

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.

NOTICE OF SUBMISSION OF APPRAISER BY WELLS FARGO BANK, N.A.

Pursuant to this Court's Order dated March 3, 2012 (Doc. No. 775), Wells Fargo Bank, N.A. ("Wells Fargo"),¹ hereby submits the proposed appraiser Carol Lomax Fortenberry of Fortenberry Lambert, Inc., and respectfully requests that the Court appoint Ms. Fortenberry as the second of three appraisers to be utilized in connection with the

¹ Wells Fargo is successor by merger to Wachovia Bank, N.A.

*Receiver's Motion to Appoint Appraisers Pursuant to 28 U.S.C. § 2001 To Appraise Real Property in Graham, North Carolina (Doc. No. 739).*²

RESERVATION OF RIGHTS

Nothing set forth herein is intended, nor shall be deemed, to modify, limit, release, reduce, or waive any of the Wells Fargo's rights, claims, remedies, causes of action, or privileges at law or in equity, all of which are specifically preserved. More specifically, but not limiting the foregoing, Wells Fargo reserves its right to (i) prosecute its substantive objections as set forth more fully in its objection to the Receiver's motion to sell the Rite Aid Property (Doc. No. 718), (ii) object in greater detail to the Receiver's sale motion after the appraisals are performed and/or after discovery has concluded, whether by written or oral objection, or in connection with any subsequent motion to which the Receiver seeks to sell the Rite Aid Property, and (iii) prosecute its motion to lift the injunction and/or to compel the Receiver to abandon the Rite Aid Property (Doc. No. 719), on any basis allowable under applicable law.

² The Court previously appointed Thomas J. Skeahan as one of the three appraisers (Doc. No. 775) to appraise the real property located at 841 South Main Street in the City of Graham, Alamance County, North Carolina (the "Rite Aid Property"). On March 8, 2012, the Receiver submitted the appraiser Roscoe W. Shiplett as the third proposed appraiser (Doc. No. 781).

DATED this 8th day of March, 2012 in Tampa, Florida.

Respectfully submitted,

AKERMAN SENTERFITT

/s/Steven R. Wirth

L. Joseph Shaheen, Jr.

Florida Bar No.: 212385

Email: joseph.shaheen@akerman.com

Steven R. Wirth

Florida Bar No.: 170380

Email: steven.wirth@akerman.com

401 East Jackson Street, Suite 1700

Tampa, Florida 33602

Telephone: (813) 223-7333

Facsimile: (813) 223-2837

Counsel for Wells Fargo, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2012, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following:

Arthur G. Nadel
FCI BUTNER LOW
Federal Correctional Institution
P.O. Box 999
Butner, NC 27509

/s/Steven R. Wirth
Attorney