

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

CASE NO. 8:20-CV-325-T-35AEP

Plaintiff,

v.

BRIAN DAVISON;
BARRY M. RYBICKI;
EQUIALT LLC;
EQUIALT FUND, LLC;
EQUIALT FUND II, LLC;
EQUIALT FUND III, LLC;
EA SIP, LLC;

Defendants, and

128 E. DAVIS BLVD, LLC;
310 78TH AVE, LLC;
551 3D AVE S, LLC;
604 WEST AZEELE, LLC;
2101 W. CYPRESS, LLC;
2112 W. KENNEDY BLVD, LLC;
5123 E. BROADWAY AVE, LLC;
BLUE WATERS TI, LLC;
BNAZ, LLC;
BR SUPPORT SERVICES, LLC;
BUNGALOWS TI, LLC;
CAPRI HAVEN, LLC;
EA NY, LLC;
EQUIALT 519 3RD AVE S., LLC;
MCDONALD REVOCABLE LIVING TRUST;
SILVER SANDS TI, LLC;
TB OLDEST HOUSE EST. 1842, LLC;

Relief Defendants.

**RECEIVER'S NOTICE OF LACK OF BONA FIDE OFFERS REGARDING
THE SALE OF 6346 NEWTOWN CIRCLE #46A3 IN TAMPA, FLORIDA**

On August 07, 2020, Burton W. Wiand, as receiver (the “**Receiver**”) over the assets of the above-captioned defendants and relief defendants, filed the Receiver’s Motion to Approve Private Sale of Real property- 6346 Newtown Circle #46A3, Tampa, Florida (the “**Motion**” and the “**Property**”). Dkt. 170. A notice of the proposed sale was attached as Exhibit 5 to the Motion (the “**Notice of Sale**”). On August 09, 2020 the Notice of Sale was published in the Tampa Bay Times, which is regularly issued and of general circulation in the district where the property is located. After the Notice of Sale was published, the Receiver filed the Receiver’s Notice of Publication Regarding the Sale of 6436 Newtown Circle #46A3 in Tampa, Florida (the “**Notice of Publication**”). Dkt. 176.

As indicated in the Notice of Publication, the Receiver files this notice to inform the Court whether any “bona fide offers” have been received pursuant to 28 U.S.C. § 2001(b). No “bona fide offers” have been received. Therefore, pending the Court’s approval, the Receiver anticipates closing the sale of the Property as described in the Motion on or about August 31, 2020. In addition, no party has filed an opposition to the Motion, and the 14-day deadline to do so under the Local Rules has expired. As such, the Receiver now respectfully asks the Court to grant the Motion and to approve the sale.

Importantly, the Receiver also asks the Court to use the proposed order attached to this notice as **Exhibit A** instead of the proposed order attached to the Motion. The version attached as Exhibit A contains the street address, Parcel Folio Number, and legal description of the Property. The version attached to the Motion contains only the street address; the Parcel Folio Number and legal description are referenced in the Motion but not in the proposed order. Although the Receiver has not included the legal description in past orders, recent

communications with underwriters and title counsel have indicated that including the legal description in the Court's order could promote quicker closings and avoid potential questions about the chain of title in an abundance of caution. As such, the Receiver asks the Court to grant the Motion using the order attached as Exhibit A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 21, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

Respectfully submitted,

s/Katherine C. Donlon

Katherine C. Donlon, FBN 0066941

kdonlon@wiandlaw.com

Jared J. Perez, FBN 0085192

jperez@wiandlaw.com

R. Max McKinley, FBN 119556

mmckinley@wiandlaw.com

WIAND GUERRA KING P.A.

5505 West Gray Street

Tampa, FL 33609

Tel: (813) 347-5100

Fax: (813) 347-5198

Attorneys for the Receiver, Burton W. Wiand

EXHIBIT A

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Relief Defendants.

ORDER

Before the Court is the Receiver's Motion to Approve Private Sale of Real property- 6346 Newtown Circle #46A3, Tampa, Florida (the "**Motion**") (Dkt. 170). The Securities and Exchange Commission having consented to the relief requested by the Receiver in the Motion, upon due consideration of the Receiver's powers as set forth in the Order Granting Temporary Restraining Order and Asset Freeze, Order Appointing Receiver, and Order Granting the Commission's Request For Entry of a Preliminary Injunction (Dkts. 10, 11, and 184), and applicable law, it is **ORDERED AND ADJUDGED** that the Motion is **GRANTED**.

The sale of the real property located at 6346 Newtown Circle #46A3, Tampa, Florida 33615, also known as Hillsborough County Property Appraiser's Parcel Folio Number: 005755-5162, with the following legal description:

**NORTH BAY VILLAGE CONDOMINIUM UNIT NO 46A3 BUILDING
NO 6346 TYPE A .331% UNDIVIDED SHARE OF COMMON
ELEMENTS**

(the "**Property**") pursuant to the Purchase and Sale Agreement attached as Exhibit 1 to the Motion, is hereby **APPROVED**. The Court finds the sale commercially reasonable, fair and equitable, and in the best interests of the Receivership Estate.

The Receiver is hereby directed to transfer the Property to FLTR LLC as Trustee of the 6346 Newtown Land Trust, free and clear of all claims, liens, and encumbrances by way of a Receiver's Deed, pursuant to Purchase and Sale Agreement.

DONE and ORDERED in chambers in Tampa, Florida this ____ day of August 2020.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

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Counsel of Record