
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff(s)

Case No: 11-cv-00574-MJD-FLN

v.

JASON BO-ALAN BECKMAN, et al.,

**MOTION TO INTERVENE
FOR INTEREST**

Defendant(s)

R.J. Zayed,

Receiver.

**MOTION TO INTERVENE AND PROTECT INTERESTS OF A PRESENT NON-
PARTY**

The applicants, Robert Birk and Dianne Birk, respectfully move this court, regarding the motion to *Confirm Sale of Golf Drive Property*, to deny such request.

I. BACKGROUND

A. On March 8, 2011, R.J. Zayed was appointed as Receiver in the case of SEC v. Beckman et al, No. 11-cv-00574 (March 7, 2011) for Jason Bo-Alan Beckman and Hollie Beckman and all entities under their control, including The Oxford Private Client Group, LLC (*order appointing receiver, 11-cv-00574, Docket No. 10*).

B. The real estate property of 7432 Golf Drive, Mission TX 78572 (Golf Drive), legally described as LOT 122, GOLF DRIVE ESTATES PHASE NO. 2. was included in the Beckman asset that were frozen and placed into Receivership. (See order Imposing Asset Freeze And Other Ancillary Relief and Setting Hearing on Motion For Preliminary Injunction, Beckman Docket No. 9 at 6).

C. On August 4, 2011 the Receiver reached an agreement to sell the Golf Drive property for \$112,500. The offer is for all cash, including earnest money. The agreement has set a closing date of September 23, 2011. The Agent representing the property for sale, Mr. Holland, has agreed to reduce his commission from 6% to 5%. On August 4, 2011, the Receiver and the buyer, Daniel Conrad, entered into a purchase agreement and addendums to purchase agreement concerning the sale of the property.

D. The Offer is higher than the two-thirds of the average appraised value of the property.

II. APPROPRIATENESS OF INTERVENTION

The intervention of right is governed by rule Fed. R. Civ. P. 24(a) (2), which states in summary: “any party shall be permitted to intervene in an action when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition may as a practical matter impair or impede the applicant’s ability to protect that interest, unless the applicant’s interest is protected by existing parties.”

Further, to intervene as of right under the rule, the applicant must demonstrate: “(1) it has a recognized interest in the subject matter, (2) this interest might be impaired by the disposition of the case and (3) the interest will not be adequately protected by the existing parties.” *Chiglo v.*

City of Preston, 104 F.3d 185, 187 (8th cir. 1997) and satisfaction of all three of the conditions must be provided by the intervenor.

Permissive intervention is discretionary, and the court must factor into its decision the impact that allowing intervention would have on the rights of the parties already in the law suit.

1. Recognized Interest

During the period of October 2008- and December 2009, the applicant invested a considerable amount of their own funds to improve the property of 7432 Golf Drive, Mission TX. The itemization of expenses and the source of those funds have been previously provided to the Receiver and have been included to the Court in *camera view*.

2. Impairment of Interest

The results of the case in disposition will directly affect the applicants' rights to the funds as the requested order currently stands.

3. Adequate Protection

Neither present party shares a similar interest to that of the applicants. Neither party has claims or rights that extend to the applicants' interests and have indicated no direct interests of a similar nature.

III. Appropriateness As To Sale

The applicants object to the sale price as it is not a fair price for the property and provides additional burden to other non-party members with homes in the community. It is an irresponsible act on behalf of the receivership. The Receiver, has at option, alternatives, which would better serve the estate and provide additional time to consider other offers.

CONCLUSION

The applicants have met the burden of right to intervene and object to the proposed sale at the proposed price. Further, should the Court find in favor of the Receivership, it requests that the proceeds, rightfully due applicants, be dispersed to them.

September 8, 2011

s/ Robert Birk and Dianne Birk

Pro-se
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