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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>AMENDED MOTION TO CLARIFY AND CONFIRM ORDER APPOINTING RECEIVER, FREEZING ASSETS AND OTHER RELIEF</p> <p>Civil Action No. 2:11-cv-01165</p> <p>Judge Bruce S. Jenkins</p>
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Gil A. Miller, the Court-appointed receiver in this matter (the “Receiver”), requests that the Court clarify and confirm that certain entities are under the control of the Receiver.¹

In its December 15, 2011 Order Appointing Receiver, Freezing Assets and Other Relief (CM/ECF No. 4) (the “Appointment Order”), the Court put “all assets of Management Solutions, Inc., together with any related entities owned, controlled, and/or under common control by or through Management Solutions, Inc., including but not limited to those set forth in Exhibit A

¹ The original Motion to Clarify and Confirm Order Appointing Receiver, Freezing Assets and Other Relief (CM/ECF No. 1794) did not include some of the entities addressed by this amended motion.

attached hereto” under the Receiver’s control. (Appointment Order at 1-2.) Since that time, the Receiver has identified discrepancies between the names of some of the entities as listed in Exhibit A of the Appointment Order and the names of those entities as listed on real property title records. To avoid any confusion that could impact portions of the proposed sale of several of the multi-family properties that are part of the Receivership estate, (*see* CM/ECF No. 1645), the Receiver requests that the Court clarify the correct names of the following Receivership entities:

- **Dezavala Oaks Apartments, LLC** (identified as “Dezavala Oaks, LLC” on Exhibit A of the Appointment Order);
- **Cleburne Terrace Limited Partnership** (identified as “Cleburne Terrace, Ltd.” on Exhibit A of the Appointment Order);
- **Miraflores Southwest LP** (identified as “Miraflores, Ltd” on Exhibit A of the Appointment Order); and
- **Tuscany Gardens, Ltd.** (identified as “Tuscany Gardens, LLC” on Exhibit A of the Appointment Order).

In addition, the proposed sale includes the properties commonly known as Sunbury Ridge, Abbie Lakes, and Brookside. (*See* CM/ECF No. 1645.) Sunbury Ridge is owned by the entity Sunbury Ridge Limited Partnership. Sunbury Ridge Limited Partnership, in turn, is wholly owned by the Receivership entities Sunbury Ridge Apartments LLC (99%) and Management Masters LLC (1%). To avoid any confusion that could impact the proposed sale of Sunbury Ridge, the Receiver requests that the Court identify **Sunbury Ridge Limited Partnership** as under the control of the Receiver.

Abbie Lakes is owned by the entity Abbie Lakes, LLC. Abbie Lakes, LLC is in turn wholly owned by the Receivership entity Jake & Mac, LP (100%) and managed by Management Solutions, Inc. To avoid any confusion that could impact the proposed sale of Abbie Lakes, the Receiver requests that the Court identify **Abbie Lakes, LLC** as under the control of the Receiver.

Brooksedge is owned by the entity Brooksedge Apartments, LLC. Brooksedge Apartments, LLC is in turn wholly owned by the Receivership entities Jake & Mac, LP (99%) Management Solutions, Inc. (1%). To avoid any confusion that could impact the proposed sale of Brooksedge, the Receiver requests that the Court identify **Brooksedge Apartments, LLC** as under the control of the Receiver.

For the Court's convenience, a proposed Order granting this motion is submitted herewith.

RESPECTFULLY SUBMITTED this 16th 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 Court-Appointed Receiver

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2014, I electronically filed the foregoing with the Court by CM/ECF and the Court will send electronic notification to all counsel.

I also certify that I caused to be served via first-class mail, postage prepaid on the following:

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/s/ Cory A. Talbot

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Having considered the Motion to Clarify and Confirm Order Appointing Receiver, Freezing Assets and Other Relief, and good cause appearing, the Court GRANTS that Motion and clarifies and confirms that the following entities are under the control of the Court-appointed receiver in this matter:

- **Dezavala Oaks Apartments, LLC** (identified as “Dezavala Oaks, LLC” on Exhibit A of the Order Appointing Receiver, Freezing Assets and Other Relief (CM/ECF No. 4) (the “Appointment Order”));

- **Cleburne Terrace Limited Partnership** (identified as “Cleburne Terrace, Ltd.” on Exhibit A of the Appointment Order);
- **Miraflores Southwest LP** (identified as “Miraflores, Ltd” on Exhibit A of the Appointment Order); and
- **Tuscany Gardens, Ltd.** (identified as “Tuscany Gardens, LLC” on Exhibit A of the Appointment Order);
- **Sunbury Ridge Limited Partnership;**
- **Abbie Lakes, LLC;** and
- **Brooksedge Apartments LLC.**

DATED this ____ day of May, 2014.

BY THE COURT

The Honorable Bruce S. Jenkins

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