

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

CIVIL ACTION NO. 20-cv-00325-MSS-MRM

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON, et al.,

Defendants.

**NOTICE OF FILING AND REQUEST FOR ENTRY OF
PROPOSED AGREED ORDER EXTENDING AND MODIFYING ASSET FREEZE**

Plaintiff Securities and Exchange Commission (the “Commission”) hereby files a proposed Agreed Order Extending and Modifying Asset Freeze. The proposed Order has been agreed to by Brian Davison, the Commission and the Receiver. The Agreed Order is filed in order to provide a release of funds to Davison as agreed to under the settlement, and to extend all other portions of the asset freeze pending further Order of this Court. Thus, the Commission respectfully requests that the Court enter the attached proposed Agreed Order.

December 23, 2022

Respectfully submitted,

By: s/Alise Johnson
Alise Johnson
Senior Trial Counsel
Florida Bar No. 0003270
E-mail: johnsonali@sec.gov
Lead Attorney

Attorney for Plaintiff
**SECURITIES AND EXCHANGE
COMMISSION**
801 Brickell Avenue, Suite 1950

Miami, Florida 33131
Telephone: (305) 982-6300

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2022, I electronically filed the foregoing proposed Agreed Order Extending and Modifying Asset Freeze with the Clerk of the Court using CM/ECF, which will send a notice of such filing to all counsel of record.

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CASE NO. 20-cv-00325-MSS-MRM

**BRIAN DAVISON, BARRY RYBICKI,
EQUIALT et al.,**

Defendants.

AGREED ORDER MODIFYING ASSET FREEZE

THIS CAUSE comes before the Court upon the Joint Motion by Plaintiff Securities and Exchange Commission, the Receiver, and Defendant Brian Davison. The Court having originally imposed a Temporary Restraining Order, Asset Freeze and Other Injunctive Relief on February 14, 2020 and having extended that Order on February 28, 2020 (D.E. 31), and having now been advised that the Commission and the parties have agreed that the asset freeze be modified as detailed below. Those orders remain in full force and effect except as follows:

I.

MODIFICATION OF ORDER FREEZING ASSETS

IT IS HEREBY ORDERED that, subject to any further application and Court Order, for the period from the date of this Order through the Court's final disposition of this matter:

1. The account held at Bank of America, Account number XXXXX8041, held in the name of The Brian D. Davison Revocable Trust, is no longer frozen. Bank of America is directed to mail a check for the proceeds of that account made payable to Brian Davison, to Davison's counsel, Stanley T. Padgett, Padgett Law, P.A., 201 E. Kennedy Blvd., Ste. 600, Tampa, FL 33602, and close the account.
2. The accounts held at Bank of America, Account number XXXXX4008, held in the name of EquiAlt Secured Income Portfolio Limited Partnership, and Account number XXXXX4011, held in the name of EquiAlt Secured Income Portfolio, are no longer frozen. Bank of America is directed to mail a check(s) for the proceeds of these accounts to Receiver Burton Wiand's counsel, Katherine Donlon, Johnson, Cassidy, Newlon & DeCort, 3242 Henderson Blvd., Ste. 210, Tampa, FL 33609, and close the accounts.
3. The account held at Bank of America, Account number XXXXX5126, held in the name of EquiAlt Property Management, LLC, is no longer frozen. At the time the Receiver was appointed and this account was frozen, there was a zero balance. Assuming that is still the case, Bank of America is directed to close the account. If there is any balance, Bank of America is directed to mail a check(s) for the proceeds of that account to Receiver Burton Wiand's counsel, Katherine Donlon, Johnson, Cassidy, Newlon & DeCort, 3242 Henderson Blvd., Ste. 210, Tampa, FL 33609, and close the account.
4. The actions described in paragraphs 1-3 above shall not be deemed a violation of the Court's Asset Freeze Orders or this Order.

II.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED that this Court shall retain jurisdiction over this matter, the Defendants, and the Relief Defendants in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstance.

DONE and **ORDERED** in Tampa, Florida this ____ day of December, 2022.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE