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6 *Attorneys for Shelley D. Krohn, Trustee*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 TRANSFIRST GROUP, INC. f/k/a
TRANSFIRST HOLDINGS, INC.,
10 TRANSFIRST THIRD PARTY SALES LLC
f/k/a TRANSFIRST MERCHANT
11 SERVICES, INC., and PAYMENT
12 RESOURCES INTERNATIONAL, LLC,

Case No. 2:17-CV-00487-APG-VCF

**ORDER APPROVING STIPULATON RE
SALE OF PROPERTY LOCATED AT 954
REMBRANDT DRIVE, LAGUNA BEACH,
CALIFORNIA**

13 Plaintiffs,

14 v.

15 DOMINIC JOSEPH MAGLIARDITI;
FRANCINE MAGLIARDITI; in her
16 individual capacity, and as trustee of FRM
TRUST, DJM IRREVOCABLE TRUST, and
17 the FANE TRUST; ATM ENTERPRISES,
18 LLC, DII CAPITAL, INC.; DFM
HOLDINGS, LTD; DFM HOLDINGS, LP,
19 DII PROPERTIES LLC, MAGLIARDITI,
LTD.; CHAZZLIVE.COM, LLC; and
20 SPARTAN PAYMENT SOLUTIONS, LLC.,

21 Defendants.

22 The Stipulation Re Sale Of Property Located At 954 Rembrandt Drive, Laguna Beach,
23 California (“Stipulation”)¹ [ECF No. 234] having been filed; the Court having reviewed the
24 Stipulation, and for good cause shown, it is hereby

25 ORDERED that the Stipulation Re Sale Of Property Located At 954 Rembrandt Drive,
26 Laguna Beach, California is approved; and it is further

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28 ¹Unless otherwise defined herein, capitalized terms have the meanings ascribed them in the underlying Stipulation.

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ORDERED that:

1. Upon the entry of this Order, the Receiver shall withdraw the Lis Pendens;
2. The Preliminary Injunction and First Supplemental Order are lifted as they relate to the ANE Account to permit the Trustee to take control of the ANE Account;
3. The Trustee shall provide a copy of the Stipulation and this Order approving the Stipulation to the Bank of the West, and related documents or orders, in order to allow the Trustee access to the funds in the ANE Account;
4. Subject to paragraphs 6 below, the Trustee shall use the funds in the ANE Account exclusively for the purpose of making payments under the Secured Loan;
5. The Trustee shall employ a licensed California Real Estate Broker to list the Rembrandt Property for sale at an original asking price of \$1,600,000.00. The Trustee shall have discretion (a) regarding which licensed California Real Estate Broker with whom to contract, (b) to negotiate a commission on the sale of the Rembrandt Property of not more than 6%, and (c) to sell the Rembrandt Property at a price less than \$1,600,000.00. The sale shall be subject to approval by the Bankruptcy Court;
6. The Trustee shall seek approval of the Rembrandt Property sale and payment of the costs of closing the sale of the Rembrandt Property in the Bankruptcy Court. Any proceeds remaining from the sale and any remaining assets of the ANE Account shall be held by the Trustee in a segregated account subject to further order of this Court after a determination is made whether said assets and proceeds are part of the bankruptcy estate or, alternatively, are assets owned and controlled by ANE Investments and/or Alernik;
7. The Parties reserve any and all rights and claims that they may have relating to the Rembrandt Property, Parkview, ANE, Alernik, and any predecessors or related entities, including without limitation, any and all transfers made to any party in connection with or relating to the Rembrandt Property and any and all contempt claims TransFirst has or may have; and
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1 8. ANE and Alernik will assist the Trustee to the extent necessary in satisfying any
2 requirements of this Stipulation.

3 Submitted by:

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5 /s/ Jeanette E. McPherson
6 Jeanette E. McPherson, Esq.
7 Schwartzer & McPherson Law Firm
8 2850 South Jones Blvd., Suite 1
9 Las Vegas NV 89146
10 *Attorneys for Shelley D. Krohn, Trustee*

11 IT IS SO ORDERED.

12 Dated this 24th day of August, 2018.

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15 UNITED STATES DISTRICT JUDGE
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