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Attorneys for Receiver
 Stephen E. Anderson

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO

SECURITIES AND EXCHANGE
 COMMISSION,

Plaintiff

v.

ANTHONY VASSALLO, et al,

Defendants.

Case No. CV 09-000665 LKK-DAD

**STIPULATION AND ORDER
 CONFIRMING EIMT OWNERSHIP OF
 FIDDLTOWN PROPERTY**

Judge Lawrence K. Karlton

RECITALS

Pursuant to orders dated April 30, 2009 and July 31, 2009, the Court appointed Stephen E. Anderson (“Receiver”) as Receiver over Defendant Equity Investment Management Trading, Inc. (“EIMT”).

The Court has empowered Receiver to “take all steps the receiver deems necessary to secure and protect the assets and property of EIMT....” Order Appointing Temporary Receiver for Equity Investment Management and Trading, Inc. and Order to Show Cause for Appointment of Permanent Receiver dated April 30, 2009 (“OAR”), ¶ III B.

Utilizing EIMT investor funds, on or about February 28, 2008, Defendant Anthony Vassallo (“Vassallo”) purchased a piece of real property known as 19990 Brockman Mill Road, Fiddletown, CA 95629, APN 021-050-023 (the “Fiddletown Property”) for \$265,000 (the “Fiddletown Property Purchase”).

1 Title to the Fiddletown Property is in the name of Vassallo.

2 The parties wish to ensure that title to the Fiddletown Property is placed in the name of
3 EIMT in such a manner that a title company will insure the transfer of the Fiddletown Property to
4 a third party.

5 **STIPULATION**

6 NOW, THEREFORE, Receiver, on behalf of EIMT, and Defendant Anthony Vassallo,
7 through their counsel of record, HEREBY STIPULATE AND AGREE AS FOLLOWS:

8 1. EIMT funds were used to purchase the Fiddletown Property.

9 2. The Fiddletown Property Purchase was in constructive trust for EIMT and EIMT
10 is the sole owner of the Fiddletown Property.

11 3. Vassallo shall execute any and all documents necessary to reflect that EIMT is the
12 sole owner of the Fiddletown Property in a form that ensures that a title company will insure the
13 future transfer of the Fiddletown Property by Receiver to a third party.

14 4. Vassallo will fully cooperate with Receiver to achieve the purpose of this
15 stipulation.

16 **IT IS SO STIPULATED AND AGREED.**

17 Dated: September 15, 2009

FUTTERMAN DUPREE DODD CROLEY
MAIER LLP

19 By: /s/Jamie L. Dupree

20 Jamie L. Dupree
Attorneys for Receiver Stephen E. Anderson

21 Dated: September 11, 2009

BLACKMON & ASSOCIATES

23 By: /s/Clyde M. Blackmon

24 Clyde M. Blackmon
Attorneys for Defendant Anthony Vassallo

25 **ORDER**

26 Having reviewed the parties' Stipulation and Proposed Order Confirming EIMT's
27 Ownership of the Fiddletown Property, and for good cause shown,

28 **THE COURT FINDS AND ORDERS:**


- 1 1. EIMT funds were used to purchase the Fiddletown Property.
- 2 2. The Fiddletown Property Purchase was in constructive trust for EIMT, and EIMT
- 3 is the sole owner of the Fiddletown Property.
- 4 3. Vassallo shall execute any and all documents necessary to reflect that EIMT is the
- 5 sole owner of the Fiddletown Property in a form that ensures that a title company will insure the
- 6 future transfer of the Fiddletown Property by Receiver to a third party.
- 7 4. Vassallo will fully cooperate with Receiver to achieve the purpose of the parties'
- 8 stipulation and this order.

9 **IT IS SO ORDERED.**

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11 Dated: September 16, 2009

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14 LAWRENCE K. KARLTON

15 SENIOR JUDGE

16 UNITED STATES DISTRICT COURT

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