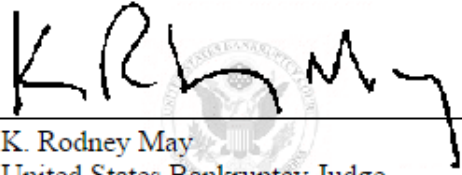


# **EXHIBIT B**

ORDERED.

Dated: July 20, 2017



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 K. Rodney May  
 United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
 MIDDLE DISTRICT OF FLORIDA  
 TAMPA DIVISION

In re

VERNON M. LEE

Case No.: 8:15-bk-01038-KRM  
Chapter 7

Debtor.

\_\_\_\_\_ /

BURTON W. WIAND as receiver for,  
Valhalla Investment Partners, P.L.  
Viking Fund, LLC, Viking IRA Fund LLC,  
Victory Fund, LTD, Victory IRA Fund, LTD,  
Scoop Real Estate, L.P., and Traders  
Investment Club,

Plaintiff,

v.

Adv. Pro. No.: 8:15-ap-464-KRM

VERNON M. LEE, individually and as  
Trustee of the Vernon M. Lee Trust, and  
MANON SOMMERS-LEE,

Defendants.

\_\_\_\_\_ /

**FINAL JUDGMENT**

THIS PROCEEDING came before the Court to consider entry of a final judgment in this adversary proceeding. After considering the Motion for Partial Summary Judgment (Doc. No.

16) filed by Burton W. Wiand (“Receiver”)<sup>1</sup> regarding the Complaint (Doc. No. 1), the Court entered a Memorandum Opinion (Doc. No. 29) on June 23, 2017, granting summary judgment in favor of the Receiver on Count I for imposition of an equitable lien and Count II for imposition of a constructive trust. The Court concluded that an equitable lien and constructive trust should be imposed on the Debtor’s homestead, in the amount of \$227,126.78, representing the amount of fraudulent funds traced directly into the homestead. Per the Court’s request, the parties have submitted supplemental memoranda regarding the appropriate interest to be added thereon, and a hearing on which was conducted on July 18, 2017.<sup>2</sup> Having considered the memoranda, argument of counsel at the July 18, 2017 hearing, and being further advised in the premises, the Court finds that the equitable lien and constructive trust should include interest in the amount of \$109,764.61. Consistent with and to implement the Court’s ruling based on the evidence, it is appropriate to enter Final Judgment. Accordingly, it is

**ORDERED that:**

1. The Receiver’s Motion for Partial Summary Judgment is GRANTED.
2. On the claims asserted in Count I of the Complaint for the imposition of an equitable lien and Count II of the Complaint for the imposition of a constructive trust, Final Judgment is entered in favor of the Receiver, Burton W. Wiand, and against Vernon M. Lee and Manon Sommers-Lee, whose principal address is 4018 Via Miranda, Sarasota, Florida.
3. An equitable lien and a constructive trust in the total amount of \$336,891.39, consisting of the principal amount of \$227,126.78 and prejudgment interest in the

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<sup>1</sup> As receiver for Valhalla Investment Partners, P.L., Viking Fund, LLC, Viking IRA Fund, LLC, Victory Fund, LTD, Victory IRA Fund, LTD, Scoop Real Estate, L.P., and Traders Investment Club.

<sup>2</sup> See *Plaintiff’s Supplemental Memorandum for an Award of Prejudgment Interest* (Doc. No. 33) and *Defendants’ Supplemental Memorandum Regarding Prejudgment Interest* (Doc. No. 34).

amount of \$109,764.61,<sup>3</sup> shall be imposed against the subject property located in Sarasota County, Florida, commonly known as 4018 Via Miranda, Sarasota, Florida, which has a legal description of:

LOT 71, MARBELLA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 33, PAGES 33 THROUGH 33J, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

4. The total amount in paragraph 3 shall bear interest from this date forward at the federal rate prescribed in 28 U.S.C. § 1961.
5. The lien of the Receiver is superior in dignity to all rights, titles, interest, or claims of the Defendants, Vernon M. Lee and Manon Sommers-Lee, and all persons, corporations, or other entities claiming by, through, or under the Defendants, or any of them.
6. This Judgment may be recorded and shall evidence the imposition of the equitable lien and constructive trust.
7. This Court shall retain jurisdiction over the remaining counts of the Receiver's Complaint and other issues as necessary to afford relief to the Receiver.

Clerk's office to serve.

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<sup>3</sup> As requested by the Receiver in his supplemental memorandum (Doc. No. 33). The interest, calculated by the Receiver's CPA, Maria M. Yip, is based on the total requested pre-petition interest of \$451,707.21 relating to the judgment entered in *Wiand v. Lee*, Case No. 8:10-cv-210-T-17-MAP (M.D. Fla.) (interest has not been calculated or awarded yet in the District Court case), pro-rated for the amount of funds invested directly into the property located at 4018 Via Miranda.