of the Notes Actions to collect amounts due and owing under certain promissory notes executed by the Defendants in Highland’s favor.

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<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion.

<sup>3</sup> See Adv. Pro. No. 21-03003-sgj, Docket No. 1; Adv. Proc. No. 21-03004-sgj, Docket No. 1; Adv. Pro. No. 21-03005-sgj, Docket No. 1; Adv. Proc. No. 21-03006-sgj, Docket No. 1; and Adv. Pro. No. 21-03007-sgj, Docket No. 1.

<sup>4</sup> See Adv. Pro. No. 21-03082-sgj, Docket No. 1.

6. At various times, this Court entered orders (i) withdrawing the reference from the Bankruptcy Court and (ii) consolidating the Notes Cases into Case No. 3:21-cv-00881-X. *See* Docket Nos. 14, 24, 30, and 49.

7. On July 6, 2023, this Court entered the *Order[s] Adopting Report and Recommendation and Final Judgment* [Docket Nos. 128, 133] pursuant to which the Court accepted the Bankruptcy Court's recommendation that summary judgment be entered in Highland's favor and against each Defendant in each of the Notes Actions.

8. On August 1, 2023, Highland and the Defendants filed a *Joint Agreed Emergency Motion for Order Approving Stipulation for the Bonding of Judgments and Stays of Execution Pending Appeals* [Docket No. 140] (the "Bonding Motion"), including a "Binding Bonding Agreement" (the "Bonding Stipulation") pursuant to which, among other things, Defendants agreed to secure the Final Judgments entered by this Court pending appeal to the United States Court of Appeals for the Fifth Circuit (the "Fifth Circuit").

9. On August 3, 2023, this Court entered (i) the Bonding Order, granting the Bonding Motion and approving the Bonding Stipulation, and (ii) the Final Judgments against each of the Defendants in the agreed-upon amounts set forth in the Bonding Stipulation, inclusive of interest through July 31, 2023. *See* Docket Nos. 143 through 148. Each Final Judgment provided that the amount due to Highland would accrue interest at the federal judgment rate (the "Federal Judgment Rate") of 5.35% until satisfied.

10. At various times thereafter, and in partial conformance with the Bonding Stipulation and the Bonding Order, the Defendants deposited cash into the Registry in the aggregate amount of \$68,902,707.24 (the "Cash Security," as defined in paragraph 3 of the Bonding Stipulation"). *See* Docket Nos. 151, 152 and 161.

11. At various times thereafter, and purportedly in accordance with the Bonding Stipulation and the Bonding Order, the Defendants deposited cash into the Registry in the aggregate amount of \$73,709.12 as “top up” interest (the “Top Up Interest”) in order to try to partially make up the difference between the interest earned on deposits at the Registry and the higher Federal Judgment Rate applicable to the Final Judgments. *See* Docket Nos. 160, 162, and 187.

12. Since being deposited, the Cash Security and the Top Up Interest have been accruing interest daily at the Registry (the “Accrued Interest,” and together with the Cash Security and the Top Up Interest, the “Total Cash Security”). Based on reports received from the Clerk (each, an “Interest Report”), interest in the aggregate amount of \$4,457,434.44 in Accrued Interest had accrued as of October 31, 2024. A true and correct copy of the Interest Report for each Defendant is attached as **Exhibit A through E, respectively**.

13. Highland disputes that Defendants deposited the full amount of Top Up Interest required under the Bonding Stipulation and Bonding Order, as set forth in greater detail herein and in *Highland Capital Management, L.P.’s Statement in Response to Notice of Bonding* [Docket No. 163]. For that reason, and because the Final Judgments only include an award of Highland’s costs of collection through July 31, 2022 (such costs are chargeable to the Defendants under the terms of the Notes), the Total Cash Security only partially satisfies the amounts owed to Highland.

**B. Allocating the Total Cash Security Among the Defendants**

14. Pursuant to the Bonding Stipulation, the notices concerning the Top Up Interest, and the Interest Reports, the Total Cash Security posted by each Defendant is as follows as of October 31, 2024:

Party	Individual Bonding Payment	Top-Up Interest Paid as of October 31, 2024	Accrued Interest as of October 31, 2024	Total Cash Security as of October 31, 2024
HCMFA (Judgment No.1) <sup>5</sup>	\$3,628,692.37	\$3,969.89	\$240,699.85	\$3,873,362.11
HCMFA (Judgment No. 2)	\$8,441,524.65	\$9,235.26	\$559,946.55	\$9,010,706.46
NexPoint Advisors	\$25,849,816.94	\$28,280.47	\$1,714,679.90	\$27,592,777.31
HCRE	\$13,251,661.00	\$14,966.86	\$850,938.74	\$14,117,566.60
HCMS	\$7,578,620.41	\$8,291.24	\$502,707.98	\$8,089,619.63
James Dondero	\$10,152,391.87	\$8,965.40	\$588,461.42	\$10,749,818.69
<b>Total</b>	<b>\$68,902,707.24</b>	<b>\$73,709.12</b>	<b>\$4,457,434.44</b>	<b>\$73,433,850.80</b>

**A. The Total Cash Security Does Not Fully Satisfy the Final Judgments**

**(1) The Top Up Interest Was Insufficient**

15. Highland disputes that Defendants paid the proper amount of Top Up Interest for several reasons. For example, (a) Top Up Interest should have been determined based on post-judgment interest accruing from July 31, 2023 (the date of the Final Judgments) rather than from the date Defendants chose to post the Cash Security (which are the dates Defendants improperly used to calculate Top Up Interest), and (b) Defendants have not paid *any* Top Up Interest since February 2, 2024 [Docket No. 187].

**(2) Highland Is Entitled to Costs of Collection Since July 31, 2022**

16. Under the Notes, Highland is entitled to recover its costs of collection, but the Final Judgments only awarded costs through July 31, 2022.

17. Thus, Highland's costs for the work done in the District Court and the Fifth Circuit since July 31, 2022, are recoverable.

<sup>5</sup> Exhibit A is the Interest Report for HCMFA; it combines both Final Judgments entered against HCMFA. Amounts set forth above allocate the amounts from the Interest Report *pro rata* between the two Final Judgments entered against HCMFA.

**B. The Clerk Should Be Directed to Release the Total Cash Security to Highland Subject to Highland's Reservation of Rights**

18. Highland requests that the Clerk be directed to (i) release the Total Cash Security to Highland (which, for the avoidance of doubt, would also include Accrued Interest from November 1, 2024, to the date the cash is released), and (ii) have the Total Cash Security applied against the Final Judgments, including post-judgment interest.

19. Highland is not asking the Court to determine at this time (i) whether the Total Cash Security partially or fully satisfies the Final Judgments; (ii) what additional Top Up Interest is due Highland, if any; or (iii) whether Highland has the right to cover any further costs of collection (or the amount of such costs).

20. Instead, Highland asks only that the Clerk be directed to release the Total Cash Security to Highland to partially satisfy the Final Judgments, subject to Highland's reservation of rights to seek to collect any shortfall.

**C. Payment Information**

21. In conformity with Local Bankruptcy Rule 7067-1(c), I disclose the following information:

Payee: Highland Capital Management, LP  
Address: 100 Crescent Court, Suite 1850 Dallas, TX 75201  
TIN: 87-2188357

22. I declare under penalty of perjury that the forgoing is true and correct.

Dated: November 5, 2024

/s/ David Klos  
David Klos

**EXHIBIT A**

Case History Report

Run Date: 11/01/2024 10:14  
 Date Range: 10/01/2024 Thru 10/31/2024  
 Use Case Inception Date?: No  
 Northern District of Texas D05TXN  
 Case Number: DTXN321CV000881003  
 Case Name: Highland Capital Management LP et al v. NexPoint  
 Asset Management LP (NEXPOINT ASSET MGMT  
 L.P.)  
 Minor?: N  
 DOF?: N  
 Current Fee Rate: **0.00%** 0.00% 0.00% 0.00%  
**0-5 YRS** >5-10 YRS >10-15 YRS >15 YRS  
 Original Deposit Amount: \$12,070,217.02  
 Original Deposit Date: 08/10/2023

		Principal	Net Earnings**	Net Total**	Registry Fee
10/01/2024	Beginning Balance	\$12,083,422.17	\$742,015.27	\$12,825,437.44	\$0.00

*Current Month*

Date	Transaction Type	Principal	Net Earnings**	External Source	Withdraw All	Net Total**	Registry Fee
10/01/2024	Earnings Allocation	\$0.00	\$686.70			\$686.70	\$0.00
10/02/2024	Earnings Allocation	\$0.00	\$691.12			\$691.12	\$0.00
10/03/2024	Earnings Allocation	\$0.00	\$8,053.27			\$8,053.27	\$0.00
10/04/2024	Earnings Allocation	\$0.00	\$721.91			\$721.91	\$0.00
10/07/2024	Earnings Allocation	\$0.00	\$2,181.76			\$2,181.76	\$0.00
10/08/2024	Earnings Allocation	\$0.00	\$730.73			\$730.73	\$0.00
10/09/2024	Earnings Allocation	\$0.00	\$729.99			\$729.99	\$0.00
10/10/2024	Earnings Allocation	\$0.00	\$7,874.23			\$7,874.23	\$0.00
10/11/2024	Earnings Allocation	\$0.00	\$719.40			\$719.40	\$0.00
10/15/2024	Earnings Allocation	\$0.00	\$2,902.40			\$2,902.40	\$0.00
10/16/2024	Earnings Allocation	\$0.00	\$724.54			\$724.54	\$0.00
10/17/2024	Earnings Allocation	\$0.00	\$8,024.79			\$8,024.79	\$0.00
10/18/2024	Earnings Allocation	\$0.00	\$718.48			\$718.48	\$0.00
10/21/2024	Earnings Allocation	\$0.00	\$2,156.85			\$2,156.85	\$0.00



10/22/2024	Earnings Allocation	\$0.00	\$717.90	\$717.90	\$0.00
10/23/2024	Earnings Allocation	\$0.00	\$717.88	\$717.88	\$0.00
10/24/2024	Earnings Allocation	\$0.00	\$8,008.38	\$8,008.38	\$0.00
10/25/2024	Earnings Allocation	\$0.00	\$724.52	\$724.52	\$0.00
10/28/2024	Earnings Allocation	\$0.00	\$2,169.13	\$2,169.13	\$0.00
10/29/2024	Earnings Allocation	\$0.00	\$724.62	\$724.62	\$0.00
10/30/2024	Earnings Allocation	\$0.00	\$723.40	\$723.40	\$0.00
10/31/2024	Earnings Allocation	\$0.00	\$7,929.13	\$7,929.13	\$0.00
<b>Preliminary Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Current Month Activity</b>		<b>\$0.00</b>	<b>\$58,631.13</b>	<b>\$58,631.13</b>	<b>\$0.00</b>
<b>Ending Balance</b>		<b>\$12,083,422.17</b>	<b>\$800,646.40</b>	<b>\$12,884,068.57</b>	

*Total Activity - 10/01/2024 Thru 10/31/2024*

Principal Deposit	\$0.00
Principal Disbursed	\$0.00
Interest Deposit	\$0.00
Interest Disbursed	\$0.00
Interest Allocated	\$58,631.13
Registry Fee	\$0.00

\* Denotes partial month

\*\*Net of any fees or taxes

**EXHIBIT B**

Case History Report

Run Date: 11/01/2024 10:14  
 Date Range: 10/01/2024 Thru 10/31/2024  
 Use Case Inception Date?: No  
 Northern District of Texas D05TXN  
 Case Number: DTXN321CV000881002  
 Case Name: Highland Capital Management LP et al v. NexPoint  
 Asset Management LP (NEXPOINT ADVISORS L.P.)  
 Minor?: N  
 DOF?: N  
 Current Fee Rate: **0.00%** 0.00% 0.00% 0.00%  
**0-5 YRS** >5-10 YRS >10-15 YRS >15 YRS  
 Original Deposit Amount: \$25,849,816.94  
 Original Deposit Date: 08/10/2023

		Principal	Net Earnings**	Net Total**	Registry Fee
10/01/2024	Beginning Balance	\$25,878,097.41	\$1,589,114.32	\$27,467,211.73	\$0.00

*Current Month*

Date	Transaction Type	Principal	Net Earnings**	External Source	Withdraw All	Net Total**	Registry Fee
10/01/2024	Earnings Allocation	\$0.00	\$1,470.66			\$1,470.66	\$0.00
10/02/2024	Earnings Allocation	\$0.00	\$1,480.12			\$1,480.12	\$0.00
10/03/2024	Earnings Allocation	\$0.00	\$17,247.04			\$17,247.04	\$0.00
10/04/2024	Earnings Allocation	\$0.00	\$1,546.05			\$1,546.05	\$0.00
10/07/2024	Earnings Allocation	\$0.00	\$4,672.49			\$4,672.49	\$0.00
10/08/2024	Earnings Allocation	\$0.00	\$1,564.94			\$1,564.94	\$0.00
10/09/2024	Earnings Allocation	\$0.00	\$1,563.36			\$1,563.36	\$0.00
10/10/2024	Earnings Allocation	\$0.00	\$16,863.61			\$16,863.61	\$0.00
10/11/2024	Earnings Allocation	\$0.00	\$1,540.68			\$1,540.68	\$0.00
10/15/2024	Earnings Allocation	\$0.00	\$6,215.83			\$6,215.83	\$0.00
10/16/2024	Earnings Allocation	\$0.00	\$1,551.68			\$1,551.68	\$0.00
10/17/2024	Earnings Allocation	\$0.00	\$17,186.06			\$17,186.06	\$0.00
10/18/2024	Earnings Allocation	\$0.00	\$1,538.72			\$1,538.72	\$0.00
10/21/2024	Earnings Allocation	\$0.00	\$4,619.16			\$4,619.16	\$0.00
10/22/2024	Earnings Allocation	\$0.00	\$1,537.46			\$1,537.46	\$0.00

10/23/2024	Earnings Allocation	\$0.00	\$1,537.42	\$1,537.42	\$0.00
10/24/2024	Earnings Allocation	\$0.00	\$17,150.91	\$17,150.91	\$0.00
10/25/2024	Earnings Allocation	\$0.00	\$1,551.64	\$1,551.64	\$0.00
10/28/2024	Earnings Allocation	\$0.00	\$4,645.45	\$4,645.45	\$0.00
10/29/2024	Earnings Allocation	\$0.00	\$1,551.86	\$1,551.86	\$0.00
10/30/2024	Earnings Allocation	\$0.00	\$1,549.25	\$1,549.25	\$0.00
10/31/2024	Earnings Allocation	\$0.00	\$16,981.19	\$16,981.19	\$0.00
<b>Preliminary Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Current Month Activity</b>		<b>\$0.00</b>	<b>\$125,565.58</b>	<b>\$125,565.58</b>	<b>\$0.00</b>
<b>Ending Balance</b>		<b>\$25,878,097.41</b>	<b>\$1,714,679.90</b>	<b>\$27,592,777.31</b>	

*Total Activity - 10/01/2024 Thru 10/31/2024*

Principal Deposit	\$0.00
Principal Disbursed	\$0.00
Interest Deposit	\$0.00
Interest Disbursed	\$0.00
Interest Allocated	\$125,565.58
Registry Fee	\$0.00

\* Denotes partial month

\*\*Net of any fees or taxes

**EXHIBIT C**

Case History Report

Run Date: 11/01/2024 10:15  
 Date Range: 10/01/2024 Thru 10/31/2024  
 Use Case Inception Date?: No  
 Northern District of Texas D05TXN  
 Case Number: DTXN321CV000881004  
 Case Name: Highland Capital Management LP et al v. NexPoint  
 Asset Management LP (NEXPOINT REAL ESTATE  
 PARTNERS)  
 Minor?: N  
 DOF?: N  
 Current Fee Rate: 0.00% 0.00% 0.00% 0.00%  
 0-5 YRS >5-10 YRS >10-15 YRS >15 YRS  
 Original Deposit Amount: \$13,251,661.00  
 Original Deposit Date: 08/25/2023

		Principal	Net Earnings**	Net Total**	Registry Fee
10/01/2024	Beginning Balance	\$13,266,627.86	\$786,694.37	\$14,053,322.23	\$0.00

Current Month

Date	Transaction Type	Principal	Net Earnings**	External Source	Withdraw All	Net Total**	Registry Fee
10/01/2024	Earnings Allocation	\$0.00	\$752.45			\$752.45	\$0.00
10/02/2024	Earnings Allocation	\$0.00	\$757.29			\$757.29	\$0.00
10/03/2024	Earnings Allocation	\$0.00	\$8,824.28			\$8,824.28	\$0.00
10/04/2024	Earnings Allocation	\$0.00	\$791.02			\$791.02	\$0.00
10/07/2024	Earnings Allocation	\$0.00	\$2,390.63			\$2,390.63	\$0.00
10/08/2024	Earnings Allocation	\$0.00	\$800.69			\$800.69	\$0.00
10/09/2024	Earnings Allocation	\$0.00	\$799.87			\$799.87	\$0.00
10/10/2024	Earnings Allocation	\$0.00	\$8,628.10			\$8,628.10	\$0.00
10/11/2024	Earnings Allocation	\$0.00	\$788.27			\$788.27	\$0.00
10/15/2024	Earnings Allocation	\$0.00	\$3,180.27			\$3,180.27	\$0.00
10/16/2024	Earnings Allocation	\$0.00	\$793.90			\$793.90	\$0.00
10/17/2024	Earnings Allocation	\$0.00	\$8,793.07			\$8,793.07	\$0.00
10/18/2024	Earnings Allocation	\$0.00	\$787.27			\$787.27	\$0.00
10/21/2024	Earnings Allocation	\$0.00	\$2,363.35			\$2,363.35	\$0.00

10/22/2024	Earnings Allocation	\$0.00	\$786.63	\$786.63	\$0.00
10/23/2024	Earnings Allocation	\$0.00	\$786.61	\$786.61	\$0.00
10/24/2024	Earnings Allocation	\$0.00	\$8,775.09	\$8,775.09	\$0.00
10/25/2024	Earnings Allocation	\$0.00	\$793.88	\$793.88	\$0.00
10/28/2024	Earnings Allocation	\$0.00	\$2,376.80	\$2,376.80	\$0.00
10/29/2024	Earnings Allocation	\$0.00	\$793.99	\$793.99	\$0.00
10/30/2024	Earnings Allocation	\$0.00	\$792.66	\$792.66	\$0.00
10/31/2024	Earnings Allocation	\$0.00	\$8,688.25	\$8,688.25	\$0.00
<b>Preliminary Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Current Month Activity</b>		<b>\$0.00</b>	<b>\$64,244.37</b>	<b>\$64,244.37</b>	<b>\$0.00</b>
<b>Ending Balance</b>		<b>\$13,266,627.86</b>	<b>\$850,938.74</b>	<b>\$14,117,566.60</b>	

*Total Activity - 10/01/2024 Thru 10/31/2024*

Principal Deposit	\$0.00
Principal Disbursed	\$0.00
Interest Deposit	\$0.00
Interest Disbursed	\$0.00
Interest Allocated	\$64,244.37
Registry Fee	\$0.00

\* Denotes partial month

\*\*Net of any fees or taxes

**EXHIBIT D**



Case History Report

Run Date: 11/01/2024 10:13  
 Date Range: 10/01/2024 Thru 10/31/2024  
 Use Case Inception Date?: No  
 Northern District of Texas D05TXN  
 Case Number: DTXN321CV000881001  
 Case Name: Highland Capital Management LP et al v. NexPoint  
 Asset Management LP (HIGHLAND CAPITAL MGMT  
 SERV)  
 Minor?: N  
 DOF?: N  
 Current Fee Rate: 0.00% 0.00% 0.00% 0.00%  
 0-5 YRS >5-10 YRS >10-15 YRS >15 YRS  
 Original Deposit Amount: \$7,578,620.41  
 Original Deposit Date: 08/10/2023

		Principal	Net Earnings**	Net Total**	Registry Fee
10/01/2024	Beginning Balance	\$7,586,911.65	\$465,894.81	\$8,052,806.46	\$0.00

Current Month

Date	Transaction Type	Principal	Net Earnings**	External Source	Withdraw All	Net Total**	Registry Fee
10/01/2024	Earnings Allocation	\$0.00	\$431.17			\$431.17	\$0.00
10/02/2024	Earnings Allocation	\$0.00	\$433.94			\$433.94	\$0.00
10/03/2024	Earnings Allocation	\$0.00	\$5,056.47			\$5,056.47	\$0.00
10/04/2024	Earnings Allocation	\$0.00	\$453.27			\$453.27	\$0.00
10/07/2024	Earnings Allocation	\$0.00	\$1,369.87			\$1,369.87	\$0.00
10/08/2024	Earnings Allocation	\$0.00	\$458.81			\$458.81	\$0.00
10/09/2024	Earnings Allocation	\$0.00	\$458.34			\$458.34	\$0.00
10/10/2024	Earnings Allocation	\$0.00	\$4,944.05			\$4,944.05	\$0.00
10/11/2024	Earnings Allocation	\$0.00	\$451.69			\$451.69	\$0.00
10/15/2024	Earnings Allocation	\$0.00	\$1,822.35			\$1,822.35	\$0.00
10/16/2024	Earnings Allocation	\$0.00	\$454.92			\$454.92	\$0.00
10/17/2024	Earnings Allocation	\$0.00	\$5,038.59			\$5,038.59	\$0.00
10/18/2024	Earnings Allocation	\$0.00	\$451.12			\$451.12	\$0.00
10/21/2024	Earnings Allocation	\$0.00	\$1,354.24			\$1,354.24	\$0.00

10/22/2024	Earnings Allocation	\$0.00	\$450.75	\$450.75	\$0.00
10/23/2024	Earnings Allocation	\$0.00	\$450.74	\$450.74	\$0.00
10/24/2024	Earnings Allocation	\$0.00	\$5,028.28	\$5,028.28	\$0.00
10/25/2024	Earnings Allocation	\$0.00	\$454.91	\$454.91	\$0.00
10/28/2024	Earnings Allocation	\$0.00	\$1,361.95	\$1,361.95	\$0.00
10/29/2024	Earnings Allocation	\$0.00	\$454.97	\$454.97	\$0.00
10/30/2024	Earnings Allocation	\$0.00	\$454.21	\$454.21	\$0.00
10/31/2024	Earnings Allocation	\$0.00	\$4,978.53	\$4,978.53	\$0.00
<b>Preliminary Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Current Month Activity</b>		<b>\$0.00</b>	<b>\$36,813.17</b>	<b>\$36,813.17</b>	<b>\$0.00</b>
<b>Ending Balance</b>		<b>\$7,586,911.65</b>	<b>\$502,707.98</b>	<b>\$8,089,619.63</b>	

*Total Activity - 10/01/2024 Thru 10/31/2024*

Principal Deposit	\$0.00
Principal Disbursed	\$0.00
Interest Deposit	\$0.00
Interest Disbursed	\$0.00
Interest Allocated	\$36,813.17
Registry Fee	\$0.00

\* Denotes partial month

\*\*Net of any fees or taxes

**EXHIBIT E**

Case History Report

Run Date: 11/01/2024 10:16  
 Date Range: 10/01/2024 Thru 10/31/2024  
 Use Case Inception Date?: No  
 Northern District of Texas D05TXN  
 Case Number: DTXN321CV000881005  
 Case Name: Highland Capital Management LP et al v. NexPoint  
 Asset Management LP (JAMES DONDERO)  
 Minor?: N  
 DOF?: N  
 Current Fee Rate: 0.00% 0.00% 0.00% 0.00%  
 0-5 YRS >5-10 YRS >10-15 YRS >15 YRS  
 Original Deposit Amount: \$1,248,339.00  
 Original Deposit Date: 08/25/2023

		Principal	Net Earnings**	Net Total**	Registry Fee
10/01/2024	Beginning Balance	\$10,161,357.27	\$539,542.56	\$10,700,899.83	\$0.00

Current Month

Date	Transaction Type	Principal	Net Earnings**	External Source	Withdraw All	Net Total**	Registry Fee
10/01/2024	Earnings Allocation	\$0.00	\$572.95			\$572.95	\$0.00
10/02/2024	Earnings Allocation	\$0.00	\$576.64			\$576.64	\$0.00
10/03/2024	Earnings Allocation	\$0.00	\$6,719.24			\$6,719.24	\$0.00
10/04/2024	Earnings Allocation	\$0.00	\$602.32			\$602.32	\$0.00
10/07/2024	Earnings Allocation	\$0.00	\$1,820.35			\$1,820.35	\$0.00
10/08/2024	Earnings Allocation	\$0.00	\$609.68			\$609.68	\$0.00
10/09/2024	Earnings Allocation	\$0.00	\$609.06			\$609.06	\$0.00
10/10/2024	Earnings Allocation	\$0.00	\$6,569.86			\$6,569.86	\$0.00
10/11/2024	Earnings Allocation	\$0.00	\$600.23			\$600.23	\$0.00
10/15/2024	Earnings Allocation	\$0.00	\$2,421.61			\$2,421.61	\$0.00
10/16/2024	Earnings Allocation	\$0.00	\$604.52			\$604.52	\$0.00
10/17/2024	Earnings Allocation	\$0.00	\$6,695.49			\$6,695.49	\$0.00
10/18/2024	Earnings Allocation	\$0.00	\$599.47			\$599.47	\$0.00
10/21/2024	Earnings Allocation	\$0.00	\$1,799.57			\$1,799.57	\$0.00
10/22/2024	Earnings Allocation	\$0.00	\$598.98			\$598.98	\$0.00

10/23/2024	Earnings Allocation	\$0.00	\$598.96	\$598.96	\$0.00
10/24/2024	Earnings Allocation	\$0.00	\$6,681.79	\$6,681.79	\$0.00
10/25/2024	Earnings Allocation	\$0.00	\$604.50	\$604.50	\$0.00
10/28/2024	Earnings Allocation	\$0.00	\$1,809.81	\$1,809.81	\$0.00
10/29/2024	Earnings Allocation	\$0.00	\$604.59	\$604.59	\$0.00
10/30/2024	Earnings Allocation	\$0.00	\$603.57	\$603.57	\$0.00
10/31/2024	Earnings Allocation	\$0.00	\$6,615.67	\$6,615.67	\$0.00
<b>Preliminary Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Current Month Activity</b>		<b>\$0.00</b>	<b>\$48,918.86</b>	<b>\$48,918.86</b>	<b>\$0.00</b>
<b>Ending Balance</b>		<b>\$10,161,357.27</b>	<b>\$588,461.42</b>	<b>\$10,749,818.69</b>	

*Total Activity - 10/01/2024 Thru 10/31/2024*

Principal Deposit	\$0.00
Principal Disbursed	\$0.00
Interest Deposit	\$0.00
Interest Disbursed	\$0.00
Interest Allocated	\$48,918.86
Registry Fee	\$0.00

\* Denotes partial month

\*\*Net of any fees or taxes