

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 Approving Sale of Pearson
Property by Private Sale and for Modification of Applicable
Sale Procedures of 28 U.S.C. Section 2001(b) in connection
Therewith**

Filed January 9, 2006

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14 ROBB EVANS

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17 **WESTERN DIVISION**

18 **SECURITIES AND EXCHANGE**
19 **COMMISSION,**

20 Plaintiff,

21 v.

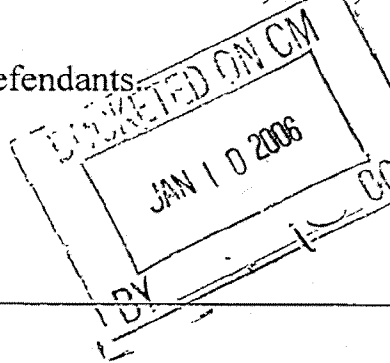
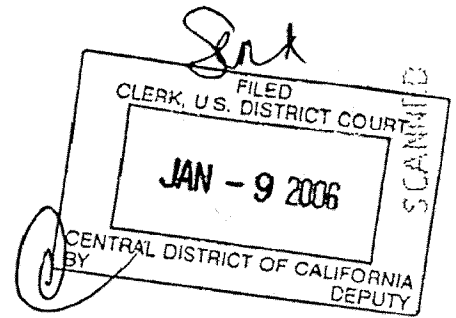
22 **D.W. HEATH & ASSOCIATES, INC.,**
23 etc., et al.,

24 Defendants.

25 CASE NO. CV 04-02949 JFW (Ex)

26 **ORDER GRANTING MOTION FOR**
27 **ORDER APPROVING SALE OF**
28 **ORDER APPROVING SALE OF**
PEARSON PROPERTY BY
PRIVATE SALE AND FOR
MODIFICATION OF APPLICABLE
SALE PROCEDURES OF 28 U.S.C.
SECTION 2001(b) IN
CONNECTION THEREWITH

DATE: January 9, 2006
TIME: 1:30 p.m.
PLACE: Courtroom 16
312 N. Spring Street
Los Angeles, CA



29 The matter of the Motion for Order Approving Sale of Pearson Property by
30 Private Sale and for Modification of Applicable Sale Procedures of 28 U.S.C.
31 Section 2001(b) in Connection Therewith ("Motion") filed by Robb Evans as
32 permanent receiver ("Receiver") of D.W. Heath & Associates, Inc., Private
33 Capital Management, Inc., Private Collateral Management, Inc. and PCM Fixed
34 Income Fund I, LLC and their subsidiaries and affiliates, and as permanent receiver
35 of the "Schlarmann Interests" came on regularly for hearing at the above-referenced

1 date, time and place before the Honorable John F. Walter, United States District
2 Court presiding. Lesley Anne Hawes of Frandzel Robins Bloom & Csato, L.C.
3 appeared on behalf of the Receiver; other appearances, if any, were noted in the
4 record. The Court, having reviewed and considered the Motion, and no objections
5 or opposition to the Motion having been filed, and having heard the arguments of
6 counsel, and good cause appearing therefor,

7 IT IS ORDERED that:

- 8 1. The Motion is granted in its entirety;
- 9 2. Without limiting the generality of the foregoing, the sale of the real
10 property commonly known as 40641-40645 Village Drive and 40651 Village Drive,
11 Big Bear Lake, California 92315 (Assessor's Parcel Nos. 0308-137-04 and 0308-
12 137-08) (collectively, "Pearson Property") by private sale to Eugene A. Muntean
13 ("Buyer") for a gross sales price of \$480,000.00 pursuant to the Commercial
14 Property Purchase Agreement and Joint Escrow Instructions ("Sale Contract")
15 attached to the Motion is hereby approved;
- 16 3. The Receiver is hereby authorized to take all steps necessary or
17 convenient to effectuate the sale of the Pearson Property in accordance with the Sale
18 Contract, including without limitation, executing such deeds and instruments and
19 paying liens and ordinary and customary escrow and closing expenses as provided
20 in the Sale Contract and related documents to effectuate the sale; and
- 21 4. The sale procedures of 28 U.S.C. section 2001(b) are hereby modified
22 to authorize the sale of the Pearson Property in accordance with the Motion and the
23 Sale Contract.

24
25 DATED: 1/9/06



JOHN F. WALTER
United States District Judge

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PROOF OF SERVICE

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I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of FRANDZEL ROBINS 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.

On January 9, 2006, I served true copy(ies) of the **[PROPOSED] ORDER GRANTING MOTION FOR ORDER APPROVING SALE OF VILLAGE RESTAURANT PROPERTY BY PRIVATE SALE AND FOR MODIFICATION OF APPLICABLE SALE PROCEDURES OF 28 U.S.C. SECTION 2001(B) IN CONNECTION THEREWITH**, the original(s) of which is(are) affixed hereto, to the party(ies) listed on the attached service list.

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary 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.

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.

Executed on January 9, 2006, at Los Angeles, California.


MADELINE OOLIE

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SERVICE LIST

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

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Attorneys for Cameron Rooke

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