

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SECURITIES AND EXCHANGE)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
KEVIN B. MERRILL, et al.,)
)
Defendants.)

Case No.: 1:18-cv-02844-RDB

**ORDER GRANTING RECEIVER GREGORY S. MILLIGAN'S
MOTION FOR AUTHORIZATION OF SALE OF REAL PROPERTY LOCATED AT
2801 PARAMOUNT BLVD., AMARILLO, TX 79109**

This matter is before the Court on the Motion for Authorization of Sale of Real Property Located at 2801 Paramount Blvd., Amarillo, TX 79109 (the "Sale Motion") (Dkt. No. 228), filed by Receiver Gregory S. Milligan (the "Receiver"), the Court-appointed Receiver in the above-captioned case. The Court, having considered the Sale Motion and evidence submitted in support thereof, responses or objections, if any, the arguments of counsel, and the pleadings on file, finds that the Sale Motion should be, and hereby is, GRANTED.

It is therefore ORDERED that:

1. The Sale Motion is GRANTED in its entirety.
2. The Receiver is authorized to sell the real property located at 2801 Paramount Blvd., Amarillo, TX 79109 (the "Real Property") to Gallaway Emerson, LLC (the "Buyer") for \$175,000.00 (the "Purchase Price") pursuant to the Commercial Contract – Improved Property (the "Contract") attached to the Milligan Declaration as Exhibit 1.

3. The sale of the Real Property to the Buyer shall be free and clear of liens, claims, and encumbrances (with such liens, claims, and encumbrances, if any, to attach to the sales proceeds).


4. Coldwell Banker Commercial Amarillo ("Coldwell Motion") is authorized to receive a 6% commission of \$10,500.00 to be paid 50% to Coldwell Banker and 50% to the Buyer's broker out of the Purchase Price at closing without need of further application or Court approval.

5. The Receiver is authorized to pay all other customary closing costs out of the Purchase Price at closing.

6. The remaining net proceeds from the sale of the Real Property shall be held in an interest-bearing account maintained by the Receiver pending final resolution of this SEC Action¹ or further Order of this Court.

7. The Receiver shall not close on the sale of the Real Property prior to November 23, 2019, which is the 31st day following the Receiver's filing of the Sale Motion. In the event a timely objection to the Sale Motion is filed on or before November 22, 2019, the Receiver shall not close on the sale of the Real Property without further Order of this Court.

IT IS SO ORDERED, this 24th day of OCTOBER, 2019.



HON. RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE

¹ The term "SEC Action" herein shall mean the civil action styled *Securities and Exchange Commission v. Kevin Merrill, et al.*, Case No. 18-cv-02844-RDB, in the United States District Court for the District of Maryland.