

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP 12 2008

DAVID J. MALAND, CLERK
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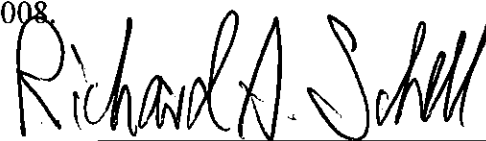
FRANCHISE LOAN TRUST 1998-I and §
CAPTEC FRANCHISE TRUST 1999-1, §
§
§
v. §
§
S&A FEE PROPERTIES SPE 2, L.L.C. and §
S&A LEASED PROPERTIES SPE 2, INC., §

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge. On August 26, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Emergency Application for the Appointment of a Receiver (Dkt. 3) be GRANTED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Plaintiffs' Emergency Application for the Appointment of a Receiver (Dkt. 3) is GRANTED as set forth in the report, and an order appointing receiver shall be issued by this court.

SIGNED this 11th day of Sept., 2008.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE