

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, NC
MAR 9 2015
US District Court
Western District of NC

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

REX VENTURE GROUP, LLC
d/b/a ZEEKREWARDS.COM, and
PAUL BURKS,

Defendants,

No. 3:12-CV-519

AGREED ORDER CONCERNING JAYMES MEYER PROPERTY

Kenneth D. Bell, Court-appointed Receiver (“Receiver”) of Rex Venture Group, LLC d/b/a ZeekRewards.com (“RVG” or “Receivership Defendant”) and Jaymes Meyer, by their respective counsel, submit this Agreed Order concerning certain real property owned by Jaymes Meyer located in Napa, California.

Currently before the Court are a number of motions related to the Receiver’s efforts to obtain from Preferred Merchants Solutions, LLC (“Preferred Merchants”) and Jaymes Meyer funds and /or assets that the Receiver contends are Receivership Assets that were held in an RVG trust account and wrongfully transferred to Preferred Merchants and Meyer. Preferred Merchants and Meyer dispute that contention and assert that they had the right to receive those funds.

In connection with these motions, “in light of the uncertainty and accessibility to these funds,” the Court granted the Receiver’s request for discovery, including Meyer’s deposition. During that deposition, Meyer acknowledged that he purchased property in Napa, California on

or about September 1, 2012 with funds that came from a RVG trust account (while still contending that Preferred Merchants was entitled to payment of those funds from RVG). He further acknowledged that he is the sole owner of the property and there is no loan or mortgage on the property.

While Meyer and Preferred Merchants continue to dispute the Receiver's right to obtain the funds transferred from the RVG trust account at issue (and the assets purchased with those funds), they have agreed that the Napa property purchased by Meyer shall continue to remain Meyer's sole property unencumbered by loans, mortgages or other encumbrances until the resolution of the question of the Receiver's right to the property and that a valid Lis Pendens will be put on the property to further protect the Receiver while this matter is resolved.

Accordingly, it is hereby agreed and ORDERED that until further order of this Court Jaymes Meyer shall not sell, transfer, convey, gift, mortgage, encumber, place in trust or otherwise change his sole, unencumbered ownership of the real property in the unincorporated area of County of Napa, State of California commonly known as 1175 First Avenue, Napa, California 94558, bearing Assessor's Parcel Number 045-190-005, and bearing the following legal description:

A PORTION OF LOT 5, AS SHOWN ON THE MAP OF PART OF EAST NAPA, E.R. SPROUL'S ADDITION, FILED SEPTEMBER 7, 1875 IN BOOK 1 OF MAPS AT PAGE 98, NAPA COUNTY RECORDS, DESCRIBED AS FOLLOWS:


COMMENCING AT A POINT ON THE WESTERN LINE OF THE COUNTY ROAD KNOWN AS FIRST AVENUE SAID POINT BEING DISTANT THEREON SOUTH 7°15' EAST 100 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHERN LINE OF LOT 5, AS SAID LOT IS SHOWN ON THE MAP HEREINABOVE REFERRED TO;

RUNNING THENCE ALONG THE WESTERN LINE OF SAID FIRST AVENUE, SOUTH 7°15' EAST 100 FEET; THENCE SOUTH 82°45' WEST 435.6 FEET; THENCE NORTH 7°15' WEST 100 FEET; THENCE NORTH 82°45' EAST 435.6 FEET TO THE POINT OF COMMENCEMENT.

Further, it is agreed and ordered that a valid Lis Pendens in the form attached as Exhibit 1 to this Order shall be placed on the record of title of the property described above.

SO ORDERED.

Date: 9 March 2015


Graham C. Mullen
United States District Judge

AGREED TO:

By: s/ Irving M. Brenner
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Irving M. Brenner
N.C. State Bar No. 15483
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*Court-appointed Receiver for Rex Venture Group,
LLC d/b/a ZeekRewards.com*

By: s/ Vincent P. Schmeltz
Vincent P. Schmeltz, III (Admitted *Pro hac vice*)
Jacob P. Zipfel (Admitted *Pro hac vice*)

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Counsel for Preferred Merchants Solutions, LLC

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**SECURITIES AND EXCHANGE
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NOTICE OF PENDENCY OF ACTION (LIS PENDENS)

NOTICE IS HEREBY GIVEN that the above entitled-action was commenced on August 17, 2012 in the United States District Court for the Western District of North Carolina (Charlotte) by the Securities and Exchange Commission as Plaintiff against Rex Venture Group, LLC d/b/a Zeekrewards.com and Paul Burks as Defendants.

The Receiver has asserted that the above-entitled action includes a real property claim based upon the alleged transfer of Rex Venture Group, LLC / Receivership funds to purchase certain real property in the unincorporated area of County of Napa, State of California commonly known as 1175 First Avenue, Napa, California 94558, bearing Assessor's Parcel Number 045-190-005, and bearing the following legal description:

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Dated: _____

By: _____

Kenneth D. Bell
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N.C. State Bar No. 15483
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