

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No. 8:20-CV-325-T-35MRM

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, et al.,

Relief Defendants.

**RECEIVER'S NOTICE OF LACK OF BONA FIDE OFFERS
REGARDING THE SALE OF 2804 CASON LANE, MURFREESBORO,
TN, 1234 CATAWBA WAY, MURFREESBORO, TN, AND
1244 CATAWBA WAY, MURFREESBORO, TN**

On August 31, 2023, 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 Motions to Approve

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

Private Sale of Real Property — 1234 Catawba Way, Murfreesboro, TN 37130 (Doc. 993) and 1244 Catawba Way, Murfreesboro, TN 37130 (Doc. 994) and on September 7, 2023, the Receiver filed his Verified Unopposed Motion to Approve Private Sale of Real Property — 2804 Cason Lane, Murfreesboro, TN 37128 (Doc. 996)(the “**Properties**”). The Court granted these motions on September 19, 2023. (Docs. 1013, 1014, and 1015)

A notice of sale was published on September 9, 2023 for the properties at 1234 and 1244 Catawba Way and on September 12, 2023 for the property at 2804 Cason Lane, in *The Tennessean*, which is a newspaper that is regularly issued and of general circulation in the district where the Properties are located. The affidavits of publication are attached as **Exhibits 1 and 2**. The Receiver files this notice to inform the Court that pursuant to 28 U.S.C. § 2001(b), no “bona fide offers” were received for the Properties.

Respectfully submitted,

/s/ Katherine C. Donlon

Katherine C. Donlon, FBN 0066941

kdonlon@jnd-law.com

JOHNSON, NEWLON

& DECORT P.A.

3242 Henderson Blvd., Ste. 210

Tampa, FL 33609

Tel: (813) 291-3300

Fax: (813) 324-4629

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.

and

Jared J. Perez, FBN 0085192
jared.perez@jaredperezlaw.com
Law Office of Jared J. Perez
301 Druid Rd. W
Clearwater, FL 33759
Tel: (727) 641-6562

*Attorneys for the Receiver Burton W.
Wiand*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 25, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

/s/ Katherine C. Donlon
Katherine C. Donlon, FBN 0066941

EXHIBIT 1

AFFIDAVIT OF PUBLICATION

0005815890

Newspaper The Tennessean

State of Tennessee

Account Number NAS-0000005452

Advertiser JOHNSON NEWLON & DECORT PA

JOHNSON NEWLON & DECORT PA
3242 HENDERSON BLVD STE 210
TAMPA, FL
33609

V. Elty

Sales Assistant for the above mentioned newspaper,

hereby certify that the attached advertisement appeared in said newspaper on the following dates:

09/06/23

Attesty

Subscribed and sworn to before me this 6 day of Sept 2023

Mariah Verhagen

Notary Public

exp: 8.25.26

MARIAH VERHAGEN
Notary Public
State of Wisconsin

0005815890

NOTICE OF SALE

1244 Catawba Way,
Murfreesboro, Tennessee 37130

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-35UAM (M.D. Fla.), will conduct a private sale of the property located at 1244 Catawba Way, Murfreesboro, Tennessee 37130 to Angly & Gerges LLC for \$370,000. The sale is subject to approval by the U.S. 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 property or its sale should be made to the Receiver at 114 Turner St. Clearwater, FL 33756. Telephone: (727) 235-6769. Email: Burt@BurtonW WiandPA.com.

AFFIDAVIT OF PUBLICATION

0005815886

Newspaper The Tennessean

State of Tennessee

Account Number NAS-0000005452

Advertiser JOHNSON NEWLON & DECORT PA

JOHNSON NEWLON & DECORT PA
3242 HENDERSON BLVD STE 210
TAMPA, FL
33609

V Felty

_____ Sales Assistant for the above mentioned newspaper,

hereby certify that the attached advertisement appeared in said newspaper on the following dates:

09/06/23

d Felty

Subscribed and sworn to before me this 6 day of Sept 2023

Mariah Verhagen

Notary Public

exp: 8-25-26

MARIAH VERHAGEN
Notary Public
State of Wisconsin

0005815886

NOTICE OF SALE

1234 Catawba Way,
Murfreesboro, Tennessee 37130

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-35UAM (M.D. Fla.), will conduct a private sale of the property located at 1234 Catawba Way, Murfreesboro, Tennessee 37130 to Angly & Gerges LLC for \$370,000. The sale is subject to approval by the U.S. 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 property or its sale should be made to the Receiver at 114 Turner St. Clearwater, FL 33756. Telephone: (727) 235-6769. Email: Burt@BurtonW WiandPA.com.

EXHIBIT 2

AFFIDAVIT OF PUBLICATION

0005820643

Newspaper The Tennessean

State of Tennessee

Account Number NAS-0000005452

Advertiser JOHNSON NEWLON & DECORT PA

JOHNSON NEWLON & DECORT PA
3242 HENDERSON BLVD STE 210
TAMPA, FL
33609

V Kelly

_____ Sales Assistant for the above mentioned newspaper,

hereby certify that the attached advertisement appeared in said newspaper on the following dates:

09/12/23

V Kelly

Subscribed and sworn to before me this 13 day of Sept. 2023

Mariah Verhagen

Notary Public

exp: 8.25.26

MARIAH VERHAGEN
Notary Public
State of Wisconsin

0005820643

NOTICE OF SALE

2804 Cason Lane,
Murfreesboro, Tennessee 37128

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-35UAM (M.D. Fla.), will conduct a private sale of the property located at 2804 Cason Lane, Murfreesboro, Tennessee 37128 to Naim Kaki for \$465,000. The sale is subject to approval by the U.S. 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 property or its sale should be made to the Receiver at 114 Turner St. Clearwater, FL 33756. Telephone: (727) 235-6769. Email: Burt@BurtonWWiandPA.com.