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10 Attorneys for **ROBB EVANS & ASSOCIATES**
11 **LLC as Receiver**

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FEDERAL TRADE
14 COMMISSION,

15 Plaintiff,

16 v.

17 LOSS MITIGATION SERVICES,
INC.; SYNERGY FINANCIAL
MANAGEMENT
18 CORPORATION, also d/b/a
DIRECT LENDER and DIRECT
19 LENDER.COM; DEAN SHAFER;
BERNADETTE PERRY (a.k.a.
20 BERNADETTE CARR and
BERNADETTE CARR-PERRY);
21 MARION ANTHONY (a.k.a.
"TONY") PERRY,

22 Defendants.
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CASE NO. SACV09-800 DOC (ANx)

FINAL ORDER GRANTING MOTION FOR ORDER (1) APPROVING FINAL REPORT AND ACCOUNTING; (2) APPROVING FINAL DISTRIBUTION OF RECEIVERSHIP ASSETS; (3) APPROVING RECEIVER'S AND PROFESSIONALS' FEES AND EXPENSES FROM AUGUST 18, 2009 THROUGH CLOSING; (4) DISCHARGING RECEIVER; (5) RELIEVING RECEIVER OF ALL DUTIES AND LIABILITIES; (6) EXONERATING RECEIVER'S BOND; (7) AUTHORIZING ABANDONMENT AND DESTRUCTION OF RECORDS AND DEEMING ABANDONED ANY UNADMINISTERED ASSETS; (8) GRANTING ANY OTHER RELIEF RELATED TO THE WIND UP OF THE ESTATE; AND (9) GRANTING RELIEF FROM LOCAL RULE 66-7 PERTAINING TO NOTICE TO CREDITORS

Date: September 13, 2010
Time: 8:30 a.m.
Place: 9D

1 The matter of the Motion for Order: (1) Approving Final Report and
2 Accounting; (2) Approving Final Distribution of Receivership Assets; (3)
3 Approving Receiver's and Professionals' Fees and Expenses From August 18, 2009
4 Through Closing; (4) Discharging Receiver; (5) Relieving Receiver of All Duties
5 and Liabilities; (6) Exonerating Receiver's Bond; (7) Authorizing Abandonment
6 and Destruction of Records and Deeming Abandoned Any Unadministered Assets;
7 (8) Granting Any Other Relief Related to the Wind Up of the Estate; and (9)
8 Granting Relief From Local Rule 66-7 Pertaining to Notice to Creditors ("Wind Up
9 Motion") filed by Robb Evans & Associates LLC, the receiver ("Receiver") over
10 Loss Mitigation Services, Inc. and Synergy Financial Management Corporation,
11 also d/b/a Direct Lender and Direct Lender.com as well as any successors, assigns,
12 affiliates, and subsidiaries ("Receivership Defendants"), came on regularly for
13 hearing at the above-referenced date, time and place before the Honorable David O.
14 Carter, United States District Judge presiding. Gary Owen Caris of McKenna Long
15 & Aldridge LLP appeared on behalf of the Receiver. Other appearances, if any,
16 were made as noted in the record. The Court, having reviewed and considered the
17 Wind Up Motion and the pleadings and papers filed in support thereof, and
18 opposition to the Wind Up Motion, if any, and having heard the arguments of
19 counsel at the hearing, and good cause appearing therefor,

20 IT IS ORDERED that:

21 1. The Wind Up Motion and the relief sought therein is granted;

22 2. Without limiting the generality of the foregoing:

23 A. The Receiver's Final Report and Accounting attached collectively to
24 the Declaration of Brick Kane as Exhibit 1 filed in support of the Wind Up Motion
25 is hereby approved;

26 B. The Receiver is authorized to make a distribution to TK Global
27 Partners, LP d.b.a. Meritus Payment Solutions pursuant to the Court's February 19,
28 2010 Order Regarding TK Global Partners, LP's Claims Regarding Reserve

1 Account of the net amount remaining in the Reserve Account after the payment of
2 all of the fees, costs and expenses of the Receiver and the Receiver's counsel and
3 the Receiver is authorized to make a final distribution of all remaining receivership
4 assets to the FTC, pursuant to the Court's Default Judgment and Order for
5 Permanent Injunction and Monetary Relief as to Corporate Defendants Loss
6 Mitigation Services, Inc. and Synergy Financial Management Corporation entered
7 on April 19, 2010;

8 C. All actions and activities taken by or on behalf of the Receiver and all
9 payments made by the Receiver in connection with the administration of the
10 receivership estate are hereby approved and confirmed;

11 D. All receivership administrative expenses, including the Receiver's fees
12 and expenses and those of its professionals incurred in connection with the
13 receivership proceeding, are hereby approved, and all administrative expenses and
14 Receiver's and professionals' fees and expenses for the period from August 18,
15 2009 through the closing of the receivership estate and the discharge of the
16 Receiver are hereby approved and authorized to be paid, including without
17 limitation all actual Receiver's and counsel's fees and expenses incurred for the
18 period from August 18, 2009 through June 30, 2010 as set forth in the Wind Up
19 Motion and all other fees and expenses of the Receiver and its professionals as
20 incurred thereafter through the closing of the estate;

21 E. The Receiver is authorized to abandon and destroy the records of the
22 Receivership Entities and any other corporations or businesses under the control of
23 any of the Receivership Entities in the possession, custody or control of the
24 Receiver if, within 120 days after service of written notice to the FTC, the FTC
25 does not object to the proposed destruction of the records and take custody of such
26 records, and the Receiver is authorized to deem abandoned any assets not
27 administered;


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1 F. The Receiver, its agents, employees, members, officers, independent
2 contractors, attorneys and representatives are hereby discharged and the Receiver,
3 its agents, employees, members, officers, independent contractors, attorneys and
4 representatives are hereby relieved of all duties, liabilities and responsibilities
5 pertaining to the receivership previously established in this action effective upon
6 the completion of the Receiver's wind up of the estate, payment of administrative
7 expenses and final distribution of funds as provided herein;

8 G. The Receiver's bond shall be deemed exonerated effective upon the
9 completion of the Receiver's wind up of the estate, payment of administrative
10 expenses and final distribution of funds as provided herein; and

11 H. The notice of the Motion as provided by the Receiver is hereby
12 deemed sufficient under the circumstances, and the Receiver is relieved of the
13 obligation to provide notice of the Motion under Local Rule 66-7 to all known
14 creditors.

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16 DATED: September 13, 2010



DAVID O. CARTER
United States District Judge