

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THE CITY OF KANSAS CITY,)
MISSOURI,)

Plaintiff,)

vs.)

Case No. 05-00368-CV-W-GAF

HOUSING & ECONOMIC)
DEVELOPMENT)
FINANCIAL CORPORATION)

and)

U.S. DEPARTMENT OF HOUSING)
AND URBAN DEVELOPMENT,)

Defendants.)

ORDER APPROVING RECEIVER’S FINAL REPORT

Now before the Court is David E. Bahner, Receiver of Housing & Economic Development Financial Corporation, and pursuant to the Court’s Order of October 17, 2011, (Doc. # 2171) has filed and properly served his Receiver’s Final Report (Docs. ## 2410, 2411, 2412);

I. The Court, being fully advised in the premises and having held a hearing concerning objections to the Final Report on September 25, 2013, finds that the Receiver’s Final Report, including but not limited to the Receiver’s accounting of income and expenses received since the filing of the Receiver’s Final Monthly Report on August 14, 2013, (Doc. # 2405) should be approved; that the Receiver presently has on deposit in the Receiver’s accounts as follows:

1051 Metcalf Bank Money Market (CDBG funds)	\$ 735,276.23 ¹
1052 Metcalf Bank Money Market (HOME funds)	677.22
Metcalf Bank Money Market	<u>600,304.08</u>
Total Funds	\$1,336,256.53

And, that the Receiver should be ordered to distribute the remaining monies of the Receivership as set forth in the Receiver’s Final Report.

IT IS THEREFORE ORDERED that the Receiver’s Final Report filed on August 28, 2013, (Doc. # 2410) by David E. Bahner, Receiver, is hereby approved, including the Receiver’s accounting of income and expenses since the filing of the Receiver’s Final Monthly Report on August 14, 2013 (Doc. # 2405). The Receiver is ordered to carry out its terms. The Receiver is ordered to distribute the monies remaining in the Receivership as follows:

To Polsinelli PC for estimated attorney fees and expenses in finalizing and terminating the Receivership	\$190,000.00
To BKD for estimated accounting and expenses in finalizing the books and records of HEDFC, preparation and filing of final tax returns, and terminating the Receivership	\$ 75,000.00
To the City of Kansas City, Missouri (HOME Funds)	\$ 677.22
To the City of Kansas City, Missouri, per Order dated 11/20/12 (Doc. # 2330)	\$100,580.31 ¹
To the Clerk of the U.S. District Court	\$970,000.00

The Receiver is **FURTHER ORDERED**

To assign to the City of Kansas City, Missouri, the Judgment entered by the Court on March 12, 2010, in favor of the Receiver and against Lawrence Goldblatt, in the amount of \$15,073.40 (Doc. # 2015) (the “Goldblatt Judgment”).

To assign to the City of Kansas City, Missouri, all remaining assets of HEDFC not otherwise transferred, including any and all rights, title and interest of the Assignor, whether currently in existence, or accruing in the future in all of Assignor’s property and assets, tangible or intangible, of every kind and type acquired from time immemorial to the date hereof and hereafter, including but not

¹The Receiver advises the Court that charges of US Bank were \$34.95 less than anticipated. This increases the amount to be distributed to the City as reflected in the Receiver’s Final Report.

limited to promissory notes, deeds of trust, ancillary documents, liens, contract rights, bank accounts, escheat matters, insurance refunds, inchoate rights, judgments, causes of action, tax refunds, checks, negotiable instruments, leases, leasehold interest, and any and all other claims and contingent interests not otherwise specifically described herein, to the Assignee, its successors and assigns, without recourse, "AS IS," "WHERE IS," and without any representation or warranty made by Assignor, with all and full power and authority to collect, hold, sell, assign, transfer, and convert said property for Assignee's benefit, including the right to endorse or execute such documents and instruments in Assignor's or Assignee's name to effect the transfer of said property and assets. The authorization to the Assignee to endorse and execute such documents and instruments shall be for a period of Fifty (50) years from the date hereof.

IT IS FURTHER ORDERED that following the discharge of the Receiver, the closing of the Receivership, and the finalization of their services, Polsinelli PC and BKD will file a Request with the Court wherein Polsinelli PC and BKD account to the Court for the charges for their services, and request the Court to approve their final accounting, and to deliver the balance of all monies remaining from the estimated payments to the City of Kansas City, Missouri.

/s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: September 26, 2013