

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

v.

ARTHUR NADEL,
SCOOP CAPITAL, LLC,
SCOOP MANAGEMENT, INC.,

Defendants,

CASE NO.: 8:09-0087-T-26TBM

SCOOP REAL ESTATE, L.P.,
VALHALLA INVESTMENT PARTNERS, L.P.,
VALHALLA MANAGEMENT, INC.,
VICTORY IRA FUND, LTD.,
VICTORY FUND, LTD.,
VIKING IRA FUND, LLC.,
VIKING FUND, LLC., and
VIKING MANAGEMENT, LLC.

Relief Defendants.

**RECEIVER'S UNOPPOSED MOTION TO CLARIFY ORDER FOR
DISBURSEMENT OF THE LA BELLASARA PROPERTY SALE PROCEEDS**

Burton W. Wiand, as Receiver (the “**Receiver**”) respectfully requests the Court to enter an order clarifying disbursements to Wells Fargo Bank, N.A. (“**Wells Fargo**”) and La Bellasara Condominium Association (the “**Condo Assoc.**”) as set forth in the Order (Doc. No. 1296) and Order (Doc. No. 1297) entered on June 21, 2017. In support of this Motion, the Receiver states as follows:

BACKGROUND

1. On June 12, 2017, the Receiver filed the *Receiver's Unopposed Motion For: (I) Approval of Settlement with Wells Fargo, N.A.; (II) Entry of an Order Authorizing Disbursement of Sale Proceeds to Wells Fargo, N.A.; (III) and Relief from Injunction, Permitting Wells Fargo To Foreclose on The Laurel Mountain Property* (the "**Disbursement Motion**") (Doc. No. 1291).¹

2. Attached as Exhibit "E" to the Disbursement Motion was a proposed order granting the Disbursement Motion, which was entered on June 21, 2017 (the "**Disbursement Order**") (Doc. No. 1296).

3. Paragraph 3 of the Disbursement Order directs the Receiver to disburse \$2,106,140.29 to Wells Fargo on account of the La Bellasara Property. However, as a result of stipulation between Wells Fargo and the Condominium Assoc. (Doc. No. 1295), the amount the Receiver should disburse to Wells Fargo on account of the La Bellasara Property sale proceeds should be \$2,003,030.69 since the Receiver is now directed to disburse \$103,109.60 directly to the Condo Assoc. pursuant to Order (Doc. No. 1296).

WHEREFORE, the Receiver respectfully requests that the Court enter an order in the form attached as **Exhibit "A"** (i) granting this Motion; (ii) authorizing the Receiver to disburse \$2,003,030.69 to Wells Fargo account of the La Bellasara Property, within three days of the Court's Order; and striking paragraph 3 of the Court's Order (Doc. No. 1296); and (iii) granting such other and further relief as this Court deems just and proper.

¹ Undefined capitalized terms used herein shall have the same meaning as described in the Disbursement Motion.

LOCAL RULE 3.01(g) CERTIFICATION

The undersigned counsel for the Receiver has conferred with counsel for the Wells Fargo and La Bellasara Condominium Association and is authorized to represent to the Court that they have no objection to the relief sought herein.

/s/ Susan Heath Sharp
Susan Heath Sharp (FBN 716421)
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And

/s/Sean P. Keefe
Sean P. Keefe (FBN 413828)
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Attorneys for the Receiver

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

/s/Susan Heath Sharp
Attorney

Exhibit A

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VIKING IRA FUND, LLC.,
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VIKING MANAGEMENT, LLC.

Relief Defendants.

ORDER

This cause comes before the Court for consideration of *Receiver's Unopposed Motion to Clarify Order for Disbursement of the La Bellasara Property Sale Proceeds* (the "Motion")¹(Doc. No. ____). The La Bellasara Condominium Association and Wells Fargo, N.A. do not oppose the Motion. The Court having considered the Motion and being fully advised in the premises finds that the Motion should be granted. Accordingly, it is

ORDERED that:

¹ All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

1. The Motion is Granted.

2. Within three (3) business days of this Order, the Receiver shall disburse a total of \$2,106,140.29 as follows—

(a) \$1,523,800.70 to Wells Fargo on account of the first mortgage on the La Bellasara Property;

(b) \$103,109.60 to La Bellasara Condominium Association, Inc. on account of past due condominium association fees; and

(c) \$479,229.99 to Wells Fargo on account of the second mortgage on the La Bellasara Property.

3. Paragraph 3 of the Order (Doc. No. 1296) dated June 21, 2017, is hereby revised to direct the disbursement of \$2,106,140.29 from the La Bellasara Property sale proceeds as set forth in paragraph 2 above.

DONE and **ORDERED** in chambers in Tampa, Florida this _____ day of _____, 2017.

/s/
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record