

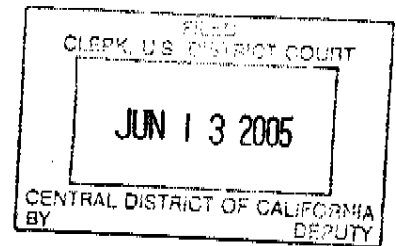
ROBB EVANS
Receiver of
D.W. Heath & Associates, Inc.;
PCM Fixed Income Fund I, LLC;
Private Capital Management, Inc.;
Private Collateral Management, Inc.
and the Schlarmann Interests

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Securities and Exchange Commission v. D. W. Heath & Associates Inc., et al.
CASE No. CV-04-02949 JFW (Ex)

**Order Granting Motion for Order Authorizing and Confirming Sale of
Bonsall Property**

Filed June 13, 2005



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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

15 **SECURITIES AND EXCHANGE**
16 **COMMISSION,**

17 Plaintiff,

18 v.

19 **D.W. HEATH & ASSOCIATES, INC.,**
20 **etc., et al.,**

21 Defendants.

CASE NO. CV 04-02949 JFW (Ex)

[PROPOSED] ORDER GRANTING
MOTION FOR ORDER
AUTHORIZING AND
CONFIRMING SALE OF
BONSALL PROPERTY

DATE: June 13, 2005
TIME: 1:30 p.m.
PLACE: Courtroom 16
312 N. Spring Street
Los Angeles, CA

22 The matter of the Motion for Order Authorizing and Confirming Sale of
23 Bonsall Property ("Motion") filed by Robb Evans as permanent receiver
24 ("Receiver") of D.W. Heath & Associates, Inc., Private Capital Management, Inc.,
25 Private Collateral Management, Inc. and PCM Fixed Income Fund I, LLC and their
26 subsidiaries and affiliates, and as permanent receiver of the "Schlarmann Interests"
27 (collectively the "Receivership Defendants") came on regularly for hearing at
28 the above-referenced date, time and place before the Honorable John F. Walter,
United States District Judge presiding. Appearances at the hearing were as noted
in the record. The Court having reviewed and considered the moving papers, and

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1 no opposition to the Motion having been filed despite due and proper notice to the
2 interested parties in the case and the receivership proceeding, and having heard the
3 arguments of counsel, and good cause appearing therefor,

4 IT IS ORDERED that:

5 1. The Motion and the relief sought therein is granted;

6 2. Without limiting the generality of the foregoing, the sale of the real
7 property comprised of 4.84 acres on Dentre De Lomas Road in the County of San
8 Diego, assessor's parcel number 126-180-53-00 ("Property") to Barry Borm and
9 Cherry Borm (collectively "Borm") for a gross sales price of \$552,500.00 pursuant
10 to the Vacant Land Purchase Agreement and Joint Escrow Instructions
11 ("Agreement"), a copy of which is attached to the Motion as Exhibit 2, is hereby
12 authorized and confirmed;

13 3. The Receiver is authorized to take all steps and execute all documents
14 and instruments necessary or convenient to complete the sale of the Property to
15 Borm pursuant to the Agreement, including executing such deeds and instruments
16 and paying such real property tax liens and ordinary and customary escrow, title
17 insurance and closing expenses as provided in the Agreement; and

18 4. The sale procedures of 28 U.S.C. section 2001(b) shall be modified
19 to authorize the sale of the Property in accordance with the procedures for sale
20 followed by the Receiver as set forth in the Motion and pursuant to the Agreement.

21
22
23 Dated: 6/23/05

JOHN F. WALTER

JOHN F. WALTER, United States
District Judge

1 **PROOF OF SERVICE**

2 I, the undersigned, declare and certify as follows:

3 I am over the age of eighteen years, not a party to the within action and employed in the
4 County of Los Angeles, State of California. I am employed in the office of FRANDZEL ROBINS
5 BLOOM & CSATO, L.C., members of the Bar of the above-entitled Court, and I made the service
referred to below at their direction. My business address is 6500 Wilshire Boulevard, Seventeenth
Floor, Los Angeles, California 90048-4920.

6 On June 13, 2005, I served true copy(ies) of the [PROPOSED] ORDER GRANTING
7 MOTION FOR ORDER AUTHORIZING AND CONFIRMING SALE OF BONSALL
PROPERTY, the original(s) of which is(are) affixed hereto, to the party(ies) listed on the attached
service list.

8 **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing
9 correspondence for mailing with the United States Postal Service. Under that practice, it
10 would be deposited with the United States Postal Service that same day in the ordinary
11 course of business. Such document(s) were placed in envelopes addressed to the person(s)
served hereunder for collection and mailing with postage thereon fully prepaid at Los
Angeles, California, on that same day following ordinary business practices.

12 **BY FACSIMILE:** At approximately _____, I caused said document(s) to be transmitted
13 by facsimile. The telephone number of the sending facsimile machine was (323) 651-
14 2577. The name(s) and facsimile machine telephone number(s) of the person(s) served are
set forth in the service list. The document was transmitted by facsimile transmission, and
the sending facsimile machine properly issued a transmission report confirming that the
transmission was complete and without error.

15 **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility
16 regularly maintained by the overnight service carrier, or delivered such document(s) to a
17 courier or driver authorized by the overnight service carrier to receive documents, in an
envelope or package designated by the overnight service carrier with delivery fees paid or
provided for, addressed to the person(s) served hereunder.

18 **BY EXPRESS MAIL:** I deposited such document(s) in a box or other facility regularly
19 maintained by the United States Postal Service, in an envelope or package designated by
20 the United States Postal Service with delivery fees paid or provided for, addressed to the
person(s) served hereunder.

21 **BY PERSONAL SERVICE:** I personally delivered such document(s) to the person(s)
22 served hereunder.

23 I certify under penalty of perjury under the laws of the State of California and the United
States of America that the foregoing is true and correct.

24 Executed on June 13, 2005, at Los Angeles, California.

25 
26 _____
HELEN SCHWARTZ

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SERVICE LIST

Securities and Exchange Commission v. D.W. Heath & Associates, Inc., et al.
U.S.D.C. Case No. CV 04-02949

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