

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THOMAS, HEAD AND GREISEN
EMPLOYEES TRUST; RONALD E.
GREISEN; and HENRY P. HEAD,

Plaintiffs,

vs.

JACK B. BUSTER; TERRY D. PARKS;
and NORTHERN FINANCIAL,

Defendants.

THOMAS, HEAD AND GREISEN
EMPLOYEES TRUST; RONALD E.
GREISEN; and HENRY P. HEAD,

Plaintiffs,

vs.

JACK B. BUSTER; JANICE SUE
BUSTER, a/k/a JANICE SUE
JOHNSON; HORIZONS WEST, INC.,
an Oregon corporation; DAVID J. BERG;
MARJORIE A. BERG; CARL L.
CASEY; SCORPIO, INC., an Alaska
corporation; WESTERN INVESTMENT
TRUST; and SUSAN BENEDICT,
Trustee of the Western Investment Trust,

Defendants,

and

WESTWOOD ACRES, an Alaska
Limited Partnership,

Intervenor.

Case No. 3:89-cv-00071 (JKS)

ORDER

[Re: Adopting RR at Docket No. 779 and
granting Plaintiffs' Motion at Docket No. 768,
amended at Docket No. 771]

RONALD E. GREISEN and HENRY P.
HEAD,

Plaintiffs,

vs.

WESTWOOD ACRES, an Alaska
Limited Partnership,

Intervenor.

At Docket No. 768, amended at Docket No. 771, Plaintiffs have filed a Motion for Order Authorizing Distribution of Westwood Acres Funds to the Partners of Westwood Acres. At Docket No. 777 this Court referred Plaintiffs' Motion, pursuant to D. Ak. LMR 2, to Magistrate Judge John D. Roberts for a Report and Recommendation on how to finally resolve this matter, including whether service has been proper and whether this Court may terminate the receivership and pay out the remaining funds to Plaintiffs.

Magistrate Judge Roberts has issued a Final Report and Recommendation at Docket No. 779, recommending that this Court: (1) grant Plaintiffs' Motion at Docket No. 768; (2) discharge Mr. Rigden from his duties as Receiver; (3) disburse the funds held by the Receiver in the manner recommended by Mr. Rigden and the Plaintiffs; and (4) apportion Mr. Rigden's costs and fees in the manner recommended by the Plaintiffs in their proposed order and by the Receiver in Mr. Rigden's August 31, 2011, Report. This Court agrees with Magistrate Judge Roberts' recommendation and hereby adopts the Recommendation Regarding Motion for Disbursement of Funds at Docket No. 779 in full.

Accordingly, having considered Plaintiffs' Motion For Order Authorizing Distribution of Westwood Acres Funds to the Partners of Westwood Acres at Docket No. 768, amended at Docket No. 771,

IT IS HEREBY ORDERED THAT Plaintiffs' Motion at Docket No. 768, amended at Docket No. 771, is **GRANTED**.

After the Westwood Acres partners' capital accounts are charged for Mr. Rigden's fees, in proportion to their partnership capital account percentages, not to exceed \$12,000, Mr. Rigden is authorized to make the payments outlined in Mr. Rigden's August 31, 2011, Report. Specifically,

Mr. Rigden shall make a final distribution from the approximately \$120,000 in cash belonging to the partnership, and this final distribution of partnership assets shall be distributed to the partners according to the balances in their respective partner capital accounts. Any payments to the Western Investment Trust shall be paid to Matthews & Zahare, P.C., in trust for Ronald Greisen and Henry P. Head. Any additional interest earned since August 31, 2011, shall be distributed proportionally based on the partnership account percentages. Mr. Rigden shall send the payments via certified mail return receipt requested.

IT IS FURTHER ORDERED THAT following (1) Mr. Rigden's final distribution of payments as outlined in Mr. Rigden's Report and this Order and (2) after Westwood Acres partner's capital accounts are charged for Mr. Rigden's fees in accordance with Mr. Rigden's Report and this Order, Mr. Rigden is discharged from his duties as Receiver.

Dated at Anchorage, Alaska, this 27th day of February 2013.

/s/ James K. Singleton, Jr
JAMES K. SINGLETON, JR.
United States District Judge