

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. Commodity Futures Trading
Commission,

Case No: 09-cv-3332 MJD/JJK

Plaintiff(s)

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, Universal 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)

**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. R.J. Zayed 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 *SEC v. Cook*, the Receiver has filed a parallel motion in *SEC v. Cook*. Although the Receiver is filing parallel motions, it seeks only a single Order in this motion.

3. Attached hereto as **Exhibit 1** is a true and correct copy of two Consignment Forms of Luther Auctions, dated January 8, 2010, listing all material that would be sold at public auction were the Receiver's Motion to be granted.

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

5. Luther Auctions conducts auctions weekly, and they would plan to gradually introduce the items from Exhibit 1 over the course of several auctions.

6. Luther Auctions has negotiated a flat 20% commission rate on all sales they make of the items listed in Exhibit 1, 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 such as antiquated personal computers.

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

Dated: January 12, 2010

s/ Brian Hayes
Brian Hayes