

**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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ORDER

THIS CAUSE comes before the Court for consideration of the Receiver’s Unopposed Motion to Approve the Transfer of Title to the Property Located at 5 Grindstaff Cove Road, Sylva, North Carolina 28779 (the “Property”). (Dkt. 1191) 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. 977) The Property was sold at auction to Sundog Commercial Properties, LLC, and the Receiver requests that the Court approve the transfer of title of the Property to Sundog Commercial Properties, LLC. (Dkt. 1191) 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. 1191-1)

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

1. The Receiver’s Motion, (Dkt. 1191), is **GRANTED**.
2. Transfer of title to the Property located at 5 Grindstaff Cove Road, Sylva, North Carolina 28779, better known as Jackson County, North Carolina Property Tax Parcel Id Number (PIN): 7641073927 to Sundog Commercial Properties, LLC is **APPROVED**. The Property’s legal description is as follows:

BEING AND COMPREHENDING a tract of land containing 0.82 acre, more or less, as shown on plat entitled “NBC Holdings, LLC”, dated March 2, 2018, as surveyed by Alliance Land Surveying, P.C. and recorded in Plat Cabinet 22 at Slide 556 of the Jackson County Public Registry; specific reference to which is herein made for a more complete description.

SUBJECT TO the right of way of Blue Ridge Southern Railroad as shown on the above referenced plat.

SUBJECT TO the right of way of North Carolina State Road 1513 (Grindstaff Cove Road) as shown on the above referenced plat.


SUBJECT TO the flow of waters of Scotts Creek as shown on the above referenced plat.

BEING the same lands as described in a deed to Robert C. Hall, Executor of the Estate of Edith Moore Hall, dated October 29, 1990 and recorded in Book 767 at Page 692 of the Jackson County Public Registry; specific reference to which is herein made for a more complete description.

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

DONE and **ORDERED** in Tampa, Florida, this 9th day of July 2024.

Copies furnished to:
Counsel of Record
Any Unrepresented Person



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE