

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-81311-CIV-MIDDLEBROOKS/BRANNON

UNITED STATES COMMODITY
FUTURES TRADING COMMISSION,

Plaintiff,

vs.

HUNTER WISE COMMODITIES, LLC,
et al.,

Defendants.

**ORDER GRANTING RECEIVER'S MOTION TO APPROVE SALE OF
ALL PERSONAL PROPERTY OF THE RECEIVERSHIP ESTATE**

THIS CAUSE comes before the Court upon the Receiver's Motion to Approve Sale of All Personal Property of the Receivership Estate ("Motion") (DE 315), filed on August 11, 2014.¹ Objections to the Motion were due by August 28, 2014. As of today, no objections have been filed. The Court has reviewed the record and is otherwise advised in the premises. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Receiver's Motion (DE 315) is **GRANTED**;
2. The Court finds that the Receiver seeks to sell all personal property of the Receivership Estate including, without limitation, (1) all of precious metals held in accounts at various depositories, including without limitation Delaware Depository and IDS of Canada, (2) all of the precious metals stored at ViaMat's secure facility in Miami (the precious metals listed in (1) and (2) shall hereinafter be referred to collectively as the "Precious Metals"), (3) all of the precious metals

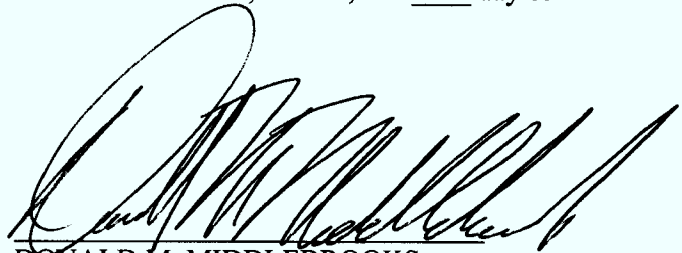
¹ The Receiver filed the Motion filed pursuant to this Court's Order of Final Judgment, Permanent Injunction, Civil Monetary Penalty and Other Equitable Relief (DE 306) (the "Final Judgment" or "Permanent Injunction") and pursuant to 28 U.S.C. §§ 2001 and 2004.

and fashion jewelry formerly belonging to Defendant Ed Martin seized from Hunter Wise's apartment in Santa Ana, (4) a Rolex Submariner watch turned over by Defendant Frank Gaudino, (5) the furniture and office equipment held in storage in Irvine, Las Vegas and South Florida (6) all personal property collected from Fred Jager, including without limitation, the 1.9 million shares of Great Western Iron Ore and (7) any personal property collected by the Receiver in the future (collectively, the "Personal Property"), in a manner that is most expedient and likely to produce the highest return for the Estate based on the characteristics of the varying items of Personal Property;

3. The Court approves the proposed sales of the Personal Property upon the terms and conditions set forth in the Motion without requiring any further notice or process;
4. The Court further grants the Receiver discretion to carry out the future sales of the Personal Property, without requiring any further notice or process, implementing the sale tactics that she believes will produce the highest return based on the varying characteristics, status and circumstances of the items comprising the Personal Property;
5. All objections, if any, to the entry of this Order are overruled to the extent not otherwise withdrawn or resolved;
6. The sale of the Personal Property shall be free and clear of all liens, claims and encumbrances, with such liens, claims, interests or encumbrances to attach to the proceeds of the sale;
7. The Court waives the appraisal and publication requirements of 28 U.S.C. §§ 2001 and 2004 and finds that the Receiver's proposed sale processes meet or exceed the statutory requirements for judicial sales under 28 U.S.C. §§ 2001 and 2004;

8. This Court shall retain exclusive jurisdiction to enforce the provisions of this Order and to resolve any dispute concerning this Order or the rights and duties of the parties hereunder or thereunder or any issues relating to the sales of the Personal Property and this Order, including, but not limited to enforcement of rights thereunder, the interpretation of the terms, conditions and provisions hereof and thereof, the status, nature and extent of the Personal Property and all issues and disputes arising in connection with the relief authorized herein;
9. This Order shall be effective and enforceable immediately upon entry and its provisions shall be self-executing. The Receiver is immediately free to close any and all sales of the Personal Property in accordance herewith;
10. The purchasers of any and all of the Personal Property shall be deemed to be good faith purchasers for value entitled to the protections of Article 2 of the Uniform Commercial Code as to all aspects of the transactions if this Order or any authorization contained herein is reversed or modified on appeal.

DONE AND ORDERED in Chambers in West Palm Beach, Florida, this 29 day of August, 2014.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record