

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable John L. Kane

Civil Action No. 11-cv-00313-JLK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NEAL R. GREENBERG,

Defendant.

FINAL DISBURSEMENT ORDER

This matter is currently before me on Plaintiff Securities and Exchange Commission's Summary of Timely Filed Objections and Unopposed Motion for Entry of Final Disbursement Order (Doc. 15). Having reviewed this motion, and finding Plaintiff has shown good cause, this motion is GRANTED.

1. In granting Plaintiff's motion, I find that no valid objection to the proposed disbursement plan has been timely filed and there is no reason not to effect disbursement at this time.

2. Plaintiff will provide to the Clerk of the Court, under seal, a list of investor names, addresses, and disbursement amounts, along with stamped envelopes to facilitate disbursement, within 10 days of this Order.

3. The Clerk of the Court shall promptly thereafter cause checks to be drawn on the Court Registry Investment System Account ("CRIS Account") and issued to Agile Investors in the amount of their approved claims. Each check cut by the Clerk will state on the face of the check that it is valid for one year. After one year from the date on the distribution check, the

Clerk will notify the Commission staff of the amount of all uncashed checks. The amount of all uncashed checks shall be placed in the Fund as a residual.

4. Forty-five days after the remittance of the checks, the staff of the Commission shall obtain information from the Clerk of the Court concerning checks that have not been negotiated. The staff of the Commission shall then undertake good faith efforts for 30 days to locate and contact the intended recipients of the uncashed checks to ensure that the intended recipients have a reasonable opportunity to participate in the distribution.

5. The SEC staff will submit a final report to the Court prior to termination of the Fund. The report shall include, among other things, a final accounting on a Standardized Fund Accounting Report (“SFAR”) of all monies received, earned, spent, and distributed in connection with the administration of the Plan, and a request for approval of any unpaid fees and costs. The Clerk of the Court shall provide the staff of the Commission and the Tax Administrator with any account information relating to the funds held in the CRIS Account that may be required for the final report, including providing copies of any account statements that the staff of the Commission or Tax Administrator may request.

6. After submission of the final accounting, the Clerk of the Court will close the CRIS Account, transferring any remaining proceeds to the SEC to be transferred by the SEC to the U.S. Treasury. The check shall be mailed to the Office of Financial Management, 100 F. Street NE, Mail Stop 6042, Washington, D.C., 20549, under cover of a letter copied to the Commission’s counsel of record that identifies the caption and number of this case and the name of this Court, and that indicates that the funds are being paid for deposit by the Comptroller, U.S. Securities and Exchange Commission, into the U.S. Treasury, and, upon receipt of such funds, the Office of Financial Management, U.S. Securities and Exchange Commission, shall remit the funds to the U.S. Treasury.

7. The Fund shall be eligible for termination, after all of the following have occurred: (1) the final accounting has been submitted and approved by the Court; (2) all taxes and fees have been paid; and (3) all remaining funds or any residual have been paid to the SEC for transfer to the U.S. Treasury.

Dated: July 14, 2011.

BY THE COURT

s/John L. Kane
The Honorable John L. Kane
SENIOR U.S. DISTRICT JUDGE