

ASTA FUNDING INC  
Form NT 10-Q  
May 03, 2018

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**FORM 12b-25**

**NOTIFICATION OF LATE FILING**

(Check One):      Form 10-K      Form 20-F      Form 11-K      Form 10-Q      Form 10-D      Form N-SAR      Form

N-CSR

For Period Ended: December 31, 2017

Transition Report on Form 10-K  
Transition Report on Form 20-F  
Transition Report on Form 11-K  
Transition Report on Form 10-Q  
Transition Report on Form N-SAR

For the Transition Period

Ended: \_\_\_\_\_

*Read Instruction (on back page) Before Preparing Form. Please Print or Type.*

**Nothing in this form shall be construed to imply that the Commission has verified any information contained herein.**

If the notification relates to a portion of the filing checked above, identify the Item(s) to which the notification relates:

\_\_\_\_\_

## **PART I — REGISTRANT INFORMATION**

**Asta Funding, Inc.**

Full Name of Registrant

**Not applicable**

Former Name if Applicable

**210 Sylvan Avenue**

Address of Principal Executive Office (*Street and Number*)

**Englewood Cliffs, New Jersey 07632**

City, State and Zip Code

## **PART II — RULES 12b-25(b) AND (c)**

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check box if appropriate)

- (a) The reason described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense;  
The subject annual report, semi-annual report, transition report on Form 10-K, Form 20-F, Form 11-K, Form N-SAR or Form N-CSR, or portion thereof, will be filed on or before the fifteenth calendar day following the
- (b) prescribed due date; or the subject quarterly report or transition report on Form 10-Q or subject distribution report on Form 10-D, or portion thereof, will be filed on or before the fifth calendar day following the prescribed due date; and
- (c) The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.

SEC 1344    **Persons who are to respond to the collection of information contained in this form are not**  
(04-09)    **required to respond unless the form displays a currently valid OMB control number.**

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### **PART III — NARRATIVE**

State below in reasonable detail why Forms 10-K, 20-F, 11-K, 10-Q, 10-D, N-SAR, N-CSR, or the transition report or portion thereof, could not be filed within the prescribed time period.

Asta Funding, Inc. (the “Company”) was unable to file its Quarterly Report on Form 10-Q for the quarter ended December 31, 2017 (the “Quarterly Report”) by the prescribed filing date due to the fact that (i) the Company is currently undergoing the process of restating certain of its previously issued financial statements to report its investment in Pegasus Funding, LLC (“Pegasus”) under the equity method, as disclosed by the Company in its Current Report on Form 8-K filed with the Securities and Exchange Commission (the “SEC”) on January 18, 2018 and (ii) as a result of such restatement, the Company has yet to file its Annual Report on Form 10-K for the fiscal year ended September 30, 2017 (the “Annual Report”), each of which has delayed completion of the financial statements for the first quarter of fiscal year 2018. The Company anticipates that it will file the Quarterly Report upon completion of the restatements referred to above and the filing of the Annual Report.

The Company’s expectations regarding the timing of the filing of the Quarterly Report and the Company’s belief with respect to anticipated changes from the results of operation from the corresponding period of the last fiscal year are forward-looking statements as defined in the Private Securities Litigation Reform Act of 1995, and actual events may differ materially from those contemplated by these forward-looking statements. These forward-looking statements are subject to certain risks and uncertainties, including the inability of the Company to complete the work necessary in order to file the Quarterly Report in the time frame that is anticipated. The Company undertakes no obligation to revise or update any forward-looking statements to reflect actual events or circumstances after the date hereof.

### **PART IV — OTHER INFORMATION**

(1) Name and telephone number of person to contact in regard to this notification.

Bruce R. Foster (201) 567-5648  
(Name) (Area Code) (Telephone Number)

Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or (2) Section 30 of the Investment Company Act of 1940 during the preceding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If answer is no, identify report(s). Yes No

Annual Report on Form 10-K for the fiscal year ended September 30, 2017

(Report)

- (3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof? Yes No

If so, attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made. See disclosure under Part III above.

For the three months ended December 31, 2017, the Company will be presenting the results of operations of its structured settlement business as discontinued operations in accordance with ASC 205-20, *Results of Operations - Discontinued Operations*. This change in presentation is anticipated to result in a reduction to the Company's revenues and expenses for the three months ended December 31, 2017, as compared to the corresponding period reported in the Company's Quarterly Report on Form 10-Q for the quarter ended December 31, 2016, which was filed with the SEC on February 9, 2017 (the "Prior 10-Q"). In addition, as disclosed above, the Company is in the process of restating certain of its previously issued financial statements to report its investment in Pegasus under the equity method in accordance with accounting principles generally accepted in the United States. The Company anticipates that this restatement will result in a further reduction to revenues and expenses for the three months ended December 31, 2017, as compared to the corresponding period reported in the Prior 10-Q. However, neither the presentation of the Company's structured settlement business as discontinued operations, nor the reporting of Pegasus under the equity method in connection with the Company's planned restatements, is expected to have a material impact on total net income attributable to the Company.

On December 22, 2017, the 2017 Tax Cuts and Jobs Act (the "Tax Act") was enacted into law. The Tax Act contains several key tax provisions that are expected to affect the Company, including a reduction of the corporate income tax rate to 21% effective January 1, 2018. The Company is required to recognize the effect of the tax law changes in the period of enactment, such as remeasuring its U.S. deferred tax assets and liabilities as well as reassessing the net realizability of its deferred tax assets and liabilities. The Company has not quantified the effect of the Tax Act on its consolidated financial statements, but the effect of this reduction in corporate tax rates and other provisions is expected to have a significant impact on the Company's quarterly results for the three months ended December 31, 2017, including lower net deferred tax assets and increased income tax expense in the period of enactment.

**Asta Funding, Inc.**

(Name of Registrant as Specified in Charter)

has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Date: May 3, 2018 By: /s/ Bruce R. Foster

Bruce R. Foster

*Chief Financial Officer*

INSTRUCTION: The form may be signed by an executive officer of the registrant or by any other duly authorized representative. The name and title of the person signing the form shall be typed or printed beneath the signature. If the statement is signed on behalf of the registrant by an authorized representative (other than an executive officer), evidence of the representative's authority to sign on behalf of the registrant shall be filed with the form.