

(collectively “the Assets”). The Assets were sold to SVMHP, LLC, an arm’s length buyer, on September 13, 2013, for the sale price of \$2.1 million. The Sale Order provided that the sale proceeds attached to the Liens, Claims, Encumbrances, and Interests according to the same priorities as existed before the sale, and that the sale proceeds would be distributed according to those priorities. The proceeds were distributed according to the Sale Order and applicable law, and all of the mortgages and liens that attached to the Assets prior to the sale were canceled.

3. Prior to the sale, the Receiver marketed the Assets according to a proposal held commercially reasonable by the Court pursuant to the Sale Order. Attached to the Motion as Exhibit A is the Affidavit of the Receiver detailing the marketing efforts she undertook to sell the Assets. As the Affidavit and this Motion demonstrates, the Receiver’s sale efforts were exhaustive, comprehensive, and in line with the proposal held commercially reasonably by the Court. In summary, the Receiver, together with Broker Jack Blain, developed a plan to market the Assets on a national level, which plan was designed to produce as many prospective bidders for the Assets. SVMHP, LLC agreed to serve as the stalking horse bidder, i.e., the opening bidder, subject to certain bidding protections approved by the Court pursuant to the Sale Order. The Broker’s marketing plan involved listing the Assets for sale in the Multiple Listing Services for the following seven counties: Clark, Champaign, Logan, Miami, Mercer, Auglaize, and Shelby. The Broker also listed the Assets through internet sources known to be widely viewed nationally by players in the mobile home park arena, including LoopNet.com, the largest commercial real estate service online, MobileHomeParkStore.com, a well-known and active internet site for buying selling mobile home parks, and other sites specializing in commercial real estate sales, CoStar.com and GlobeSt.com. The Broker also listed the Assets in the local Springfield New and Sun. The Broker marketed the Assets for more than 30 days, during which

time the Receiver also continued to speak to numerous known players in the mobile home park industry.

4. As the Receiver's Affidavit attached as Exhibit A to the Motion to Confirm attests, the Broker and the Receiver received more than 40 inquiries from parties asserting an interest in the Assets. Three Qualified Bidders toured the subject real property, including the mobile home park. Qualified Bidders were to submit sealed bids by August 20, 2013. Any sealed bid had to be at least in the amount of \$2,200,000, pursuant to procedures established the Sale Order. The Receiver did not receive any sealed bids. In light of the extensive marketing that the Broker and the Receiver performed, the fact that no one else submitted a higher and better bid demonstrated that the \$2,100,000 cash offer made by the Buyer was the highest and best bid.

5. The \$2.1 million sale price also exceeded the appraised value of the Assets. Peter M. Lahni, who was not affiliated with the Debtor, Receiver, the buyer, or any other interested party in this case, appraised the Assets in the amount of \$1,950,000. That figure was in line with the \$1,943,030 valuation set forth in the Clark County, Ohio Auditor's page found at Page 3 of the Lahni appraisal, attached to the Motion to Confirm as Exhibit B.

6. On November 4, 2013, the Court entered summary judgment against the remaining defendants against whom judgment had not already yet been taken: Defendants Metzger, Federer, Sansalone, and McCarty dba McCarty Pump Service.

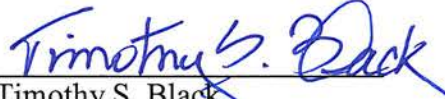
7. Pursuant to the Sale Order, the Motion, which was filed on November 20, 2013, was served with a seven (7) day notice for response on all interested parties. No parties served or filed a response to the Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- A. The Motion shall be and hereby is GRANTED.
- B. The above findings are hereby incorporated within this Order.
- C. The sale of Assets to SVMHP, LLC free and clear of all liens, claims, encumbrances, and interests shall be and is hereby confirmed.
- D. This Order shall constitute a final judgment under Fed. R. Civ. P. 58.

IT IS SO ORDERED.

Date: 12/5/13


Timothy S. Black
United States District Judge

Submitted by:

/s/ Eric M. Sommer
Eric M. Sommer (0066363)
Strileckyj Law Office, LLC
8 North Limestone Street, Suite B
Springfield, Ohio 45502
Phone: (937) 325-5001
Fax: (937) 325-0456
e-mail: esommer@bizhow.rr.com
Counsel for Receiver, April Rose