

1 DAVID R. ZARO (BAR NO. 124334)
E-Mail: dzaro@allenmatkins.com
2 MATTHEW D. PHAM (BAR NO. 287704)
E-Mail: mpham@allenmatkins.com
3 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
4 865 South Figueroa Street, Suite 2800
Los Angeles, California 90017-2543
5 Phone: (213) 622-5555
Fax: (213) 620-8816

6 EDWARD G. FATES (BAR NO. 227809)
E-Mail: tfates@allenmatkins.com
7 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
8 One America Plaza
9 600 West Broadway, 27th Floor
San Diego, California 92101-0903
10 Phone: (619) 233-1155
Fax: (619) 233-1158

11 Attorneys for Court-Appointed Receiver
12 KRISTA L. FREITAG

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15
16 SECURITIES AND EXCHANGE
COMMISSION,

17 Plaintiff,

18 vs.

19 INTEGRATED NATIONAL
20 RESOURCES, INC. dba
WEEDGENICS, ROLF MAX
21 HIRSCHMANN aka "MAX
BERGMANN," PATRICK EARL
22 WILLIAMS,

23 Defendants, and

24 WEST COAST DEVELOPMENT LLC,
INR CONSULTING LLC (WYOMING
25 ENTITY), OCEANS 19 INC.,
AUTOBAHN PERFORMANCE LLC,
26 ONE CLICK GENERAL MEDIA INC.,
OPUS COLLECTIVE, JOHN ERIC
27 FRANCOM, INR-CA INVESTMENT
HOLDINGS, LLC, MICHAEL
28 DELGADO, TOTAL SOLUTION
CONSTRUCTION LLC. BAGPIPE

Case No. 8:23-cv-00855-JWH-KES

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
RECEIVER'S MOTION FOR
AUTHORITY TO (A) ENGAGE
LICENSED AUCTIONEERS AND
DEALERS TO ASSIST IN SELLING
PERSONAL PROPERTY, (B) SELL
AUTOMOBILES, JEWELRY, AND
OTHER PERSONAL PROPERTY OF
THE RECEIVERSHIP ENTITIES,
AND (C) ENGAGE BROKERS TO
LIST REAL PROPERTIES FOR
SALE**

Date: October 27, 2023
Time: 9:00 a.m.
Ctrm: 9D
Judge: Hon. John W. Holcomb

1 HOLDINGS LLC, BAGPIPE
MULTIMEDIA LLC, TYLER
2 CAMPBELL, INR CONSULTING LLC
(CALIFORNIA ENTITY), HIDDEN
3 SPRINGS HOLDINGS GROUP LLC,
and ALEXANDRIA PORTER BOVEE
4 aka "AIA MONTGOMERY",

5 Relief Defendants.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Page

- I. INTRODUCTION.....6
- II. ENGAGEMENT OF DEALERS/AUCTIONEERS AND
PERSONAL PROPERTY SALES.....8
- III. ENGAGEMENT OF LICENSED REAL ESTATE BROKERS.....9
- IV. ARGUMENT 10
 - A. The Court Has Authority to Authorize Sales of Personal
Property 11
 - B. Further Notices/Appraisals Should Be Waived 12
 - C. Engagement of Real Estate Brokers 13
 - D. Proposed Sale Procedures for Real Property 14
- V. CONCLUSION 15

TABLE OF AUTHORITIES

	<u>Page(s)</u>
<u>Cases</u>	
1 <i>Beet Growers Sugar Co. v. Columbia Trust Co.</i> , 2 3 F.2d 755 (9th Cir. 1925).....	11
3 <i>Blakely Airport Joint Venture II v. Federal Sav. and Loan Ins. Corp.</i> , 4 678 F. Supp. 154 (N.D. Tex. 1988).....	12
5 <i>Commodities Futures Trading Comm’n. v. Topworth Int’l, Ltd.</i> , 6 205 F.3d 1107 (9th Cir. 1999).....	10
7 <i>First Nat’l Bank v. Shedd</i> , 8 121 U.S. 74 (1887).....	11
9 <i>Gockstetter v. Williams</i> , 10 9 F.2d 354 (9th Cir. 1925).....	12
11 <i>Keybank Nat’l Ass’n v. Perkins Rowe Assocs., L.L.C.</i> , 12 2012 U.S. Dist. LEXIS 157828, (M.D. La. 2012)	13
13 <i>Miners’ Bank of Wilkes-Barre v. Acker</i> , 14 66 F.2d 850 (2d Cir. 1933).....	11
15 <i>SEC v. American Capital Invest., Inc.</i> , 16 98 F.3d 1133 (9th Cir. 1996).....	11
17 <i>SEC v. Capital Consultants, LLC</i> , 18 397 F.3d 733 (9th Cir. 2005).....	10
19 <i>SEC v. Elliot</i> , 20 953 F.2d 1560 (11th Cir. 1992).....	10, 11
21 <i>SEC v. Hardy</i> , 22 803 F.2d 1034 (9th Cir 1986).....	10
23 <i>SEC v. Wencke</i> , 24 622 F.2d 1363 (9th Cir. 1980).....	10
25 <i>U.S. v. Heasley</i> , 26 283 F.2d 422 (8th Cir. 1960).....	13
27 <i>U.S. v. Little</i> , 28 2008 U.S. Dist. LEXIS 93467, (E.D. Cal. 2008)	13
29 <i>U.S. v. Peters</i> , 30 777 F.2d 1294 (7th Cir. 1985).....	13
<u>Statutes</u>	
31 28 U.S.C. § 2001.....	9, 12, 13, 14
32 28 U.S.C. § 2001(a).....	13

	<u>Page(s)</u>
1	
2 28 U.S.C. § 2001(b).....	12, 13
3 28 U.S.C. § 2002.....	14
4 28 U.S.C. § 2004.....	12, 13
5 <u>Other Authorities</u>	
6 2 Ralph Ewing Clark, 7 <i>Treatise on Law and Practice of Receivers</i> §§ 342, 344, 482(a), 8 487, 489, 491	12
8 2 Ralph Ewing Clark, 9 <i>Treatise on Law & Practice of Receivers</i> § 482	11
10 2 Ralph Ewing Clark, 11 <i>Treatise on Law & Practice of Receivers</i> § 500	11
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

1 Krista L. Freitag (“Receiver”), the Court-appointed permanent receiver for
2 Defendant Integrated National Resources, Inc., dba Weedgenics, and Relief
3 Defendants West Coast Development LLC, INR Consulting LLC (Wyoming
4 Entity), Oceans 19 Inc., Autobahn Performance LLC, One Click General Media
5 Inc., Opus Collective, INR-CA Investment Holdings, LLC, Total Solution
6 Construction LLC, Bagpipe Holdings LLC, Bagpipe Multimedia LLC, INR
7 Consulting LLC (California Entity), and Hidden Springs Holdings Group LLC, and
8 their subsidiaries and affiliates (collectively the “Receivership Entities”), seeks
9 authority to (a) engage licensed auctioneers and dealers, as deemed appropriate,
10 (b) use such auctioneers/dealers to sell automobiles, jewelry, and other personal
11 property owned by the Receivership Entities (“Personal Property”), and (c) engage
12 licensed real estate brokers to list real properties owned by the Receivership Entities
13 (“Real Properties”) for sale, with such sales being subject to further Court approval.

14 I. INTRODUCTION

15 It is clear now that Integrated National Resources, Inc., dba Weedgenics
16 (“INR”) was a large Ponzi scheme that has caused millions of dollars in losses to
17 hundreds of investors. The SEC filed voluminous evidence showing the fraud at the
18 outset of the case, the Receiver’s investigation and accounting to date confirms it,
19 and Defendant Patrick Earl Williams (“Williams”) has now admitted it (while
20 Defendant Rolf Max Hirschmann aka Max Bergmann (“Hirschmann”) has asserted
21 his Fifth Amendment privilege against self-incrimination). Therefore, the
22 overarching objective for the receivership should be to maximize the recovery for
23 defrauded investors.

24 Thus far, the Receiver has identified and asserted control of six real properties
25 owned by the Receivership Entities, three of which she has possession of, two of
26 which are occupied by Hirschmann and his family, and one of which is occupied by
27 a purported tenant and “family friend” of Hirschmann named Loretta Cruz. With
28 respect to Personal Property, the Receiver has thus far recovered 12 vehicles (all but

1 two of which are luxury vehicles and sportscars) and 13 watches and pieces of
2 expensive jewelry. Two additional luxury BMW vehicles (along with the two real
3 properties occupied by Hirschmann and his family) were required to be turned over
4 by Hirschmann on or before September 20, 2023.¹ Other vehicles and pieces of
5 jewelry were identified and purchased by Defendant Hirschmann and Relief
6 Defendant Michael Delgado (“Delgado”) using funds raised from investors and have
7 not yet been recovered. Hirschmann has stated that he gave some of these vehicles
8 and pieces of jewelry to various women. Thus far, Delgado has not responded to
9 inquiries relating to any vehicles or jewelry purchases. The Declaration of Krista
10 Freitag filed herewith (“Freitag Decl.”), ¶ 2.

11 The costs to hold, insure, and maintain the Real Properties are significant, as
12 are the costs to securely store and insure the Personal Property. Holding the Real
13 Properties and Personal Property has no benefit for defrauded investors. Therefore,
14 the Receiver proposes to have the Personal Property sold by licensed, qualified
15 auctioneers and/or dealers at commission rates that are competitive in their
16 respective industries. With respect to the automobiles, the Receiver, with assistance
17 from her staff, has been in contact with several luxury car dealers and auctioneers
18 regarding different options for selling the cars (including different types of live and
19 online auctions, as well as private sales) and the costs associated with each option.
20 Similarly, with respect to the watches and jewelry, the Receiver, with assistance
21 from her staff, has been in contact with several watch and jewelry dealers and
22 auctioneers and has gathered information about different methods of selling the
23 watches and jewelry, including auctions and private sales and the costs associated
24 with each method. It may be deemed necessary to engage more than one dealer
25 and/or auctioneers to sell the cars and more than one to sell the watches and jewelry,

26 _____
27 ¹ Hirschmann filed an ex parte application to extend the September 20, 2023
28 deadline, which application was opposed by the SEC and the Receiver, and was
denied by the Court. Dkt. 160.

1 depending on the nature of the assets, their potential value, and the market for them.
2 The Receiver requests authority to do so in her business judgment and at
3 commission rates competitive in the dealer/auctioneer/broker industry and will use
4 her experience in selling personal property to obtain the highest and best net
5 recovery from all personal property assets. Freitag Decl., ¶ 3.

6 For the Real Properties, the Receiver proposes to have the properties listed for
7 sale and marketed by licensed real estate brokers with relevant experience in the
8 respective markets in which the properties are located. The Receiver will use her
9 business judgment in selecting brokers and negotiating fees and commissions.
10 Then, as required by statute, the Receiver will seek Court approval of each sale,
11 including the fees and commissions to be paid to the broker in connection with such
12 sale. Freitag Decl., ¶ 8.

13 **II. ENGAGEMENT OF DEALERS/AUCTIONEERS AND PERSONAL**
14 **PROPERTY SALES**

15 From her more than 20 years in the receivership industry, the Receiver has
16 extensive experience in selling personal property assets of all kinds. Freitag Decl.,
17 ¶ 4. With assistance from her staff, she has and will continue to gather information
18 and rates from multiple dealers and auctioneers with knowledge and experience in
19 the luxury and exotic automobile industry, as well as dealers and auctioneers with
20 knowledge and experience in the watch and jewelry industry. Using this
21 information, the Receiver will identify the best approach for selling each asset on
22 terms which maximize exposure of each asset to likely buyers and minimize fees
23 and costs. Freitag Decl., ¶ 5, 6.

24 With respect to the automobiles, the Receiver has already gathered
25 information on sales approaches, including live auctions, online auctions, and
26 private sales, from four different luxury and exotic dealers and auctioneers. The
27 Receiver has also gathered information from these dealers and auctioneers about
28 their fees and commissions. The Receiver will use her business judgment to select

1 the best sale option(s) and negotiate the best rates in terms of dealer/auctioneer fees
2 and commissions. Freitag Decl., ¶ 5.

3 Similarly, with respect to the watches and jewelry, the Receiver has already
4 gathered information on various sales approaches, including live auctions, online
5 auctions, and private sales. The Receiver, with assistance from her staff, is in the
6 process of gathering information from multiple dealers and auctioneers about their
7 fees and commissions. As with the automobiles, the Receiver will use her business
8 judgment to select the best sale option(s) and negotiate the best rates in terms of
9 dealer/auctioneer fees and commissions. Freitag Decl., ¶ 6.

10 With respect to sales, the Receiver will likewise use her business judgment to
11 carefully consider all offers, negotiate sale prices, and finalize sale terms. Having
12 these sales authorized by the Court in advance (as opposed to returning to Court for
13 approval of each sale) is critically important because delaying sales of cars, jewelry,
14 and other Personal Property for 45-60 days in order to seek Court approval of each
15 sale would significantly limit the market for the assets and could substantially
16 impair sale prices. Freitag Decl., ¶ 7.

17 **III. ENGAGEMENT OF LICENSED REAL ESTATE BROKERS**

18 The Receiver also has extensive experience in selling real property of all
19 kinds based on her over 20 years of experience in the receivership industry. She
20 also has a California-licensed real estate broker on her staff with extensive
21 knowledge regarding real property sales. Freitag Decl., ¶ 4.

22 Here, the Real Properties are located in the Boise, Idaho area, Las Vegas,
23 Nevada, and Fort Lauderdale, Florida. The Receiver has been and will continue to
24 gather information about the market for each property, comparable sales and other
25 market data, and will consult with multiple licensed brokers with knowledge and
26 experience in each specific market. As noted above, the Receiver will use her
27 business judgment in selecting the broker for each Real Property and in negotiating
28 fees and commissions. Then, as required by statute (28 U.S.C. § 2001) and as

1 further discussed below, the Receiver will seek Court approval of each sale,
2 including the fees and commissions to be paid to the broker in connection with such
3 sale. Freitag Decl., ¶ 8.

4 **IV. ARGUMENT**

5 “The power of a district court to impose a receivership or grant other forms of
6 ancillary relief does not in the first instance depend on a statutory grant of power
7 from the securities laws. Rather, the authority derives from the inherent power of a
8 court of equity to fashion effective relief.” *SEC v. Wencke*, 622 F.2d 1363, 1369
9 (9th Cir. 1980). The “primary purpose of equity receiverships is to promote orderly
10 and efficient administration of the estate by the district court for the benefit of
11 creditors.” *SEC v. Hardy*, 803 F.2d 1034, 1038 (9th Cir 1986). As the appointment
12 of a receiver is authorized by the broad equitable powers of the court, any
13 distribution of assets must also be done equitably and fairly. See *SEC v. Elliot*,
14 953 F.2d 1560, 1569 (11th Cir. 1992).

15 District courts have the broad power of a court of equity to determine the
16 appropriate action in the administration and supervision of an equity receivership.
17 See *SEC v. Capital Consultants, LLC*, 397 F.3d 733, 738 (9th Cir. 2005). The Ninth
18 Circuit explained:

19 A district court’s power to supervise an equity
20 receivership and to determine the appropriate action to be
21 taken in the administration of the receivership is extremely
22 broad. The district court has broad powers and wide
23 discretion to determine the appropriate relief in an equity
24 receivership. The basis for this broad deference to the
25 district court’s supervisory role in equity receiverships
26 arises out of the fact that most receiverships involve
27 multiple parties and complex transactions. A district
28 court’s decision concerning the supervision of an equitable
receivership is reviewed for abuse of discretion.

25 *Id.* (citations omitted); see also *Commodities Futures Trading Comm’n. v. Topworth*
26 *Int’l, Ltd.*, 205 F.3d 1107, 1115 (9th Cir. 1999) (“This court affords ‘broad
27 deference’ to the court’s supervisory role, and ‘we generally uphold reasonable
28

1 procedures instituted by the district court that serve th[e] purpose’ of orderly and
2 efficient administration of the receivership for the benefit of creditors.”).

3 Accordingly, this Court has broad equitable powers and discretion in
4 formulating procedures, schedules and guidelines for administration of the
5 receivership estate and disposition of receivership assets.

6 **A. The Court Has Authority to Authorize Sales of Personal Property**

7 It is generally conceded that a court of equity having custody and control of
8 property has power to order a sale of the same in its discretion. *See, e.g., Elliott,*
9 *supra*, 953 F.2d at 1566 (finding that the District Court has broad powers and wide
10 discretion to determine relief in an equity receivership). “The power of sale
11 necessarily follows the power to take possession and control of and to preserve
12 property.” *See also SEC v. American Capital Invest., Inc.*, 98 F.3d 1133, 1144
13 (9th Cir. 1996), *cert. denied* 520 U.S. 1185 (decision abrogated on other grounds)
14 (citing 2 Ralph Ewing Clark, *Treatise on Law & Practice of Receivers* § 482 (3d ed.
15 1992) (citing *First Nat’l Bank v. Shedd*, 121 U.S. 74, 87 (1887)). “When a court of
16 equity orders property in its custody to be sold, the court itself as vendor confirms
17 the title in the purchaser.” 2 Ralph Ewing Clark, *Treatise on Law and Practice of*
18 *Receivers* § 487).

19 “A court of equity, under proper circumstances, has the power to order a
20 receiver to sell property free and clear of all encumbrances.” *Miners’ Bank of*
21 *Wilkes-Barre v. Acker*, 66 F.2d 850, 853 (2d Cir. 1933). *See also*, 2 Ralph Ewing
22 Clark, *Treatise on Law & Practice of Receivers* § 500. To that end, a federal court
23 is not limited or deprived of any of its equity powers by state statute. *Beet Growers*
24 *Sugar Co. v. Columbia Trust Co.*, 3 F.2d 755, 757 (9th Cir. 1925) (state statute
25 allowing time to redeem property after a foreclosure sale not applicable in a
26 receivership sale).

27 Generally, when a court-appointed receiver is involved, the receiver, as agent
28 for the court, should conduct the sale of the receivership property. *Blakely Airport*

1 *Joint Venture II v. Federal Sav. and Loan Ins. Corp.*, 678 F. Supp. 154, 156
2 (N.D. Tex. 1988). The receiver’s sale conveys “good” equitable title enforced by an
3 injunction against the owner and against parties to the suit. *See* 2 Ralph Ewing
4 Clark, *Treatise on Law and Practice of Receivers* §§ 342, 344, 482(a), 487, 489,
5 491. “In authorizing the sale of property by receivers, courts of equity are vested
6 with broad discretion as to price and terms.” *Gockstetter v. Williams*, 9 F.2d 354,
7 357 (9th Cir. 1925).

8 Here, the Receiver seeks authority to sell Personal Property for the benefit of
9 the receivership estate. The Personal Property items recovered to date consist of
10 watches and jewelry, which are costly to securely store and insure. The Personal
11 Property should be sold in the near term with the net proceeds being retained for the
12 benefit of investors.

13 The Receiver and her staff have many years of experience in handling sales of
14 personal property of receivership estates and will use that expertise and experience
15 to evaluate licensed, experienced auctioneers and dealers to conduct the sales. The
16 Receiver requests authority to engage such auctioneers and/or dealers. The Receiver
17 will ensure the Personal Property is adequately marketed and advertised in advance
18 of the auction(s) and/or sales and will report on all auctions/sales activity in her
19 quarterly interim reports. The Receiver will also negotiate with the auctioneers
20 and/or dealers to ensure that costs and fees charged are at or below industry
21 standards to maximize the net recovery.

22 **B. Further Notices/Appraisals Should Be Waived**

23 Sales of personal property out of receivership are governed under 28 U.S.C.
24 § 2004 which provides that such property “shall be sold in accordance with section
25 2001 of this title, *unless the court orders otherwise.*” 28 U.S.C. § 2004 (emphasis
26 added). Section 2001 provides that notice shall be given “by publication or
27 otherwise as the court directs” 28 U.S.C. § 2001(b). Thus, “[t]he statute on its
28 face vests the court with discretion in directing the terms and conditions of the

1 public sale.” *Keybank Nat’l Ass’n v. Perkins Rowe Assocs., L.L.C.*, 2012 U.S. Dist.
2 LEXIS 157828, *4 (M.D. La. 2012); *see also U.S. v. Little*, 2008 U.S. Dist. LEXIS
3 93467, *4-5 (E.D. Cal. 2008) (finding that “[t]he Court has broad discretion in
4 setting the terms and conditions of a sale pursuant to 28 U.S.C. § 2001.”); *U.S. v.*
5 *Heasley*, 283 F.2d 422 (8th Cir. 1960) (finding that in the context of 28 U.S.C.
6 § 2001(b), “the matter of confirming a judicial sale rests in the sound judicial
7 discretion of the trial court ...”); *U.S. v. Peters*, 777 F.2d 1294 (7th Cir. 1985)
8 (noting that 28 U.S.C. § 2001(a) authorizes a court to direct the terms and conditions
9 of the sale). Therefore, Sections 2004 and 2001(b) give the Court discretion in
10 determining procedures for the sale of personal property.

11 In today’s market, used personal property assets are commonly sold by
12 licensed auctioneers and dealers, often with specified times to view items prior to
13 sales. Auctioneers and dealers publicize auctions and private sales via their
14 websites and email marketing campaigns to known prospective buyers in the
15 applicable industries. Hiring three independent appraisers and publishing notices of
16 sales in newspapers imposes a considerable financial burden on the receivership
17 estate with no corresponding benefit. Furthermore, the Receiver generally has
18 copies of the (relatively recent) purchase documents for most assets and regarding
19 vehicles, there is typically comparable sales data readily available. Accordingly, the
20 Receiver requests that the requirements of Sections 2001 and 2004 regarding the
21 appointment of appraisers by the Court and publication of notices be waived.

22 C. Engagement of Real Estate Brokers

23 The Receiver requests authority to engage licensed real estate brokers with
24 experience in the market where each Real Property is located. The Real Properties
25 are expensive to hold, insure and maintain, and therefore should be sold in the near
26 term with the net proceeds being retained for the benefit of investors. As noted
27 above, the Receiver will use her business judgment in selecting the broker for each
28 Real Property and in negotiating fees and commissions. Then, as required by statute

1 (28 U.S.C. § 2001), the Receiver will seek Court approval of each sale (via noticed
2 motion), including the fees and commissions to be paid to the broker in connection
3 with such sale. All purchase and sale contracts will be conditioned on Court
4 approval and will have no force or effect unless and until the sale has received Court
5 approval.

6 **D. Proposed Sale Procedures for Real Property**

7 For sales of all real properties included in the receivership estate, the Receiver
8 proposes to follow the publication of notice and public auction requirements of 28
9 U.S.C. §§ 2001-2002. For each of the Real Properties, most of which are residential
10 properties, after, (a) an offer is determined to be market or in the best interest of the
11 receivership estate, (b) wherewithal to complete the transaction is verified, (c) a
12 purchase and sale agreement is signed and earnest money deposited into escrow, and
13 (d) the purchaser has removed all contingencies (with the exception of potential
14 overbids, possible auction, financing (in certain circumstances) and Court approval
15 contingencies), the Receiver will file a noticed motion seeking Court approval of the
16 sale, subject to overbid. The Receiver will publish notice of the sale in a newspaper
17 of general circulation in the area in which the property is located for four
18 consecutive weeks. The notice will state the deadline and requirements for
19 submitting a qualified overbid.

20 If a qualified overbid is received on or before the published deadline and the
21 highest and best bidder (or “stalking horse” bid) is prepared to continue to bid, the
22 Receiver will, (a) notice and recommend to the Court that an auction should be
23 conducted, and (b) invite all qualified bidders to said auction. Such invitation and
24 notice to the Court will include auction instructions for the qualified bidders. At the
25 conclusion of the auction, the Receiver will file a notice of the highest and
26 best/winning (and if applicable, backup) bid, along with an amended proposed order
27 seeking approval of the sale to the highest and best/winning (and if applicable,
28 backup) bidder. If no qualified overbids are received on or before the published

1 deadline, the Receiver will advise the Court and seek approval of the sale to the
2 originally noticed highest and best bidder. The Receiver will also seek authority to
3 pay the commission for the real estate broker (a portion of which may be paid to the
4 buyer's broker, if applicable), the secured lender (as applicable) and other ordinary
5 closing costs from the sale proceeds.

6 **V. CONCLUSION**

7 For the reasons set forth herein, the Receiver respectfully requests entry of an
8 Order authorizing: (1) engagement of licensed dealers and auctioneers to market
9 Personal Property for sale; (2) sales of Personal Property and payment of fees and
10 commissions in connection therewith to the dealer or auctioneer used, and
11 (3) engagement of licensed real estate brokers to list and market Real Properties for
12 sale, subject to each sale and broker fee/commission being separately approved by
13 the Court.

14
15 Dated: September 29, 2023

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

16
17 By: /s/Edward G. Fates

EDWARD G. FATES
Attorneys for Court-Appointed
Temporary Receiver
KRISTA L. FREITAG

18
19
20
21
22
23
24
25
26
27
28