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**ROBB EVANS & ASSOCIATES LLC**

11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 IVY CAPITAL, INC., etc., et al.,

18 Defendants, and

19 CHERRYTREE HOLDINGS, LLC,  
 20 etc., et al.

21 Relief Defendants.

CASE NO. 2:11-cv-00283-JCM-GWF

**ORDER**  
**GRANTING MOTION FOR**  
**ORDER: (1) APPROVING FINAL**  
**REPORT AND ACCOUNTING;**  
**(2) APPROVING SETTLEMENT;**  
**(3) ALLOWING CLAIMS**  
**AND APPROVING PLAN FOR**  
**DISTRIBUTION OF**  
**RECEIVERSHIP ASSETS; (4)**  
**APPROVING RECEIVER'S AND**  
**COUNSELS' FEES AND**  
**EXPENSES FROM SEPTEMBER**  
**1, 2012 THROUGH CLOSING; (5)**  
**DISCHARGING RECEIVER; (6)**  
**RELIEVING RECEIVER OF ALL**  
**DUTIES AND LIABILITIES; (7)**  
**EXONERATING RECEIVER'S**  
**BOND; (8) AUTHORIZING**  
**ABANDONMENT AND**  
**DESTRUCTION OF RECORDS**  
**AND RELATED RELIEF; AND (9)**  
**GRANTING RELIEF**  
**PERTAINING TO NOTICE TO**  
**CREDITORS**

1           The matter of the Motion for Order: (1) Approving Final Report and  
2 Accounting; (2) Approving Settlement; (3) Allowing Claims and Approving Plan  
3 for Distribution of Receivership Assets; (4) Approving Receiver's and Counsels'  
4 Fees and Expenses from September 1, 2012 Through Closing; (5) Discharging  
5 Receiver; (6) Relieving Receiver of All Duties and Liabilities; (7) Exonerating  
6 Receiver's Bond; (8) Authorizing Abandonment and Destruction of Records and  
7 Related Relief; and (9) Granting Relief Pertaining to Notice to Creditors (“motion”)  
8 filed by Robb Evans & Associates LLC (“receiver”) as receiver of Ivy Capital, Inc.  
9 and other related and affiliated entities pursuant to the Preliminary Injunction issued  
10 March 25, 2011, came on regularly for determination by the Court, the Honorable  
11 James C. Mahan, United States District Judge presiding. The Court, having  
12 reviewed and considered the motion and all pleadings and papers filed in support  
13 thereof, and responses or oppositions, if any, to the motion, and any reply, and good  
14 cause appearing therefor,

15           IT IS ORDERED as follows:

16           1.     The motion and all relief sought therein is granted in its entirety;

17           2.     Without limiting the generality of the foregoing:

18           A.     The receiver’s final report and the receiver’s final accounting attached  
19 as exhibit 1 to the declaration of Brick Kane filed I support of the motion are  
20 hereby approved;

21           B.     The receiver's proposed settlement agreement with the Church of Jesus  
22 Christ of Latter Day Saints ("LDS Church"), a copy of which is attached as exhibit  
23 3 to the declaration of Brick Kane filed in support of the motion, is hereby  
24 approved;

25           C.     The claims of non-consumer creditors, including trade and other non-  
26 consumer creditors and taxing authorities, against the receivership estate are hereby  
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1 allowed in the amounts set forth on exhibit 2 to the declaration of Brick Kane filed  
2 in support of the motion;

3 3. The Receiver is authorized to distribute the remaining assets of the  
4 receivership estate, after payment of all receivership administrative expenses,  
5 including all outstanding receiver's fees and expenses and receiver's attorneys' fees  
6 and expenses, any other unpaid administrative expenses of the estate and  
7 satisfaction of the tax claims set forth on exhibit 2 to the declaration of Brick Kane  
8 filed in support of the motion (the "net receivership assets"), *pro rata* as to the  
9 allowed non-consumer creditor claims, and the consumer claims, with the receiver  
10 to make *pro rata* distribution payments to the holders of the allowed non-consumer  
11 creditor claims and with the receiver to turn over to the Federal Trade Commission  
12 ("FTC") an amount representing the *pro rata* portion of the net receivership assets  
13 attributable to the consumer claims and the FTC to be responsible for  
14 administration of any consumer distributions or redress; provided, however, that  
15 claims of non-consumer creditors in an amount of less than \$312.00 shall not be  
16 paid a distribution, as reflected in exhibit 2 to the declaration of Brick Kane filed in  
17 support of the motion;

18 4. All actions and activities taken by or on behalf of the receiver and all  
19 payments made by the receiver in connection with the administration of the  
20 receivership estate are hereby approved and confirmed;

21 5. All receivership administrative expenses incurred in this receivership  
22 proceeding, including the receiver's fees and expenses and those of its professionals  
23 incurred in connection with the receivership proceeding, including those previously  
24 paid to the receiver and its counsel, are hereby approved, and all administrative  
25 expenses and receiver's and professionals' fees and expenses incurred during the  
26 period from September 1, 2012 through the closing of the receivership estate and  
27 the discharge of the receiver ("final expense period"), described and estimated in  
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1 the final accounting, are hereby approved and authorized to be paid from assets of  
2 the receivership estate;

3 6. The receiver is authorized to abandon and destroy the records of the  
4 receivership defendants and any other corporations or businesses under the control  
5 of any of the receivership defendants in the possession, custody or control of the  
6 receiver if, within 30 days after service of written notice to the FTC, the receiver  
7 has not been served with a written request by the FTC for possession of the records  
8 or a subpoena by a law enforcement agency for the records, and if during such 30-  
9 day period, the receiver is served with a written request for the records by the FTC  
10 or subpoena by a law enforcement agency for the records, authorizing the receiver  
11 to turn over the original records to the FTC or a law enforcement agency in  
12 response to the request or subpoena, and any assets not administered by the receiver  
13 as of the closing of the receivership estate are deemed abandoned;

14 7. Effective upon the completion of the receiver's wind up of the estate,  
15 payment of administrative expenses and final distribution of funds as provided  
16 herein, that the receiver, its agents, employees, members, officers, independent  
17 contractors, attorneys and representatives are: (a) discharged; (b) released from all  
18 claims and liabilities arising out of and/or pertaining to the receivership herein; and  
19 (c) relieved of all duties and responsibilities pertaining to the receivership  
20 previously established in this action;

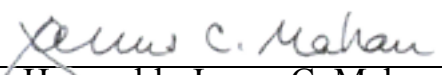
21 8. The receiver's bond shall be exonerated effective upon the completion  
22 of the receiver's wind up of the estate, payment of administrative expenses and  
23 final distribution of funds as provided herein;

24 9. Notice of the motion is deemed to be sufficient under Local Civil Rule  
25 66-5 and under the provisions of the final judgments entered by the court against  
26 the defendants in this action based on (a) service of the notice of the filing of this  
27 motion, the motion and all supporting pleadings and papers on all parties, and (b)  
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service of the notice of the filing of the motion on all known taxing authorities with claims and non-consumer creditors of the estate concurrent with the filing of this motion with the court

DATED: December 10, 2013.

  
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The Honorable James C. Mahan  
United States District Court Judge