

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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

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

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.

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**RECEIVER'S UNOPPOSED MOTION TO CORRECT SCRIVENER'S  
ERROR IN ORDER APPROVING TRANSFER OF TITLE**

Burton W. Wiand, as Receiver over the assets of the Corporate and Relief Defendants, moves the Court to issue an Amended Order that corrects the scrivener's error contained in the Court's Order approving the transfer of title for 27254 Roper Road, Brooksville, Florida 34602 (Doc. 1174). On June 14, 2024, the Receiver filed his Unopposed Motion to Transfer Title to the Property Located at 27254 Roper Road, Brooksville, Florida 34602 (the

“Motion”) (Doc. 1155). As requested previously by the Court, undersigned counsel submitted a proposed order. Unfortunately, the proposed order submitted for the Motion had a typographical error and referred to 27254 *Proper* Road rather than 27254 Roper Road. The Court granted the Motion on June 25, 2024, using the proposed order with counsel’s typographical error. (Doc. 1174) Attached as Exhibit 1 is a revised proposed Amended Order correcting this error.

### **MEMORANDUM OF LAW**

Federal Rule of Civil Procedure 60(a) allows a court to correct a clerical mistake or a mistake arising from oversight as long as the error does not affect the substantive rights of the parties. *See, e.g. Arkin v. Smith Med. Partners, LLC*, 2021 WL 2459458, at \*1 (M.D. Fla. May 13, 2021). In this case, the correction of the clerical error contained in the proposed order submitted by counsel will not affect the substantive rights of the parties.

### **CONCLUSION**

Based on the foregoing, the Receiver moves the Court for entry of an Amended Order correcting the scrivener’s error in the Court’s Order approving transfer of title (Doc. 1174).

### **LOCAL RULE 3.01(G) CERTIFICATION**

Counsel for the Receiver has conferred with counsel for the SEC and they do not object to the relief sought.

Dated: June 27, 2024.

Respectfully submitted,

**/s/ Katherine C. Donlon**

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*Attorneys for Burton W. Wiand Receiver*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 27, 2024, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system which will send notification of electronic filing to all counsel of record.

**/s/ Katherine C. Donlon**

Attorney

# **EXHIBIT 1**

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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No. 8:20-cv-00325-MSS-NHA

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.

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**AMENDED ORDER**

**THIS CAUSE** comes before the Court for consideration of the Receiver’s Unopposed Motion to Approve Transfer of Title to the Property Located at 27254 Roper Road, Brooksville, Florida 34602 (the “Property”). (Dkt. 1155) At the request of the Securities and Exchange Commission (“SEC”), the Court appointed the Receiver on February 14, 2020 and directed him, in relevant part, to “[t]ake immediate possession of all property, assets and estates of every kind of the Corporate Defendants and Relief Defendants,” which includes “all

real property of the Corporate Defendants and Relief Defendants, wherever situated, and to administer such assets as is required in order to comply with the directions contained in this Order.” (Dkt. 11)

The Court previously approved the sale of the Property as part of an auction conducted by the Receiver. (Dkt. 732) The Property was sold at auction to Bay Area Property Acquisitions LLC, and the Receiver requests that the Court approve the transfer of title of the Property to Bay Area Property Acquisitions LLC. (Dkt. 1155) The SEC consents to the relief sought in the Motion and has waived any right to appeal this Order. (Id.) The Receiver provided the Sale Procedures Agreement for the Court’s review. (Dkt. 1155-1)

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. The Receiver’s Motion, (Dkt. 1155), is **GRANTED**.
2. Transfer of title to the Property located at 27254 Roper Road, Brooksville, Florida 34602, better known as Hernando County Property Appraiser’s Parcel Id Number (PIN): R34-122-20-0430-0070-0130 to Bay Area Property Acquisitions LLC is **APPROVED**. The Property’s legal description is as follows:

**HILL N DALE UNIT 1 BLK 7 LOT 13 ORB 332 PG 278  
EASE DES IN ORB 4339 PG 1287**

3. Said transfer shall be free of any and all liens and encumbrances.

**DONE and ORDERED** in Tampa, Florida, this \_\_ day of \_\_\_\_\_  
20\_\_.

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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**COPIES FURNISHED TO:**

Counsel of Record

Any Unrepresented Person