

Exhibit 1
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.

AFFIDAVIT OF INDEBTEDNESS

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME, the undersigned authority, on this date personally appeared Gordon Elderdice, who, upon being duly sworn, deposes and says:

1. I am Senior Vice President of Wells Fargo Bank, N.A. (“Wells Fargo” or “Bank”), I am over the age of twenty-one years and authorized to make this affidavit on behalf of Wells Fargo.

2. Wells Fargo is successor by merger to Wachovia Bank, N.A. ("**Wachovia**").
3. I make this Affidavit of my own personal knowledge and my review of Wells Fargo's business records.
4. As Vice President, I have access to Wells Fargo's books and records relating to the matters set forth in this affidavit, which books and records are kept and maintained by Wells Fargo in the ordinary course of its business.
5. In May 2005, Wells Fargo made a loan to Scoop Real Estate L.P. ("**Scoop**") in the amount of \$2,655,000. The loan was evidenced by a Promissory Note (the "**Rite Aid Note**") and secured by, among other things, (i) a Deed of Trust and Security Agreement and (ii) an Assignment of Rents and Leases. Copies of the Rite Aid Note, Deed of Trust and Security Agreement, and Assignment of Rents and Leases are attached as Exhibits 1 through 3 to the Wells Fargo's motion for order directing the Receiver to turnover approximately \$1,322,923.20 in rents from the Rite-Aid property [Doc. No. 1332] (the "**Rents Motion**").
6. As of June 21, 2017, the total indebtedness on the Rite Aid Note was not less than \$4,171,531.64. This amount is calculated based on the following charges:

Principal	\$2,655,000.00
Contract Rate Interest (LIBOR plus 2.15%)	\$503,488.81
Default Rate Interest (3%)	\$619,057.50
Appraisal Fee	\$6,840.00
Legal Fees/Costs Trenam	\$20,047.29
Legal Fees/Costs KL Gates	\$15,144.90
Legal Fees/Costs Akerman	\$351,953.14
Total Indebtedness	\$4,171,531.64

together with expenses, court costs, and attorneys' fees, and other sums as may be advanced during the pendency of this action, all of which Scoop is obligated to pay.

7. In his unopposed motion to disburse the Rite Aid sale proceeds to Wells Fargo, the Receiver conceded that the total indebtedness due on the Rite Aid Note was not less than \$4,093,039.48, as of December 31, 2016. *See* Doc. No. 1291, p. 4 ("As of December 31, 2016, the total indebtedness on the Rite Aid Note was not less than \$4,093,039.48.").

8. On or about June 22, 2017, Wells Fargo received a distribution of \$2,224,563.15 pursuant to the Court's June 21, 2017 Order (the "**Distribution**"). *See* Doc. 1296, p. 2.

9. For the purposes of the Rents Motion, after application of the Distribution, the total outstanding indebtedness on the Rite Aid Loan as of January 11, 2018, equals \$1,611,035.98, excluding any fees paid or payable to Akerman LLP, as set forth below:

Principal	\$430,436.85
Contract Rate Interest (LIBOR plus 2.15%)	\$512,006.63
Default Rate Interest (3%)	\$626,560.31
Appraisal Fee	\$6,840.00
Legal Fees/Costs Trenam	\$20,047.29
Legal Fees/Costs KL Gates	\$15,144.90
Total Indebtedness	\$1,611,035.98

10. Without prejudice to Wells Fargo's rights to recover attorneys' fees and costs paid or payable to Akerman LLP in connection with the Rite Aid Property, and because Wells Fargo is currently seeking recovery of its Akerman LLP's attorney fees and costs in its pending motion for allowance and payment of attorneys' fees and costs [Doc. 1344], Wells Fargo is not including these fees and costs in the total indebtedness owed on the Rite Aid loan for purposes of the Rent Motion.

FURTHER AFFIANT SAYETH NOT.

Gordon Elderdice

**Gordon Elderdice
Senior Vice President**

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was sworn to and subscribed before me this 11th day of January 2018, by Gordon Elderdice, who is personally known to me.



Kathryn C. Bateman

NOTARY PUBLIC, STATE OF FLORIDA

Kathryn C. Bateman

(Print, Type or Stamp Commissioned Name of
Notary Public)