

HOLLAND & HART LLP
David K. Broadbent, #0442
Doyle S. Byers, #11440
Cory A. Talbot, #11477
222 S. Main Street, Suite 2200
Salt Lake City, UT 84101
Telephone: 801-799-5800
Fax: 801-713-6259

Attorneys for Gil A. Miller as Court-Appointed Receiver

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>SECURITIES AND EXCHANGE COMMISSION, Plaintiff, vs. MANAGEMENT SOLUTIONS, INC., a Texas Corporation; WENDELL A. JACOBSON; ALLEN R. JACOBSON, Defendants.</p>	<p>REQUEST TO INCLUDE DEZAVALA OAKS PROPERTY IN MAY 19, 2014 HEARING ON RECEIVER’S MOTION TO CONFIRM A PRIVATE SALE OF MULTIFAMILY PROPERTIES</p> <p>Civil Action No. 2:11-cv-01165 Judge Bruce S. Jenkins</p>
--	--

Intervenor plaintiffs B.C. Warner Investments, LC; Truckpro, LC; SLEA 423 LLC; B.C. Warner Revocable Trust; BCW – D.O., LLC; BCW – Maui, LLC; BCW - S.F. LLC; TMB Limited Company; Bart C. Warner; James N. Warner; Jeffrey K. Wetzel; Gerald A. Zmyslo (collectively, the “Warner Parties”) and Gil A. Miller, the Court-appointed receiver in this matter (the “Receiver”), filed a Stipulation in Partial Resolution of Warner Parties’ Memorandum in Opposition to Receiver’s Motion to Confirm a Private Sale of Multifamily Properties (CM/ECF No. 1883) (the “Stipulation”) with respect to the DeZavala Oaks Property.

In light of his Stipulation with the Warner Parties, the Receiver requests that the sale of the DeZavala Oaks Property be considered as part of the May 19, 2014 hearing on the Receiver's Motion "as amended and modified or bifurcated." (Hrg. on Mot. to Confirm Private Sale of Multifamily Properties & to Approve Sale Free & Clear of Liens with Valid Liens to Attach to Proceeds (CM/ECF No. 1848) at 2.) A proposed Order granting this request is submitted herewith.

RESPECTFULLY SUBMITTED this 12th day of May, 2014.

HOLLAND & HART LLP

/s/ Cory A. Talbot
David K. Broadbent
Doyle S. Byers
Cory A. Talbot
Attorneys for Gil A. Miller as Receiver

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2014, I caused a true and correct copy of the foregoing to be served by CM/ECF upon the addressee(s) listed below:

Kim R. Wilson
Tammy B. Georgelas
SNOW CHRISTENSEN & MARTINEAU
10 Exchange Place, 11th Floor
P. O. Box 45000
Salt Lake City, UT 84145-5000
Telephone: (801) 521-9000
Facsimile: (801) 363-0400
krw@scmlaw.com
tbg@scmlaw.com
Attorneys for Bank Midwest N.A., as
successor-by-merger with Hillcrest
Bank, N.A.

Daniel J. Wadley
Thomas M. Melton
Alison J. Okinaka
Paul N. Feindt
SECURITIES & EXCHANGE COMMISSION
15 W. South Temple Street, Suite 1800
Salt Lake City, UT 84101
Telephone: (801) 524-5796
Facsimile: (801) 524-5262
wadleyd@sec.gov
meltont@sec.gov
okinakaa@sec.gov
feindtp@sec.gov
Attorneys for Securities and Exchange
Commission

Adelaide Maudsley
Brandon C. Pond
CHAPMAN AND CUTLER, LLP
201 S. Main Street, Suite 2000
Salt Lake City, UT 84111
Telephone: (801) 533-0066
maudsley@chapman.com
bcpond@chapman.com
Attorneys for Mutual of Omaha Bank

Gregory N. Hoole
HOOLE & KING L.C.
4276 Highland Drive
Salt Lake City, UT 84124
Telephone: (801) 272-7556
Facsimile: (801) 272-7557
gregh@hooleking.com
Attorneys for MSI Investor Group

Sam M. Stricklin
Brian C. Mitchell
BRACEWELL & GIULIANI, LLP
1445 Ross Avenue, Suite 3800
Dallas, TX 75202
Telephone: (214) 758-1053
Facsimile: (214) 468-8353
Sam.stricklin@bglp.com
brian.mitchell@bglp.com
Attorneys for Bank Midwest N.A., as
successor-by-merger with Hillcrest Bank,
N.A.

John P. Kincade
Deanna E. Caldwell
James Richard White
WINSTEAD PC
500 Winstead Building
2728 N. Harwood Street
Dallas, TX 75201
Telephone: (214) 745-5400
Facsimile: (214) 745-5390
jkincade@winstead.com
dcaldwell@winstead.com
jrwhite@winstead.com
Attorneys for Mutual of Omaha Bank

George W. Pratt
Jessica P. Wilde
JONES WALDO HOLBROOK &
MCDONOUGH
170 S. Main Street, Suite 1500
Salt Lake City, UT 84101
Telephone: (801) 521-3200
gpratt@joneswaldo.com
jwilde@joneswaldo.com
Attorneys for Barlow Corporation

Edwin J. Tomko
Jason M. Ross
CURRAN TOMKO TARSKI LLP
2001 Bryan Tower, Suite 2000
Dallas, TX 75201
Telephone: (214) 270-1405
etomko@cttlegal.com
jross@cttlegal.com
Attorneys for Brian Blain, Visionary
Management, First Branch, and Encinito
Properties

Stephen E. Quesenberry
Christopher R. Infanger
DURHAM JONES & PINEGAR
RiverView Plaza, Suite 300
4844 North 300 West
Provo, UT 84604
Telephone: (801) 375-6600
Facsimile: (801) 375-3865
squesenberry@djplaw.com
cinfanger@djplaw.com
Attorneys for Defendants, Wendell A. Jacobson
and Allen R. Jacobson; and attorneys for Boyd
Summerhays, LC, Gary C. Williamson;
Fountain Green, L.C., and Villa Cumorah, L.P.
and Gary C. Williamson, Trustee of the
Williamson Family Trust

Kenneth L. Cannon, II
Steven J. McCardell
DURHAM JONES & PINEGAR
111 E. Broadway, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 415-3000
kcannon@djplaw.com
smccardell@djplaw.com
Attorneys for Key Bank

John L. Young
Jeremy M. Hoffman
YOUNG HOFFMAN LLC
170 S. Main Street, Suite 1125
Salt Lake City, UT 84101-1605
Telephone: (801) 359-1900
jlyoung@yahlaw.com
jmhoffman@yahlaw.com
Attorneys for Arvest Bank

Amy F. Sorenson
Jared C. Fields
SNELL & WILMER L.L.P.
15 W. South Temple, Suite 1200
Salt Lake City, UT 84101
Telephone: (801) 257-1900
asorenson@swlaw.com
jfields@swlaw.com
Attorneys for Fannie Mae

Matthew N. Evans
Gregory S. Roberts
RAY QUINNEY & NEBEKER
36 S. State Street, Suite 1400
P. O. Box 45385
Salt Lake City, UT 84145-0385
Telephone: (801) 521-1500
mevans@rqn.com
groberts@rqn.com
Attorneys for Nevada State Bank

Douglas M. Durbano
Jacob D. Briggs
DURBANO LAW FIRM, P.C.
476 W. Heritage Park Blvd., Suite 200
Layton, UT 84041
Telephone: (801) 776-4111
office@durbanolawfirm.com
Attorneys for Barlow Corporation

Scott A. Shanes
Julie K. Biermacher
STRASBURGER & PRICE, LLP
2801 Network Blvd., Suite 600
Frisco, TX 75034
Telephone: (469) 287-3900
Facsimile: (469) 287-3999
scott.shanes@strasburger.com
julie.biermacher@strasburger.com
Attorneys for Branch Banking & Trust

Jason D. Boren
Tyler M. Hawkins
BALLARD SPAHR LLP
One Utah Center, Suite 800
201 S. Main Street
Salt Lake City, UT 84111-2221
Telephone: (801) 531-3000
borenj@ballardspahr.com
tylerh@ballardspahr.com
Attorneys for Freddie Mac

Matthew C. Barneck
Chad E. Funk
RICHARDS BRANDT MILLER NELSON
Wells Fargo Center, 15th Floor
299 S. Main Street
P. O. Box 2465
Salt Lake City, UT 84110-2465
matthew-barneck@rbmn.com
chad-funk@rbmn.com
Attorneys for Naples Lending LLC, Black
Cliffs Investment, LLC, Matthew A.
Nielson, and Jill R. Nielson

J. Scott Brown
Steven C. Strong
PARSONS KINGHORN HARRIS
111 E. Broadway, 11th Floor
Salt Lake City, UT 84111
Telephone: (801) 363-4300
sb@pkhlawyers.com
scs@pkhlawyers.com
Attorneys for Central Bank

Mark Wilson Williams
SHERMAN & HOWARD LLC
633 Seventeenth Street, Suite 3000
Denver, CO 80202
Telephone: (303) 299-8211
mwilliams@shermanhoward.com
Attorneys for JPMorgan Chase Bank

Jeffrey E. Nelson
U.S. ATTORNEY'S OFFICE
185 S. State Street, Suite 300
Salt Lake City, UT 84111
Telephone: (801) 325-3250
jeff.nelson@usdoj.gov
Attorneys for Department of Housing and
Urban Development

Steven W. Call
RAY QUINNEY & NEBEKER
36 S. State Street, Suite 1400
P. O. Box 45385
Salt Lake City, UT 84145-0385
Telephone: (801) 532-1500
scall@rqn.com
Attorneys for Americanwest Bank

D. Zachary Wiseman
RAY QUINNEY & NEBEKER, P.C.
36 S. State Street, Suite 1400
P. O. Box 45385
Salt Lake City, UT 84145-0385
zwiseman@rqn.com
Attorneys for Platinum Protection LLC

M. Scott Barnard
Alan M. Hayes
Heather L. Peckham
AKIN GUMP STRAUSS HAUER &
FELD, LLP
1700 Pacific Avenue, Suite 4100
Dallas, TX 75201
sbarnard@akingump.com
ahayes@akingump.com
hpeckham@akingump.com
Attorneys for Proposed Intervenors
CFCRE 2011-C1 Kengary Way, LLC,
CFCRE 2011-C2 Heatherbridge, LLC, and
CRCRE 2011-C1 Apartments 12900, LLC

Steven T. Waterman (4164)
DORSEY & WHITNEY LLP
136 S. Main Street, Suite 1000
Salt Lake City, UT 84101-1685
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
waterman.steven@dorsey.com
U.S. Bank National Association, as
Successor Trustee for the Registered
Holders of Bear Sterns Commercial
Mortgage Securities Inc., Commercial
Mortgage Pass-Through Certificates, Series
2004-PWR4 v. Receiver

David R. Hague
Timothy K. Clark
Ashton J. Hyde
FABIAN & CLENDENIN
215 S. State Street, Suite 1200
Salt Lake City, UT 84111-2323
Telephone: (801) 323-2210
dhague@fabianlaw.com
tclark@fabianlaw.com
ahyde@fabianlaw.com
Special Litigation Counsel for John A.
Beckstead

R. Charles Wilkin III
Robert P. Skeith
GLASS WILKIN PC
1515 S. Utica, Suite 250
Tulsa, OK 74014
Telephone: (918) 582-7100
cwilkin@glasswilkin.com
rskeith@glasswilkin.com
Attorneys for Arvest Bank

Joseph Covey
Robert S. Clark
Royce B. Covington
PARR BROWN GEE & LOVELESS
185 S. State Street, Suite 800
Salt Lake City, UT 84111
Telephone: (801) 532-7840
jcovey@parrbrown.com
rclark@parrbrown.com
rcovington@parrbrown.com
Attorneys for C. Eugene McDermott, Mary Ann
McDermott, Forest Hills Apartments, McKean
Enterprises, Eric Clark Welling, Mary Katherine
Welling, Pheasant Wood, and Nycom
Apartments

Heidi G. Goebel (10343)
Eric K. Jenkins (10783)
Joseph A. Gatton
CHRISTENSEN & JENSEN, P.C.
15 W. South Temple, Suite 800
Salt Lake City, UT 84101
Telephone: (801) 323-5000
Facsimile: (801) 355-3472
Heidi.goebel@chrisjen.com
Eric.jenkins@chrisjen.com
Joseph.Gatton@chrisjen.com
Attorneys for Branch Banking & Trust

James D. Gilson (5472)
Zachary T. Shields (6031)
Marc L. Turman (11967)
CALLISTER NEBEKER &
McCULLOUGH
Zions Bank Building, Suite 900
10 E. South Temple
Salt Lake City, UT 84133
Telephone: (801) 530-7300
Facsimile: (801) 364-9127
jgilson@cnmlaw.com
zachshields@cnmlaw.com
mturman@cnmlaw.com
Attorneys for the Warner Entities

N. George Daines (0803)
Micah L. Daines (12485)
DAINES & JENKINS, LLP
108 N. Main, Suite 200
Logan, UT 84321
Telephone: (435) 753-4000
Facsimile: (435) 753-4002
george@dainesjenkins.com
micah@dainesjenkins.com
Attorneys for Cache Valley Bank

Lon A. Jenkins
Nathan D. Thomas
JONES WALDO HOLBROOK &
MCDONOUGH
170 S. Main Street, Suite 1500
Salt Lake City, UT 84101
Telephone: (801) 521-3200
lajenkins@joneswaldo.com
nthomas@joneswaldo.com
Attorneys for CW Capital Asset Management,
and Intervenor Plaintiff, U.S. Bank National
Association, as Trustee for the Registered
Holders of CD 2007-CD4 Commercial
Mortgage Trust, Commercial Mortgage Pass-
Through Certificates, Series CD 2007-CD4,
acting by and through its Special Servicer
CWC Capital Asset Management LLC

ANDERSON & KARRENBERG, PC
John T. Anderson, Of Counsel (0094)
50 West Broadway, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 534-1700
Facsimile: (801) 364-7697
janderson@aklawfirm.com
Counsel for Evan K. Jacobson

Heather Deans Foley, Esq.
(admitted pro hac vice)
VENABLE LLP
750 E. Pratt Street, Suite 900
Baltimore, MD 21202
Telephone: (410) 244-7400
Facsimile: (410) 244-7742
hdfoley@venable.com
Attorneys for Intervenor Plaintiff US. Bank
National Association, as Trustee for the
Registered Holders of CD 2007-CD4
Commercial Mortgage Trust, Commercial
Mortgage Pass-Through Certificates,
Series CD 2007-CD4, acting by and
through its Special Servicer CWC Capital
Asset Management LLC

DAVID W. SCOFIELD – 4140
PETERS SCOFIELD
A Professional Corporation
7430 Creek Road, Suite 303
Sandy, Utah 84093
Telephone: (801) 322-2002
Facsimile: (801) 913-0320
Email: dws@psplawyers.com
Attorneys for Movants, Virginia Padilla;
Lisa Marie Padilla, Trustee of the Padilla
Family Trust; Don Logan, Trustee of the P
& K Brown Family Trust; Katherine Anne
Brown; Dagmar Chaplin-Lee

Daniel J. McDonald
Kyle C. Fielding
MCDONALD FIELDING, PLLC
The Mill at Dry Creek
175 W. Canyon Crest Rd., #205
Alpine, UT 84004
kyle@mcdonaldfielding.com
dan@mcdonaldfielding.com
Telephone (801) 610-0010
Attorneys for Holbrook Farms, LC; Scott and
Michelle Beeville, LLC;
and Holbrook J3, LLC

Lee Squitieri (pro hac admission pending)
SQUITIERI & FEARON, LLP
32 East 57th Street, 12th Floor
New York, New York 10022
Telephone: (212) 421-6492
Attorneys for Movants, Virginia Padilla; Lisa
Marie Padilla, Trustee of the Padilla Family
Trust; Don Logan, Trustee of the P & K Brown
Family Trust; Katherine Anne Brown; Dagmar
Chaplin-Lee

Kenneth B. Black (#5588)
kblack@stoel.com
Cameron L. Sabin (#9437)
clsabin@stoel.com
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999
Attorneys for The Estate of David K.
Richards, Sharon Richards, The David K.
Richards Trust, and the David K. Richards
Charitable Remainder Unitrust

Jeffrey L. Silvestrini (Bar No. 2959)
Ray M. Beck (Bar No. 3987)
COHNE, RAPPAPORT & SEGAL, P.C.
257 East 200 South, Suite 700
P.O. Box 11008
Salt Lake City, UT 84147-0008
Telephone: (801) 532-2666
Fax: (801) 355-1813
jeff@crslaw.com
ray@crslaw.com
Attorneys for Eric D. Bishop, Inc. and
Adams Bay Lighthouse Investment, L.L.C.

Gil A. Miller CPA CFE CIRA
Rocky Mountain Advisory LLC
215 South State Street, Suite 550
Salt Lake City, UT 84111
[gmiller@rockymountainadvisory.com](mailto:gmill@rockymountainadvisory.com)

Daniel M. Benjamin
BALLARD SPAHR LLP
655 W. Broadway, Suite 1600
San Diego, CA 92101
Telephone: (619) 696-9200
benjamind@balladrspahr.com
munyona@balladrspahr.com
Attorneys for U.S. Bank National Association as
Trustee, as successor in interest to Bank of
America, National Assoc., as successor by
merger to LaSalle Bank National Assoc. for the
registered holders of LB-UBS Commercial
Mortgage Trust 2005-C7, Commercial Mortgage
Pass-Through Cert. Series 2005-C7

Mark R. Gaylord
Jason D. Boren
Tyler M. Hawkins
BALLARD SPAHR LLP
One Utah Center, Suite 800
201 S. Main Street
Salt Lake City, UT 84111-2221
Telephone: (801) 531-3000
gaylord@ballardspahr.com
tylerh@ballardspahr.com
borenj@ballardspahr.com
Attorneys for U.S. Bank National
Association as Trustee, as successor in
interest to Bank of America, National
Assoc., as successor by merger to LaSalle
Bank National Assoc. for the registered
holders of LB-UBS Commercial Mortgage
Trust 2005-C7 Commercial Mortgage
Pass-Through Cert, Series 2005-C7

and

Attorneys for U.S. Bank National
Association, as Successor Trustee for the
registered holders of Bear Stearns
Commercial Mortgage Securities Inc.,
Commercial Mortgage Pass-Through
Certificates, Series 2004-PWR4

and

Attorneys for U.S. Bank National
Association, as Trustee and Custodian for
the registered holders of Multifamily
Mortgage Pass-Through Certificates Series
2011-K704, acting by and through its
Master Servicer and Special Servicer Wells
Fargo Bank, National Association

and by first-class mail, postage prepaid, to:

Greg B. Bailey
P. O. Box 298
Fountain Green, UT 84632
Telephone: (435) 262-7683
Pro Se

/s/ Cory A. Talbot_____

6860932_1

HOLLAND & HART LLP
David K. Broadbent, #0442
Doyle S. Byers, #11440
Cory A. Talbot, #11477
222 S. Main Street, Suite 2200
Salt Lake City, UT 84101
Telephone: 801-799-5800
Fax: 801-713-6259

Attorneys for Gil A. Miller as Court-Appointed Receiver

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p>Plaintiff,</p> <p>vs.</p> <p>MANAGEMENT SOLUTIONS, INC., a Texas Corporation; WENDELL A. JACOBSON; ALLEN R. JACOBSON,</p> <p>Defendants.</p>	<p>ORDER GRANTING REQUEST TO INCLUDE DEZAVALA OAKS PROPERTY IN MAY 19, 2014 HEARING ON RECEIVER’S MOTION TO CONFIRM A PRIVATE SALE OF MULTIFAMILY PROPERTIES</p> <p>Civil Action No. 2:11-cv-01165</p> <p>Judge Bruce S. Jenkins</p>
--	---

The Court, having reviewed the Receiver’s Request to Include DeZavala Oaks Property in May 19, 2014 Hearing on Receiver’s Motion to Confirm a Private Sale of Multifamily Properties, and good cause appearing therefore, hereby ORDERS and DECREES as follows:

The sale of the DeZavala Oaks Property will be considered as part of the May 19, 2014 hearing on the Receiver's Motion "as amended and modified or bifurcated." (Hrg. on Mot. to Confirm Private Sale of Multifamily Properties & to Approve Sale Free & Clear of Liens with Valid Liens to Attach to Proceeds (CM/ECF No. 1848) at 2.).

DATED this ____ day of May, 2014.

BY THE COURT:

Honorable Bruce S. Jenkins
U. S. District Court Judge

6861021_1