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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.

14 WESTMOORE MANAGEMENT,
15 LLC; WESTMOORE INVESTMENT,
LP.; WESTMOORE CAPITAL
16 MANAGEMENT, INC.;
WESTMOORE CAPITAL, LLC; and
17 MATTHEW R. JENNINGS,

18 Defendants.

Case No. 8:10-cv-00849-AG (MLGx)

**ORDER (1) AUTHORIZING
RECEIVER TO SELL REAL
PROPERTY (1620 N. LAKE BLVD.,
TAHOE CITY, CALIFORNIA)
SUBJECT TO LIENS AND OTHER
ENCUMBRANCES, AND
(2) LIFTING INJUNCTION TO
PERMIT CONVEYANCE OF THE
REAL PROPERTY BY MATTHEW
JENNINGS**

Date: August 6, 2012
Time: 10:00 a.m.
Place: Courtroom 10D
411 West Fourth Street
Santa Ana, California

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21 On August 6, 2012, the Court heard and considered the *Motion for Order*
22 *(1) Authorizing Receiver to Sell Real Property (1620 N. Lake Blvd., Tahoe City,*
23 *California) Subject to Liens and Other Encumbrances, and (2) Lifting Injunction to*
24 *Permit Conveyance of the Real Property by Matthew Jennings* (the "Motion") filed
25 by David A. Gill, the permanent receiver (the "Receiver") appointed in the above-
26 captioned case, the Honorable Andrew J. Guilford, United States District Judge,
27 presiding. Appearances were as noted on the record at the hearing.

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ORDER RE: SALE OF TAHOE CITY PROPERTY

1 The Court having considered the Motion and all papers and pleadings filed in
2 support thereof, having found that due and appropriate notice of the Motion and the
3 hearing was given, having determined that the proposed sale on the terms set forth in
4 the Motion constitute an appropriate exercise of the Receiver's business judgment,
5 having heard the statements of counsel at the hearing, for good cause appearing,

6 **IT IS ORDERED THAT:**

7 1. The Motion is granted in its entirety.

8 2. The Receiver is authorized to sell all right, title and interest of
9 Westmoore Management, LLC, and Westmoore Capital, LLC (collectively
10 "Westmoore"), in real property located at 1620 North Lake Boulevard, Tahoe City,
11 California (the "Property") to Helio Fialho and Therese Fialho, as Trustees of the
12 Fialho Family Trust (the "Buyer"), on the terms and conditions set forth in the
13 purchase and sale agreement attached as Exhibit "2" to the Declaration of David A.
14 Gill appended to the Motion.

15 3. The injunction set forth in the *Final Judgment as to Defendant Matthew*
16 *R. Jennings* (the "Jennings Judgment") restraining and enjoining Matthew Jennings
17 ("Jennings") from transferring, assigning, selling, hypothecating or otherwise
18 disposing of real and personal property (the "Injunction") is lifted solely with respect
19 to the Property, and for the sole and limited purpose of permitting Jennings to sell
20 and convey title to the Property to the Buyer pursuant to the short sale described in
21 the Motion. The deed(s) conveying record title from Jennings to the Buyer shall be
22 recorded simultaneously with the deed(s) conveying record title from Westmoore to
23 Jennings.

24 4. Except as expressly provided in this order, the Injunction shall remain in
25 full force and effect in accordance with the Jennings Judgment.

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1 5. The Receiver is authorized to execute all documents and otherwise take
2 all actions the Receiver deems necessary and appropriate to effectuate the sale as set
3 forth in the Motion.

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5 DATED: AUG 6, 2012



ANDREW J. GUILFORD
UNITED STATES DISTRICT JUDGE

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