

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**BRENT BORLAND, BORLAND CAPITAL
GROUP, LLC, and BELIZE
INFRASTRUCTURE FUND I, LLC**

Defendants, and

**CANYON ACQUISITIONS, LLC, and
ALANA LaTORRA BORLAND,**

Relief Defendants.

CASE NO. 18-cv-4352 (PKC)

[PROPOSED] ORDER APPOINTING LIQUIDATION AGENT

This matter is before the Court on the U.S. Securities and Exchange Commission’s (“SEC”) Motion to Appoint a Liquidation Agent, and pursuant to the Consents of Defendant Brent Borland and Relief Defendant Alana LaTorra Borland, both in their individual capacities and their capacities as trustees of the 43 N. Haven Way Revocable Trust (~~ECF Nos. ___ and ___~~):

IT IS ORDERED that the SEC’s motion to appoint a Liquidation Agent is granted. Christopher Ritchey is hereby appointed as the authorized Liquidation Agent (“Liquidation Agent” or “Liquidating Agent”) to sell the real property located at 43 N. Haven Way, Sag Harbor, NY 11963 and more particularly with legal description and Tax ID of District 0901, Section 002.00, Block 04.00, Lot 108.000 (the “Subject Property”).

IT IS ORDERED that the Liquidation Agent shall have the authority to arrange for the sale of the Subject Property, subject to confirmation by this Court, in any manner approved by the SEC. The terms of any purchase agreement shall include the balance of the purchase price paid at closing and may include an earnest money deposit, in an amount to be approved by the SEC, forfeitable upon the purchaser's failure to perform. The closing shall not occur until after the sale has been confirmed by further order of this Court. At closing, the purchaser or purchasers shall receive a quitclaim deed to the Subject Property executed by the Liquidating Agent. In the event a closing takes place prior to an order of this Court regarding the distribution of proceeds, the Liquidating Agent shall hold all of the proceeds of any sale of the Subject Property, net of any closing costs, including any real estate commissions and legal fees, and uncontested liens on the Subject Property, including any earnest money deposits, in an interest-bearing account until such time as this Court shall make a further order regarding distribution of those proceeds.

IT IS ORDERED that the Liquidation Agent shall have all the rights and powers necessary to fulfill its obligations under this order, specifically including, but not necessarily limited to, the power to enter onto the Subject Property, to manage the Subject Property, to advertise the sale of the Subject Property, and to take any actions reasonably necessary to protect and preserve the value of the Subject Property prior to sale, and to put it into saleable condition, including making expenditures of funds that are first approved by the SEC for reasonable and necessary maintenance and improvements. The Liquidating Agent shall specifically have the rights and powers to retain the Hudson Advisory Team real estate agency ("Hudson Advisory Team") to market and sell the Subject Property. The Liquidating Agent shall specifically have the rights and powers to retain an attorney to handle any legal issues that may arise and handle the closing of title on the Subject

Property. In light of the Court's appointment of a Liquidating Agent, the provisions of 28 U.S.C. § 2001, *et seq.* do not apply to the sale of the real property described herein.

IT IS ORDERED that the Liquidating Agent shall be compensated from the proceeds of the sale a) in an amount equal to five (5) percent of the gross sale proceeds; b) for its reasonable and necessary expenditures to protect and preserve the value of the Subject Property; and c) legal fees that may arise to administer the sale of the Subject Property. In its discretion, the Liquidating Agent may share a portion of this five percent compensation, per local custom and practice, with any agent of the buyer of the Subject Property.

IT IS ORDERED that Defendant Brent Borland and Relief Defendant Alana LaTorra Borland shall promptly and fully accommodate any request by the Liquidating Agent for any items the Liquidating Agent deems necessary in fulfilling the scope of its appointment over the Subject Property, including, but not limited to: keys, deeds, site plan approvals, architectural drawings and/or tax records of the Subject Property and, in the meantime, preserving any and all such items and shall maintain adequate levels of insurance on the Subject Property protecting the SEC's interest.

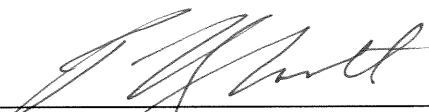
IT IS ORDERED that Defendant Brent Borland and Relief Defendant Alana LaTorra Borland shall promptly and fully accommodate any request by the Liquidating Agent for access to the Subject Property by or on behalf of Liquidating Agent, personnel of the Hudson Advisory Team, professionals retained by or working with Liquidating Agent or any potential buyers and their representatives.

IT IS FURTHER ORDERED that Defendant Brent Borland and Relief Defendant Alana LaTorra Borland, and all persons acting in concert with or on their behalf, are hereby restrained and enjoined from interfering in any way with the Subject Property, or with the Liquidating Agent,

or with the Liquidating Agent's efforts to comply with its obligations under this Order, and any violation of this order may result in a fine, or incarceration, or both.

IT IS FURTHER ORDERED that Defendant Brent Borland and Relief Defendant Alana LaTorra Borland, and all persons acting in concert with or on their behalf, are hereby restrained and enjoined from directly or indirectly making, creating, incurring, assuming or permitting to exist any assignment, transfer, pledge, mortgage, security interest, lien, or other encumbrance of any nature in, to or against any part of the Subject Property without written consent from an attorney of record for the Commission, or with the Liquidating Agent, and any violation may result in a fine, or incarceration, or both.

Dated: May 9, 2024



The Honorable P. Kevin Castel
United States District Court Judge

The Clerk shall terminate the motion (ECF 52).