

**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 1803 BRIGADOON DRIVE, CLEARWATER, FLORIDA**

On August 14, 2020, Burton W. Wiand, as receiver (the “**Receiver**”) over the assets of the above-captioned corporate defendants and relief defendants, filed the Receiver’s Motion to Approve Private Sale of Real Property- 1803 Brigadoon Drive, Clearwater, Florida (Doc. 183) (the “**Motion**” and the “**Property**”). A notice of the proposed sale was attached as Exhibit 5 to the Motion (the “**Notice of Sale**”). On August 12, 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. Doc. 183-5.

As indicated in the Motion, 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.

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 hereto 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 form of the order attached as Exhibit A.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 27, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

s/Katherine C. Donlon

Katherine C. Donlon

EXHIBIT A

**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.

ORDER

Before the Court is the Receiver's Motion to Approve Private Sale of Real property- 1803 Brigadoon Drive, Clearwater, Florida (the "**Motion**") (Doc. 183). 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 (Doc. 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 1803 Brigadoon Drive, Clearwater, Florida 33759, also known as Pinellas County Property Appraiser's Parcel Folio Number: 08-29-16-11404-018-0030, with the following legal description:

Lot 3 Block 18, BRIGADOON OF CLEARWATER, according to the plat thereof as recorded in Plat Book 91, Pages 35, 36 and 37, Public Records of PINELLAS County, Florida.

(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 Daryl Hietpas 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

COPIES FURNISHED TO:
Counsel of Record