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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff(s)

Case No: 09-cv-3332 MJD/JJK

v.

TREVOR COOK d/b/a CROWN  
FOREX, LLC, PATRICK KILEY d/b/a  
CROWN FOREX, LLC, UNIVERSAL  
BROKERAGE FX and UNIVERSAL  
BROKERAGE FX DIVERSIFIED, OXFORD  
GLOBAL PARTNERS, LLC, OXFORD  
GLOBAL ADVISORS, LLC, UNIVERAL  
BROKERAGE FX ADVISORS, LLC f/k/a  
UBS DIVERSIFIED FX ADVISORS, LLC,  
UNIVERSAL BROKERAGE FX  
GROWTH, L.P. f/k/a UBS DIVERSIFIED FX  
GROWTH L.P., UNIVERSAL BROKERAGE  
FX MANAGEMENT, LLC f/k/a UBS  
DIVERSIFIED FX MANAGEMENT, LLC  
and UBS DIVERSIFIED GROWTH, LLC,

Defendant(s)

R.J. ZAYED,

Receiver.

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,

Case No: 09-cv-3333 MJD/JJK

Plaintiff(s)

v.

TREVOR G. COOK,  
PATRICK J. KILEY,  
UBS DIVERSIFIED GROWTH, LLC,  
UNIVERSAL BROKERAGE FX  
MANAGEMENT, LLC,  
OXFORD GLOBAL ADVISORS, LLC,  
and OXFORD GLOBAL PARTNERS, LLC,

Defendants

and

BASEL GROUP, LLC,  
CROWN FOREX, LLC,  
MARKET SHOT, LLC,  
PFG COIN AND BULLION,  
OXFORD DEVELOPERS, S.A.,  
OXFORD FX GROWTH, L.P.,  
OXFORD GLOBAL MANAGED  
FUTURES FUND, L.P., UBS DIVERSIFIED  
FX ADVISORS, LLC, UBS DIVERSIFIED  
FX GROWTH, L.P., UBS DIVERSIFIED  
FX MANAGEMENT, LLC, CLIFFORD  
BERG, and ELLEN BERG,

Relief Defendants.

R.J. ZAYED,

Receiver.

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**DECLARATION OF BRIAN HAYES IN SUPPORT OF RECEIVER'S  
MOTION FOR SALE OF CERTAIN PERSONAL PROPERTY IN ITS  
POSSESSION**

I, Brian Hayes, hereby declare:

1. I am an attorney with R.J. Zayed in the firm of Carlson, Caspers, Vandenburg and Lindquist ("CCVL"). I submit this declaration in support of the motion for sale of certain personal property by the Receiver in this action, R.J. Zayed, Carlson, Caspers, Vandenburg and Lindquist. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. On November 23, 2009, the Court entered an order appointing R.J. Zayed as Receiver in this matter for (1) the estates of Defendants Trevor G. Cook, Patrick J. Kiley; (2) Defendants UBS Diversified Growth LLC, Universal Brokerage FX Management, LLC, Oxford Global Advisors, LLC, Oxford Global Partners, LLC; (3) Relief Defendants Basel Group, LLC, Crown Forex, LLC, Market Shot, LLC, PFG Coin and Bullion, Oxford Developers, S.A., Oxford FX Growth, L.P., Oxford Global Managed Futures Fund, UBS Diversified FX Advisors, LLC, UBS Diversified FX Growth L.P., and UBS Diversified FX Management LLC; (4) all funds, accounts, and other assets held by or for Relief Defendants Clifford Berg and Ellen Berg, which were received, directly or indirectly, from the Defendants or were acquired with funds or other assets received, directly or indirectly, from the Defendants; and (5) every other corporation, partnership, trust and/or other entity (regardless of form) which is directly or indirectly owned by or under the direct or indirect control of Cook and Kiley (collectively the "Receiver Estates"). *Order Appointing Receiver*, Docket No. 13, at 4 (Nov. 23, 2009); *see also*

*Amended Order Appointing Receiver*, Docket No. 18, at 4 (Nov. 24, 2009); *Second Amended Order Appointing Receiver*, Docket No. 68 (Dec. 11, 2009).

3. R.J. Zayed has also been appointed Receiver in the case of *CFTC v. Cook*, No. 09-cv-3332 MJD/JJK (D. Minn. Nov. 23, 2009). *Ex Parte Statutory Restraining Order*, Docket No. 21, at 7; *see also Order Continuing Appointment of Temporary Receiver*, Docket No. 96 (Dec. 11, 2009). As the Receiver Estates in this case largely overlap with the Receivership assets in *CFTC v. Cook*, the Receiver has filed a parallel motion in *CFTC v. Cook*. Although the Receiver is filing parallel motions, it seeks only a single Order in this motion.

4. On January 28, 2010 the Court entered an order authorizing the Receiver to seize assets in the possession or control of Gina and Trevor Cook. *Order Authorizing Receiver to Seize Assets*, Docket No. 189, at 2 (Jan. 28, 2010); *see also Order Authorizing Receiver to Seize Assets*, Docket No. 183, at 1 (Jan. 28, 2010).

5. On January 28, 2010 and again on April 6, 2010, pursuant to this Court's *Order Authorizing the Receiver to Seize Assets*, the Receiver through his agents entered and inspected the residence of Gina and Trevor Cook at 12735 Dover Drive in Apple Valley. Again pursuant to this Court's *Order Authorizing the Receiver to Seize Assets*, the Receiver then seized assets in the possession or control of Gina and Trevor Cook that were purchased, maintained, augmented or enhanced with investor funds, including, but not limited to, the several watches and ROM exercise machine specifically identified in this Court's Order. *See Order Authorizing the Receiver to Seize Assets and Inspect*

*Forthwith the Residence of Gina and Trevor Cook*, Docket No. 189, at 1-2 (January 28, 2010); *see also Order Authorizing the Receiver to Seize Assets and Inspect Fortwith the Residence of Gina and Trevor Cook*, Docket No. 183, at 1-2 (January 28, 2010).

5. Attached hereto as **Exhibit 1** is a true and correct copy of the inventory list identifying personal property of Defendant Patrick J. Kiley seized by the Receiver at the several real property holdings of the Receiver Estates, including 1900 LaSalle Avenue in Minneapolis, Minnesota (“1900 LaSalle”) and 12644 Tiffany Court in Burnsville, Minnesota (“12644 Tiffany Court”).

6. Attached hereto as **Exhibit 2** is a true and correct copy of the inventory list identifying personal property in the possession or control of Gina and Trevor Cook seized by the Receiver at 12735 Dover Drive in Apple Valley, Minnesota (“12735 Dover Drive”) pursuant to this Court’s *Order Authorizing the Receiver to Seize Assets* of January 28.

7. Attached hereto as **Exhibit 3** is a true and correct copy of the inventory list identifying watches and other jewelry seized by the Receiver at the several real property holdings of the Receiver Estates, including 1900 LaSalle and 12644 Tiffany Court.

8. Attached hereto as **Exhibit 4** is a true and correct copy of the inventory list identifying personal property items turned over to the Court by Defendant Trevor Cook, including several decorative eggs.

9. Luther Auctions is willing to sell the items listed in Exhibits 1, 3 and 4 to the highest bidder by public auctions, and has promised to provide substantial public advertising of these items' sale in order to maximize the revenue from the sale.

10. Luther Auctions has negotiated a flat 20% commission rate on all sales they make of the items listed in Exhibits 1, 3 and 4, with the remaining portion going to the Receiver. This 20% fee covers the cost of staffing for the sale, advertising, website hosting and recycling of non-salable goods.

11. Downtown Motor Car Sales is willing to sell the items listed in Exhibit 2 to the highest bidder by public auctions under terms and conditions similar to the prior auction authorized by the Court.

I state under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2010

s/ Brian Hayes  
Brian Hayes