



3. 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).

4. R.J. Zayed also has 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.

5. The real estate properties of 1900 LaSalle Ave., Minneapolis, MN 55403 and 2) 12644 Tiffany Court, Burnsville, MN 55337 were included in the assets frozen and placed into the Receivership. *See Order Imposing Asset Freeze*, Docket No. 14 at 6-7 (Nov. 23, 2009).

6. The attached motion seeks to have the Court authorize the Receiver to conduct a private sale of these properties pursuant to 28 U.S.C. § 2001(b).

7. The Receiver believes that the sale of these two properties would further the objectives of the Receivership. *See Amended Order Appointing Receiver*, Docket No. 18, at 3.

8. The Receiver is currently awaiting the arrival of three appraisal reports for each property, as required by 28 U.S.C. § 2001(b). The Receiver, as requested by the Court, has invited six real estate agents to give a five to ten minute presentation on a) their qualifications, b) why they think they are the best candidate to serve as the real estate agent for the property in question, and c) their price quote. The Court then will determine which realtor to select for each property, and the Receiver will proceed with a private sale of the properties under 28 U.S.C. § 2001(b).

9. The Receiver suggests that at the hearing, the presentations of the six real estate agents proceed in the following order:

For the Property at 12644 Tiffany Lane, Burnsville:

- a. Stuart Francis
- b. Troy Friedges
- c. Deb Grimme

For the Property at 1900 LaSalle Avenue, Minneapolis:

- a. Barbara Brin
- b. Jimmy Fogel
- c. Kevin Knudsen

10. Following an agreement on a private sale of either property, the Receiver will further comply with the requirements of 28 U.S.C. § 2001(b), which read as follows:

Before confirmation of any private sale, the court shall appoint three disinterested persons to appraise such property or different groups of three appraisers each to appraise properties of different classes or situated in different localities. No private sale shall be confirmed at a price less than two-thirds of the appraised value. Before confirmation of any private sale, the terms thereof shall be published in such newspaper or newspapers of general circulation as the court directs at least ten days before confirmation. The private sale shall not be confirmed if a bona fide offer is made, under conditions prescribed by the court, which guarantees at least a 10 per centum increase over the price offered in the private sale.

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

Dated: January 13, 2010

s/ Brian Hayes  
Brian Hayes