

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
2308 CEDAR ELM TERRACE, WESTLAKE, TEXAS 76262**

This matter is before the Court on the Motion for Authorization of Sale of Real Property Located at 2308 Cedar Elm Terrace, Westlake, Texas 76262 (the “Sale Motion”) (Dkt. No. 633), filed by Receiver Gregory S. Milligan (the “Receiver”), the Court-appointed Receiver in the above-captioned case. The Securities and Exchange Commission (the “SEC”) and the Office of the United States Attorney (the “U.S. Attorney’s Office”) do not oppose the relief sought by this motion. 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 2308 Cedar Elm Terrace, Westlake, Texas 7626 (the “Real Property”) to Thomas A. Tierney (the “Buyer”) for \$2,060,000.00 (the “Purchase Price”) pursuant to the Residential Contract of Sale (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), except the liens that secure all amounts owed for tax year 2022, which shall remain attached to the Real Property and become the responsibility of the Buyer.

4. Sotheby's International Realty, Inc. ("Sotheby's") is authorized to receive a 6% commission of \$123,600.00 for its services as Receiver's Broker and Buyer's Broker, plus an administrative fee of \$495.00, out of the Purchase Price at closing, without need of further application or Court approval.

5. The Receiver is authorized to pay the outstanding homeowner's assessments assessed against the Real Property and all other customary closing costs out of the Purchase Price at closing.

6. The Receiver is authorized to pay off the loan secured by the first lien deed of trust out of the Purchase Price at closing.

7. The Receiver is further authorized to distribute funds from the Purchase Price at closing in accordance with the terms of the Settlement Agreement entered into by the Receiver and Thomas A. Preston, III, which is filed in this case at Docket Number 403-2.

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

9. The Receiver shall not close on the sale of the Real Property prior to July 19, 2022, which is more than 31 days following the Receiver's filing of the Sale Motion. In the event a timely objection to the Sale Motion is filed on or before July 18, 2022, the Receiver shall not close on the sale of the Real Property without further Order of this Court.

IT IS SO ORDERED, this 19th day of July, 2022.

/s/

HON. RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE