

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

SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,

v.

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

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 PROPOSED SALE OF
2 BAHAMA CIRCLE, TAMPA, FLORIDA**

On May 7, 2021, Burton W. Wiand, as Receiver (the “**Receiver**”) over the assets of the above-captioned corporate defendants and relief defendants,¹ filed the Receiver’s Verified Unopposed Motion to Approve Private Sale of Real Property — 2 Bahama Circle, Tampa, Florida (Doc. 303) (the “**Motion**” and the “**Property**”). A notice of the proposed sale was attached as Exhibit 5 to the Motion (the “**Notice of Sale**”). On May 9, 2021, the Notice of Sale was published in The Tampa Bay Times, which is a newspaper that is regularly issued and of general circulation in the district where the Property is located. An affidavit of publication for the Notice of Sale is attached hereto as **Exhibit 1**.

As indicated in the Motion, the Receiver files this notice to inform the Court that pursuant to 28 U.S.C. § 2001(b), no “bona fide offers” have been received. The Court has not yet issued an order ruling on the Motion and therefore, the Receiver requests that the Court do so. If the Motion is

¹ The (“**Receiver**” and the “**Receivership**” or “**Receivership Estate**”) has been expanded to include the Corporate Defendants, Relief Defendants and the following entities: EquiAlt Qualified Opportunity Zone Fund, LP; EquiAlt QOZ Fund GP, LLC; EquiAlt Secured Income Portfolio REIT, Inc.; EquiAlt Holdings LLC; EquiAlt Property Management LLC; and EquiAlt Capital Advisors, LLC. *See* Doc. 184, at 6-7. *See also*, Doc. 284.

granted, the Receiver anticipates closing the sale of the Property as described in the Motion.

Respectfully submitted,

s/R. Max McKinley

R. Max McKinley, FBN 119556

mmckinley@guerraking.com

Jared J. Perez, FBN 0085192

jperez@guerraking.com

GUERRA KING P.A.

5505 West Gray Street

Tampa, FL 33609

Tel: (813) 347-5100

Fax: (813) 347-5198

and

Katherine C. Donlon, FBN 0066941

kdonlon@jclaw.com

**JOHNSON, CASSIDY, NEWLON &
DECORT P.A.**

2802 N. Howard Avenue

Tampa, FL 33607

Tel: (813) 291-3300

Fax: (813) 324-4629

*Attorneys for the Receiver Burton W.
Wiand*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 19, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

s/ R. Max McKinley

R. Max McKinley

EXHIBIT 1

0000158167-01

Tampa Bay Times
Published Daily

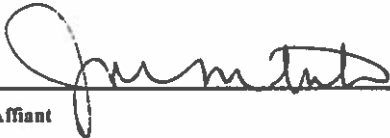
STATE OF FLORIDA
COUNTY OF Hillsborough

} ss

Before the undersigned authority personally appeared Jean Mitotes who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter RE: 2 Bahama Cir. was published in Tampa Bay Times: 5/ 9/21 in said newspaper in the issues of Baylink Hillsborough

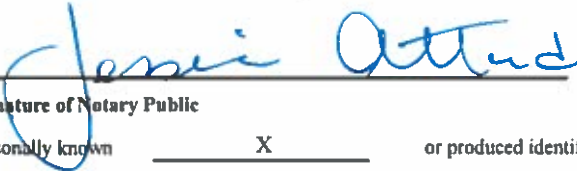
Affiant further says the said Tampa Bay Times is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida each day and has been entered as a second class mail matter at the post office in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

NOTICE OF SALE
2 Bahama Cir. Tampa, FL 33606
LEGAL NOTICE: Pursuant to 28 U.S.C. § 2001, Burton W. Wiand, as the Court-appointed Receiver in SECURITIES AND EXCHANGE COMMISSION V. BRIAN DAVISON, et al., CASE NO. 8:20-CV-325-T-35AEP (M.D. Fla.), will conduct a private sale of the property located at 2 Bahama Circle, Tampa, FL 33606 to Corey and Amanda Kluber for \$3,950,000. The sale is subject to approval by the United States District Court. Pursuant to 28 U.S.C. § 2001, bona fide offers that exceed the sale price by 10% must be submitted to the Receiver within 10 days of the publication of this notice. All inquiries regarding the property or the sale should be made to the Receiver at 5505 W. Gray St. Tampa, FL 33609. Telephone: (813) 347-5100 or at 114 Turner St. Clearwater, FL 33756. Telephone: (727) 235-6769.
May 9, 2021 0000158167



Signature Affiant

Sworn to and subscribed before me this 05/09/2021



Signature of Notary Public

Personally known X or produced identification

Type of identification produced



JESSICA ATTARD
Commission # 00300686
Expires March 28, 2023
Bonded Thru Budget Notary Services