

# EXHIBIT A

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

Case No. 8:09-cv-87-T-26TBM

ARTHUR NADEL, et al.,

\_\_\_\_\_ /

**DECLARATION OF GUY M. BURNS**

STATE OF FLORIDA                     )  
COUNTY OF HILLSBOROUGH        )

1.       My name is Guy M. Burns. I am a lawyer licensed to practice in Florida and in various federal courts, including the Middle District of Florida. I have personal knowledge of the facts set forth in this Declaration.

2.       Pursuant to the express authorization of an August 12, 2009 Order by the Hon. Richard Lazzara in the above-captioned action, I was hired by Burton Wiand, in his capacity as Receiver for the Nadel-related entities, (and along with my firm, Johnson Pope Bokor Ruppel & Burns, LLP). I filed and prosecuted a civil complaint against Holland & Knight, LLP and Scott R. MacLeod, one of Holland & Knight's partners (collectively, "H&K").

3.       For the next three years, my firm and I actively pursued the case against H&K.

4.       The Receiver, during the month of August, 2012 and after extensive negotiations, entered into a Settlement Agreement with H&K, and full details of that settlement were provided to the Court in the Receiver's August 28, 2012 Motion to Approve Settlement (Dkt. 898), which also attached the executed Settlement Agreement as Exhibit "A" thereto.

5. As part of this settlement, the Receiver filed a Motion to Approve Proposed Notice of Settlement (Dkt. 900) which provides for publication of an abbreviated notice (the "Short Form Notice" in the Sarasota Herald Tribune and a national publication, as well as direct notice by mail of a more comprehensive notice to be sent to all investors and other potentially interested parties.

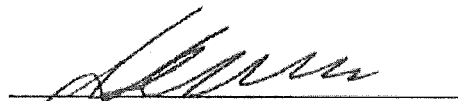
6. The text of both the Short Form Notice and the longer mail notice is contained in Dkt. 900, and this program, including the notices, were approved by the Court by Order dated August 29, 2012 (Dkt. 901).

7. Pursuant to the Court's approval, the Short Form Notice was published in the Sarasota Herald Tribune on September 4, 2012, and also the Wall Street Journal on August 31, 2012. Copies of that Notice and the Proof of Publication are attached to this Declaration as Exhibits 1 and 2.

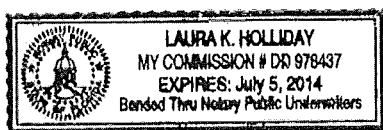
8. Direct mail notice was sent to 761 investors and other interested parties on August 29, 2012 using the most recent list maintained by the Receiver in the course of his Receivership duties.

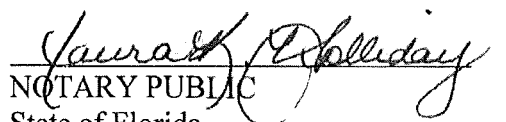
9. By taking the actions described above, the undersigned verifies that all aspects of the notice program ordered by this Court have been fully complied with and completed.

FURTHER AFFIANT SAYETH NAUGHT.

  
Guy M. Burns

SWORN TO AND SUBSCRIBED before me, an officer duly authorized to take acknowledgments on this 6<sup>TH</sup> day of September, 2012, appeared GUY M. BURNS, who is personally known to me and who did take an oath.



  
NOTARY PUBLIC  
State of Florida  
My Commission Expires: 7/5/2014

# AFFIDAVIT OF PUBLICATION

SARASOTA HERALD-TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF SARASOTA

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAID SHE IS CLASSIFIED DIRECTOR OF ADVERTISING FOR THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN SARASOTA COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

Legal description documented below:

IN THE COURT WAS PUBLISHED IN THE SARASOTA EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

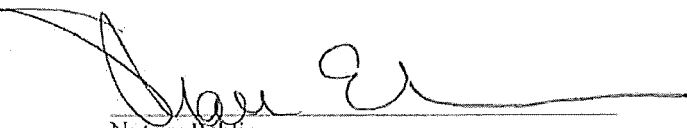
9/4 1x

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED



SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS 12 DAY OF September, A.D., 2012  
BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

  
Notary Public

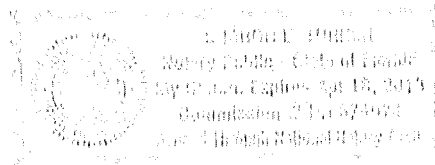


EXHIBIT 1

Burton W. Wand, the court-appointed receiver in S.E.C. v. Nadel et al., Case No. 09-cv-87-T-26TBM for, among others, Valhalla Investment Partners, L.P.; Viking Fund, LLC; Viking IRA Fund, LLC; Victory Fund, Ltd.; Victory IRA Fund, Ltd.; Scoop Real Estate, L.P. and Traders Investment Club, has entered into a settlement agreement with Holland & Knight LLP and one of its lawyers, Scott R. MacLeod, hereinafter "H&K." The settlement may affect your rights, as it includes a request to the Court for an order permanently barring and enjoining investors in receivership entities and other individuals and entities that may bear some liability in connection with the fraudulent scheme underlying this matter from commencing or continuing a claim, action, or proceeding of any kind and in any forum against H&K that arises from or relates to the legal services that H&K performed for in connection with receivership entities. A notice of settlement, a copy of the settlement agreement, and the Receiver's motion to approve the settlement agreement are available on the Receiver's website at [www.nadelreceivership.com](http://www.nadelreceivership.com). Any person who objects to the settlement must do so in accordance with the procedures set forth in the notice of settlement by October 1, 2012.

Date of pub: September 4, 2012

**PUBLIC NOTICES**

Burton W. Wiand, the court-appointed receiver in *S.E.C. v. Nadel et al.*, Case No. 8:09-cv-87-T-26TBM for, among others, Valhalla Investment Partners, L.P.; Viking Fund, LLC; Viking IRA Fund, LLC; Victory Fund, Ltd.; Victory IRA Fund, Ltd.; Scoop Real Estate, L.P. and Traders Investment Club, has entered into a settlement agreement with Holland & Knight LLP and one of its lawyers, Scott R. MacLeod, hereinafter "H&K." The settlement may affect your rights, as it includes a request to the Court for an order permanently barring and enjoining investors in receivership entities and other individuals and entities that may bear some liability in connection with the fraudulent scheme underlying this matter from commencing or continuing a claim, action, or proceeding of any kind and in any forum against H&K that arises from or relates to the legal services that H&K performed for in connection with receivership entities. A notice of settlement, a copy of the settlement agreement, and the Receiver's motion to approve the settlement agreement are available on the Receiver's website at [www.nadelreceivership.com](http://www.nadelreceivership.com). Any person who objects to the settlement must do so in accordance with the procedures set forth in the notice of settlement by October 1, 2012.

**AFFIDAVIT**

STATE OF TEXAS )

CITY AND COUNTY OF DALLAS)

I, Albert Fox, being duly sworn, depose and say that I am the Advertising Clerk of the Publisher of THE WALL STREET JOURNAL, a daily national newspaper of general circulation throughout the United States, and that the notice attached to this Affidavit has been regularly published in THE WALL STREET JOURNAL for National distribution for

1 Insertion(s) on the following date(s):

AUG-31-2012;

ADVERTISER: S.E.C. v. Nadel et al.;

and that the foregoing statements are true and correct to the best of my knowledge.

*Albert Fox*

Sworn to before me this  
31 day of August 2012

*Donna Hester*  
Notary Public

