

**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.

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**RECEIVER’S NOTICE OF LACK OF BONA FIDE OFFERS  
REGARDING THE SALE OF 128 BISCAYNE AVENUE, TAMPA,  
FLORIDA AND 305 BOSPHOROUS AVENUE, TAMPA, FLORIDA**

On November 12, 2021, Burton W. Wiand, as Receiver (the “**Receiver**”) over the assets of the above-captioned corporate defendants and relief defendants,<sup>1</sup> filed the Receiver’s Verified Unopposed Motion to Approve Private Sale of Real Property — 128 Biscayne Avenue, Tampa, Florida and 305 Bosphorous Avenue, Tampa, Florida (Doc. 437) (the “**Motion**” and the “**Properties**”). The Motion has been granted (Doc. 443).

A notice of the proposed sale was attached as Exhibit 5 to the Motion (the “**Notice of Sale**”). On November 21, 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 Properties are located. An affidavit of publication for the Notice of Sale is attached hereto as **Exhibit 1**.

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<sup>1</sup> 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.

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” were received.

Respectfully submitted,

**s/R. Max McKinley**

Jared J. Perez, FBN 0085192

[jperez@guerraking.com](mailto:jperez@guerraking.com)

R. Max McKinley, FBN 119556

[mmckinley@guerraking.com](mailto:mmckinley@guerraking.com)

**GUERRA KING P.A.**

1408 N. Westshore Blvd, Ste 1010

Tampa, FL 33607

Tel: (813) 347-5100

Fax: (813) 347-5198

and

Katherine C. Donlon, FBN 0066941

[kdonlon@jclaw.com](mailto: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 March 1, 2022, 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**

0000196292-01

**Tampa Bay Times**  
**Published Daily**

STATE OF FLORIDA  
COUNTY OF Hillsborough

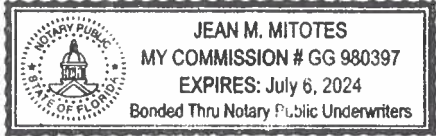
Before the undersigned authority personally appeared **Deirdre Almeida** who on oath says that he/she is **Legal Advertising Representative** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: 128 Biscayne Ave., 305 Bosphorus Ave.** was published in **Tampa Bay Times: 11/21/21** 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**  
128 Biscayne Ave.  
Tampa, Florida 33606  
-and-  
305 Bosphorus Ave.  
Tampa, Florida 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 128 Biscayne Ave. Tampa, Florida 33606 to Stephen and Shirlene Hammond or a newly formed LLC for \$2,000,000 and 305 Bosphorus Ave. Tampa, Florida 33606 to Stress Free Construction or a newly formed LLC for \$1,402,800. The sales are 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 offers or inquiries regarding the properties or their sale should be made to the Receiver at 114 Turner St. Clearwater, FL 33756. Telephone: (727) 235-6769. Email: Burt@BurtonWWiandPA.com.  
11/21/28 0000196292

} SS



Signature Affiant

Sworn to and subscribed before me this 11/21/2021

Signature of Notary Public

Personally known \_\_\_\_\_ X \_\_\_\_\_ or produced identification

Type of identification produced \_\_\_\_\_