

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-cv-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.

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**RECEIVER'S UNOPPOSED MOTION FOR
APPROVAL OF DISPOSITION OF VEHICLE**

Burton W. Wiand, as Receiver, by and through his undersigned counsel moves the Court to approve disposition of a 2006 Subaru Legacy Outback, VIN 4S4BP61C667338496, ("the Subaru") titled in the name of Arthur G. Nadel but acquired with funds transferred from Receivership Entities. The Receiver seeks transfer of title to Venice Jet Center, LLC ("the Jet Center") to be insured and maintained and then included as an asset of the Jet Center when the Jet Center is sold.

MEMORANDUM IN SUPPORT

Mr. Wiand was appointed Receiver over all defendants and relief defendants, other than Arthur Nadel, and over **Venice Jet Center, LLC**; Tradewind, LLC; Laurel Mountain Preserve, LLC; Laurel Preserve, LLC; the Marguerite J. Nadel Revocable Trust UAD 8/2/07; the Laurel Mountain Preserve Homeowners Association, Inc.; The Guy-Nadel Foundation, Inc.; Lime Avenue Enterprises, LLC; and A Victorian Garden Florist, LLC (collectively, the “Receivership Entities”). (*See Order Reappointing Receiver (Dkt. 140).*)

The Receiver’s initial investigation revealed the Subaru and that it was in the possession of Arthur Nadel’s wife, Marguerite Nadel. The Receiver also determined the title to the vehicle was in the possession of the FBI, which recovered the title during execution of a search warrant at the Nadels’ home. The FBI delivered the original title to the Receiver.

The Receiver determined the Subaru was purchased entirely with funds derived from Arthur Nadel’s investment scheme.

From the copy of the title attached as Exhibit A, the Court will note Arthur Nadel attempted to transfer title to the Subaru to Mrs. Nadel on January 13, 2009, the day before he disappeared. Mrs. Nadel did not have a title issued in her name. Attached as Exhibit B is a copy of a letter left behind by Arthur Nadel, which reveals he attempted to transfer the Subaru to Mrs. Nadel to provide her with something she could sell to raise money.¹

¹ Exhibit B appears to be a portion of the letter. This page was filed by the government in the criminal case pending against Arthur Nadel in New York as shown by the filing information imprinted on the top of the page by the CM/ECF system. The relevant language is in the next to the last line.

Mrs. Nadel agreed to a did deliver the Subaru to the Receiver, who is maintaining it in a secure facility at the Venice Jet Center.

The Jet Center, one of the Receivership Entities, is in position to insure and maintain the Subaru. If transfer to the Jet Center is approved by the Court, the Subaru will ultimately be sold with the Jet Center.

The Receiver submits the proposed disposition of the Subaru is in the best interest of the Receivership Estate and the defrauded investors, because it will allow orderly disposition of an asset acquired with investor funds.

The Receiver's counsel determined the Tax Collector's office will process transfer of title to Venice Jet Center, LLC if presented with an order from this Court authorizing it to do so.

WHEREFORE, the Receiver moves the Court to enter an order authorizing the transfer of title to the Subaru to Venice Jet Center, LLC.

LOCAL RULE 3.01(g) CERTIFICATE OF COUNSEL

The undersigned counsel for the Receiver is authorized to represent to the Court that the SEC has no objection to the Court's granting this motion. The undersigned counsel is unable to contact Arthur Nadel, who is incarcerated in New York and is not represented by counsel in this action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I mailed this

document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:

Arthur G. Nadel
Register No. 50690-018
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150 Park Row
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s/ Carl R. Nelson

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