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10 *Attorneys for Receiver*  
*Geoff Winkler of American Fiduciary Services*

11  
12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 SECURITIES AND EXCHANGE  
COMMISSION,

15 Plaintiff,

16 v.

17 PROFIT CONNECT WEALTH  
18 SERVICES, INC., JOY I. KOVAR, and  
19 BRENT CARSON KOVAR,

20 Defendants.

Case No. 2:21-cv-01298-JAD-BNW

**MOTION FOR ORDER IN AID OF  
RECEIVERSHIP TO APPROVE (1)  
STIPULATION WAIVING  
REQUIREMENTS OF 28 U.S.C. § 2001  
WITH RESPECT TO THE SALE OF  
RESIDENTIAL REAL PROPERTY, (2)  
RETENTION OF BRAUN  
INTERNATIONAL REAL ESTATE TO  
LIST AND MARKET RESIDENTIAL  
REAL ESTATE LOCATED IN NORTH  
LAS VEGAS AND PARCELS LOCATED  
IN SEARCHLIGHT, (3) SALE OF  
RESIDENTIAL REAL PROPERTY,  
AND (4) AUCTION OF PARCELS IN  
SEARCHLIGHT**

**[Declaration of Geoff Winker Filed  
Concurrently]**

**[Hearing Requested]<sup>1</sup>**

27  
28 <sup>1</sup> The Receiver has also filed a status report and second interim fee applications and requests that the hearings be set at the same date and time.

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1 In accordance with Local Rule 66-6 and this Court's August 6, 2021, order (ECF  
 2 No. 26) (the "Receiver Order") appointing Geoff Winkler of American Fiduciary  
 3 Services, LLC, as the permanent receiver of Profit Connect Wealth Services, Inc., and  
 4 any subsidiaries and affiliates (together, "Profit Connect"), the Receiver moves this  
 5 Court for an order approving a *Stipulation Waiving Requirements of 28 U.S.C. § 2001*  
 6 *with Respect to the Sale of Residential Real Property* ("Stipulation"), authorizing the  
 7 Receiver to retain Braun International Real Estate (the "Braun") to market  
 8 residential real property in North Las Vegas and parcels in Searchlight, (3) to  
 9 approve the sale of the residential real property without further Court order, and (4)  
 10 to authorize the Receiver to sell the Searchlight parcels by on-line auction if he deems  
 11 it appropriate. The Receiver is informed that the Securities & Exchange Commission  
 12 has no objection to the relief sought in this Motion.

13 This Motion is based on the below memorandum of points and authorities, the  
 14 declaration of Todd Wohl attached as Exhibit 1, the Stipulation filed as Exhibit 2, the  
 15 concurrently-filed declaration of Geoff Winkler and the exhibits thereto, all papers on  
 16 file, and any argument the Court may call and consider.

### 17 MEMORANDUM OF POINTS AND AUTHORITIES

#### 18 19 **I. RELEVANT BACKGROUND AND PROCEDURAL HISTORY**

20 The Securities and Exchange Commission initiated this action against Profit  
 21 Connect, Joy Kovar, and Brent Kovar on July 8, 2021, by the sealed, ex parte filing  
 22 of a complaint and motion for temporary restraining order seeking, among other  
 23 things, the freezing of defendants' assets and the appointment of a receiver over Profit  
 24 Connect. The Court granted the ex parte temporary restraining order, in part, by  
 25 allowing the asset freeze to proceed but set the motion for a hearing in order to  
 26 provide defendants an opportunity to be heard on the temporary receivership request.

27 On July 23, 2021, defendants stipulated to modify the temporary restraining  
 28 order to appoint the Temporary Receiver. On August 6, 2021, following another

1 stipulation of the parties, the Court converted the temporary restraining order to a  
2 preliminary injunction and appointed the Receiver as the permanent receiver of  
3 Profit Connect.

4 **A. The Real Property Presently Part of the Receivership Estate**

5 Among the assets of the receivership estate are a residence located at 7043  
6 Calvert Cliffs Street, North Las Vegas, Nevada, where Joy and Brent Kovar lived (the  
7 "Residential Property"). In addition, Profit Connect acquired eight parcels of land in  
8 Searchlight, Nevada. The parcels bear the following Assessor's Parcel Numbers: 243-  
9 34-101-006; 243-27-801-004; 243-27-801-006; 243-27-701-004; 243-27-701-005; 243-  
10 34-201-014; 243-34-301-007; and 243-34-201-002 (together, the "Searchlight  
11 Parcels"). All of the real property appears to be unencumbered.

12 **B. The Proposed Retention of Braun**

13 **1. The Residential Property**

14 The Receiver solicited proposals from several different brokers and has  
15 determined that he would like to retain Braun to market and sell the Residential  
16 Property and the Searchlight Parcels. The Residential Property will be a traditional  
17 listing that solicits offers, with the best bid to be identified and accepted by the  
18 Receiver. Because the Residential Property is a tract home that is more of an entry  
19 level property and because of the competitiveness of the real estate market, Braun  
20 and the Receiver were concerned that requiring potential buyers to be subjected to  
21 the overbid and Court approval process may discourage buyers from making an offer  
22 and drive the price down, not up. Braun strongly recommended that the sale be a  
23 standard residential real estate transaction. To accomplish this, the parties to this  
24 action have stipulated to waive the requirements of 28 U.S.C. § 2001 with respect to  
25 the Residential Property. Specifically, the Stipulation waives the requirement that  
26 the Residential Property either be the subject of three formal appraisals to be sold as  
27 a private sale or be the subject of a public auction. The Stipulation is attached as  
28 Exhibit 2. The Stipulation only applies to the Residential Property. Under the listing

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1 agreement with Braun, Braun will be entitled to a 6% commission at the closing of  
2 the sale of the Residential Property, payable from the proceeds of the sale without  
3 the necessity of a further Court order. A copy of the listing agreement is attached to  
4 the Winkler Declaration as Exhibit 1.

5 Although not contained in the listing agreement, Braun proposes to list the  
6 Residential Property for \$459,000. As set forth in the commitment for title insurance  
7 from First American Title that is attached to Geoff Winkler's declaration as Exhibit  
8 2, the Residential Property has no liens against it. Although the commitment reflects  
9 delinquent property taxes, the Receiver has since paid these taxes current.  
10 Accordingly, the Receiver estimates that the sale of the Residential Property will  
11 generate approximately \$422,280 for the benefit of the receivership estate after  
12 deducting the broker's fee of 6% and estimated closing costs of 2%.

## 13 **2. The Searchlight Parcels**

14 With respect to the Searchlight Parcels, Braun will initially list and market  
15 them in a traditional manner and see what interest is generated in the Searchlight  
16 Parcels. The Searchlight Parcels appear to be unencumbered and were purchased by  
17 Profit Connect for cash. Because of unique issues with the Searchlight Parcels, the  
18 listing price has not yet been finally determined. If offers for the Searchlight Parcels  
19 are received through a traditional listing, then the Receiver will present the proposed  
20 sales to the Court for approval, with the sales subject to overbid. Because of the  
21 nature of these properties and the anticipated effort that will be required to sell them,  
22 Braun's commission for selling the Searchlight Properties will be 10%. The Receiver  
23 may terminate the listing agreement at any time. A copy of the listing agreement for  
24 the Searchlight Parcels is attached to the Declaration of Geoff Winkler as Exhibit 3.

25 Although Braun will initially list and market the Searchlight Parcels in the  
26 traditional manner, if the Receiver in consultation with Braun determines that the  
27 traditional brokerage sale method is not successful for the Searchlight Parcels, then  
28 through this Motion, the Receiver is seeking authority to sell the Searchlight Parcels

1 via an on-line auction with no reserve and with sealed bids, with the auction to be  
 2 conducted by Braun through its affiliate, Premier Estates Auction Company. In the  
 3 event that the Searchlight Parcels are sold in that manner, then Braun will collect a  
 4 ten percent buyer's premium from the buyer(s) of the parcels, and the receivership  
 5 estate will pay the costs associated with marketing in an amount not to exceed  
 6 \$18,000, with these costs paid from the sale proceeds at the close of escrow. A copy  
 7 of the auction agreement that would be executed in that circumstance, together with  
 8 its addendum, is attached to the Declaration of Geoff Winkler as Exhibit 4.

9 Attached to this Motion as Exhibit 1 is the declaration of Todd Wohl in support  
 10 of Braun's employment.

11 **C. Notice of the Motion**

12 In connection with the Receiver's first quarterly status report, the Court  
 13 authorized the Receiver to give notice of this motion by posting the pleading on the  
 14 website that he established for the receivership to provide information to investors.  
 15 The website can be located at: <https://profitconnect-receivership.com/>. In addition,  
 16 the Receiver is emailing this Motion to all email addresses that he has for investors.

17  
 18 **II. LEGAL AUTHORITY**

19 “The power of a district court to impose a receivership ... derives from the  
 20 inherent power of a court of equity to fashion effective relief.”<sup>2</sup> “The primary purpose  
 21 of equity receiverships is to promote orderly and efficient administration of the  
 22 Receivership Estate by the district court for the benefit of creditors.”<sup>3</sup> “[T]he practice  
 23 in administering an estate by a receiver ... must accord with the historical practice  
 24 in federal courts or with a local rule.”<sup>4</sup>

25  
 26 <sup>2</sup> *SEC v. Wencke*, 622 F.2d 1363, 1369 (9th Cir. 1980).

27 <sup>3</sup> *SEC v. Hardy*, 803 F.2d 1034, 1038 (9th Cir. 1986.)

28 <sup>4</sup> Fed. R. Civ. P. 66.

1 As the Ninth Circuit explained:

2 A district court's power to supervise an equity receivership  
3 and to determine the appropriate action to be taken in the  
4 administration of the receivership is extremely broad. The  
5 district court has broad powers and wide discretion to  
6 determine the appropriate relief in an equity receivership.  
The basis for this broad deference to the district court's  
supervisory role in equity receiverships arises out of the  
fact that most receiverships involve multiple parties and  
complex transactions.<sup>5</sup>

7 With respect to the sale of real property, 28 U.S.C. section 2001 requires that  
8 the sale of real property be accomplished either (1) through a public sale with notice  
9 published once a week for four weeks prior to the sale in at least one newspaper of  
10 general circulation in the county where the property is situated, or (2) through a  
11 private sale if, prior to the sale, the court has appointed three independent parties to  
12 appraise the property and the sale price is at least two-thirds of the appraised value,  
13 with additional limitations not relevant here.<sup>6</sup> Courts have excused receivers from  
14 strict compliance with these requirements where the parties to the action stipulate  
15 to do so. Here, Braun strongly recommended that the sale of the Residential Property  
16 be done in the traditional manner in order to generate the highest and best price, and  
17 the SEC and Brent and Joy Kovar have stipulated with the Receiver to permit this  
18 to occur. Braun will be paid a 6% commission at the closing from the proceeds of the  
19 sale of the Residential Property. A title report for the Residential Property is attached  
20 to Geoff Winkler's declaration as Exhibit 2. The Residential Property appears to be  
21 unencumbered. The Receiver seeks authority to sell the Residential Property free  
22 and clear of liens and to pay closing costs, the broker's commission, and any pro-rated  
23 property taxes or homeowner's assessments at the closing of the sale. The Receiver

24 \_\_\_\_\_  
25 <sup>5</sup> *SEC v. Capital Consultants, LLC*, 397 F.3d 733, 738 (9th Cir. 2005) (citations  
26 omitted); *see also CFTC v. Topworth Int'l, Ltd.*, 205 F.3d 1107, 1115 (9th Cir. 1999)  
27 (“This court affords ‘broad deference’ to the court’s supervisory role, and ‘we generally  
uphold reasonable procedures instituted by the district court that serve th[e] purpose  
of orderly and efficient administration of the receivership for the benefit of  
creditors.”).

28 <sup>6</sup> *See* 28 U.S.C. § 2001.

1 estimates that the sale will generate approximately \$422,280 for the receivership  
2 estate, although the Receiver requests authority to use his discretion to modify the  
3 listing price downwards if he believes doing so would be in the best interests of the  
4 receivership estate.

5 With respect to the Searchlight Parcels, the Receiver seeks to employ Braun to  
6 market the properties. Braun will first attempt to sell the Searchlight Parcels by  
7 listing them for sale and soliciting offers. If a stalking horse bidder is identified, the  
8 Receiver will file a motion with the Court to approve the sale, subject to overbid, with  
9 overbid procedures to be approved by the Court. The opportunity to overbid will be  
10 published for four weeks, as required by 28 U.S.C. § 2001. The Receiver will also  
11 request that the Court schedule a hearing to confirm the sale to the highest bidder.  
12 If the Searchlight Parcels are sold in this manner, then Braun will receive a 10%  
13 commission at the closing from the sale proceeds. If the traditional method proves  
14 unsuccessful or difficult with the Searchlight Parcels, then the Receiver will instead  
15 transition to selling them via an online public auction. If that occurs, Braun will  
16 conduct an extensive marketing campaign with four weeks' advance notice of the  
17 auction and the parcels would be sold to the highest bidder(s) at the auction. The  
18 buyer will be required to pay a registration of deposit of \$25,000 and, if they are the  
19 successful purchaser, pay Premier Estates a 10% buyer's premium, and the Receiver  
20 will pay the costs of marketing. The marketing costs, in an amount not to exceed  
21 \$18,000, are payable only from the proceeds of a sale of the Searchlight Parcels.  
22 Because of the nature of the properties and the extensive marketing campaign that  
23 will be conducted, the Receiver does not anticipate setting a reserve and will instead  
24 sell them to the highest bidder(s) without the necessity of obtaining a further Court  
25 order. The sale of the Searchlight Parcels via an on-line auction is consistent with  
26  
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28

1 the letter and spirit of 28 U.S.C. section 2001, which is to ensure that the highest and  
2 best price is obtained.<sup>7</sup>

3  
4 **III. CONCLUSION**

5 Based on the foregoing and pursuant to Section X of the Receiver Order, the  
6 Receiver requests entry of an order in the form attached hereto as Exhibit 3:

7 (1) Granting the Motion and finding that notice of the Motion was proper;

8 (2) Approving the Stipulation and excusing the Receiver's compliance with  
9 28 U.S.C. § 2001 with respect to the sale of the Residential Property;

10 (3) Authorizing the Receiver to sell the Residential Property to the party  
11 with the highest and best offer as identified in the exercise of the Receiver's business  
12 judgment, with the sale to be by private sale and not subject to overbid and free and  
13 clear of liens, and authorizing the payment of the broker's commission, costs of sale,  
14 and any pro-rated property taxes or homeowners' association dues or fees required to  
15 be paid;

16 (4) Authorizing any title company to rely on the Order as authority for the  
17 sale of the Residential Property by the Receiver without the necessity of a further  
18 Court order;

19 (5) Authorizing the Receiver's retention of Braun pursuant to the terms of  
20 the listing agreements and the auction agreement and authorizing the Receiver to  
21 sign these agreements; and

22 (6) Authorizing the Receiver, in the exercise of his business judgment, to  
23 sell one or more of the Searchlight Parcels by online auction pursuant to the terms of

24 \_\_\_\_\_  
25 <sup>7</sup> See, e.g., *Securities & Exchange Comm'n v. Faulkner*, 2019 WL 3387760 at \*2 (N.D.  
26 Tx. 2019)(finding that an on-line auction of oil and gas interests satisfied the  
27 requirements of 28 U.S.C. § 2001); *Pennant Mgmt., Inc. v. First Farmers Fin.,*  
28 *LLC*, 2015 WL 5180678 at \*7 (N.D. Ill. 2015)(holding that the evidence presented  
demonstrated that the use of an on-line auction and the related on-line marketing  
generated more for the estate than would likely have occurred with a notice in a  
newspaper and an in-person auction on the steps of the courthouse, which the  
court found were "archaic procedures")(and cases cited therein).

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1 the auction agreement and, in that event, authorizing the sale of the Searchlight  
2 Parcels free and clear of liens and authorizing the payment of any costs of sale, pro-  
3 rated property taxes, and marketing expenses at the closing of the sale(s);

4 (7) In the event of a sale of one or more of the Searchlight Parcels by an  
5 online auction, authorizing any title company to rely on the Order as authority for  
6 the sale of the Searchlight Parcels by the Receiver without the necessity of a further  
7 Court order; and

8 (8) Granting such other and further relief as the Court deems just and  
9 appropriate.

10 Dated: February 7, 2022

11 SMILEY WANG-EKVALL, LLP

12 By: /s/ Kyra E. Andrassy  
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14 (Admitted *Pro Hac Vice*)  
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17 -and-

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# EXHIBIT "1"

DECLARATION OF TODD WOHL

I, Todd Wohl, declare as follows:

1. I am over 21 years old and am a partner and Senior Vice President of Braun Co., and a real estate agent licensed in California. I have over 27 years of experience in the real estate industry.

2. I am competent to testify to the matters presented in this declaration, and I submit this declaration in support of my motion for an order approving the motion of Geoff Winkler, the receiver of Profit Connect Wealth Services and its subsidiaries and affiliates (together, "Profit Connect"), to retain Braun to market and sell the real property that belongs to the receivership estate (the "Motion"). This declaration is based on my personal knowledge, except where made on information and belief, and as to those matters, I believe them to be true.

3. I understand that Brent Kovar and Joy Kovar are the principals of Profit Connect. Neither Braun nor I have ever been retained by the Kovars or Profit Connect to perform any services of any kind. Braun is not a creditor of Profit Connect or the Kovars and does not hold any interest adverse to the receivership estate.

4. Braun was founded in 1908 by Izidor Braun and has become one of the leading real estate services companies in the U.S. serving State and Federal Courts. Its sister company, Premiere Estates International Inc, are brokerage and auction experts serving the U.S., Mexico, Caribbean, Canada and England. The companies have provided over \$3 billion of real estate brokerage, auction and valuation services.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2022.

/s/ Todd Wohl



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# EXHIBIT "2"

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10 *Attorneys for Receiver*  
*Geoff Winkler of American Fiduciary Services*

11  
12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 SECURITIES AND EXCHANGE  
COMMISSION,

15 Plaintiff,

16 v.

17 PROFIT CONNECT WEALTH  
18 SERVICES, INC., JOY I. KOVAR, and  
19 BRENT CARSON KOVAR,

20 Defendants.

Case No. 2:21-cv-01298-JAD-BNW

**STIPULATION WAIVING  
REQUIREMENTS OF 28 U.S.C. § 2001  
WITH RESPECT TO THE SALE OF  
RESIDENTIAL REAL PROPERTY**

21  
22  
23 **STIPULATION**

24 Geoff Winkler, Receiver for Profit Connect Wealth Services, Inc. and its  
25 subsidiaries and affiliates (together, "Profit Connect"), plaintiff Securities &  
26 Exchange Commission ("SEC"), and defendants Joy I. Kovar and Brent Carson Kovar  
27 (together, the "Defendants") stipulate to waive the requirements of 28 U.S.C. § 2001  
28 with respect to the sale of residential real property, pursuant to the following recitals:

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**RECITALS**

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A. The SEC commenced this civil enforcement action against Profit Connect Wealth Services, Inc., Brent Kovar and Joy Kovar on July 8, 2021.

B. On August 6, 2021, the Court entered the Order: (A) Granting Parties' Stipulation to Enter a Preliminary Injunction and Order for Related Relief (1) Freezing Assets, (2) Prohibiting the Destruction of Documents, (3) Appointing a Permanent Receiver, and (4) Permitting Joy Kovar to Open a Bank Account for Certain Income; (B) Setting video status conference about the receivership; and (C) Vacating Hearing on the SEC's Motions for a Preliminary and to Appoint a Permanent Receiver (the "Order").

C. Pursuant to the Order, the Court appointed Geoff Winkler of American Fiduciary Services LLC as the permanent receiver (the "Receiver") over Profit Connect Wealth Services, Inc., and its affiliates and subsidiaries.

D. One of the assets of the receivership estate is a residence located at 7043 Calvert Cliffs Street, North Las Vegas, Nevada. Depending on the outcome of settlement discussions, it is possible that an additional residence located on the same street may also become property of the receivership estate. Together, these properties are referred to as the "Residential Real Estate."

E. 28 U.S.C. § 2001 authorizes receivers to sell real property by either (a) public auction with notice of the auction to be published for a certain period of time or (b) private sale after obtaining three appraisals. Because of the relatively modest nature of the Residential Real Estate, the activity in the current real estate market, and experience in similar sales, the Receiver and his proposed broker are concerned that strict compliance with 28 U.S.C. § 2001 will have the effect of either chilling bidding or forcing the estate to incur the cost of obtaining three separate real estate appraisals before selling the Residential Real Estate as a private sale.

1 F. Accordingly, and without waiving any other rights, the SEC, the  
2 Receiver, and the Defendants have agreed to waive the requirements of 28 U.S.C. §  
3 2001 in connection with the sale of the Residential Real Estate.

4  
5 **STIPULATION**

6 Based on the foregoing recitals and subject to the approval of the Court, the  
7 Receiver, the SEC, and the Defendants stipulate to waive the requirements of 28  
8 U.S.C. § 2001 in connection with the Receiver's sale of any Residential Real Estate.

9  
10 Dated: February 7, 2022

11 SMILEY WANG-EKVALL, LLP

SECURITIES & EXCHANGE COMMISSION

12 By: /s/ Kyra E. Andrassy  
13 Kyra E. Andrassy, Esq.  
14 Admitted Pro Hac Vice  
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By: /s/ Kathryn C. Wanner  
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15 *Attorneys for Receiver, Geoff Winkler*

*Attorneys for Plaintiff, the SEC*

16  
17 By: /s/ Joy I. Kovar  
18 Joy I. Kovar, *Defendant in pro per*

By: /s/ Brent Carson Kovar  
Brent Carson Kovar, *Defendant in pro per*

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# EXHIBIT "3"



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10 *Attorneys for Receiver*  
*Geoff Winkler of American Fiduciary Services*

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12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 SECURITIES AND EXCHANGE  
COMMISSION,

15 Plaintiff,

16 v.

17 PROFIT CONNECT WEALTH  
18 SERVICES, INC., JOY I. KOVAR, and  
19 BRENT CARSON KOVAR,

20 Defendants.

Case No. 2:21-cv-01298-JAD-BNW

**[PROPOSED] ORDER GRANTING  
MOTION FOR ORDER IN AID OF  
RECEIVERSHIP TO APPROVE (1)  
STIPULATION WAIVING  
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LIST AND MARKET RESIDENTIAL  
REAL ESTATE LOCATED IN NORTH  
LAS VEGAS AND PARCELS LOCATED  
IN SEARCHLIGHT, (3) SALE OF  
RESIDENTIAL REAL PROPERTY,  
AND (4) AUCTION OF PARCELS IN  
SEARCHLIGHT**

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26 On February \_\_, 2022, the Court held a hearing on the *Motion for Order in Aid*  
27 *of Receivership to Approve (1) Stipulation Waiving Requirements of 28 U.S.C. § 2001*  
28 *with Respect to the Sale of Residential Real Property, (2) Retention of Braun*

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1 *International Real Estate to List and Market Residential Real Estate Located in*  
2 *North Las Vegas and Parcels in Searchlight, (3) Sale of Residential Real Property,*  
3 *and (4) Auction of Parcels in Searchlight* (the "Motion"). Appearances were as noted  
4 on the record. The Court having found that notice of the Motion was proper and for  
5 the reasons urged in the Motion and the declarations and evidence submitted in  
6 support of the Motion, and for the reasons stated on the record,

7 **IT IS ORDERED AS FOLLOWS:**

8 (1) The Motion is granted;

9 (2) The Stipulation to Waive Requirements of 28 U.S.C. § 2001 with Respect  
10 to the Sale of Residential Real Property that was attached to the Motion as Exhibit 2  
11 is approved;

12 (3) Geoff Winkler, the Receiver, is authorized to retain Braun International  
13 and Premier Estates Auction Company pursuant to the terms in the listing and  
14 auction agreements attached to the declaration of Geoff Winkler in support of the  
15 Motion;

16 (4) The Receiver is authorized to sell the residential real property that is  
17 located at 7043 Calvert Cliffs Street, North Las Vegas, Nevada and that has the  
18 following legal description: "Lot 30, as shown on the Final Map of Villages at Tule  
19 Springs Village 3 – Parcel 3.04, Unit 2, in Book 156 of Plats, Page 69, Clark County  
20 Records" (the "Residential Property"). The Receiver may sell the Residential Property  
21 to the party with the highest and best offer as identified in the exercise of the  
22 Receiver's business judgment, with the sale to be by private sale and not subject to  
23 overbid and the sale of be free and clear of liens. The Receiver is authorized to pay  
24 the broker's commission, costs of sale, and any pro-rated property taxes or  
25 homeowners' association dues or fees required to be paid from the proceeds of the sale  
26 of the Residential Property at the close of escrow;

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1 (5) Any title company is authorized to rely on the Order as authority for the  
2 sale of the Residential Property by the Receiver without the necessity of a further  
3 Court order;

4 (6) The Receiver, in the exercise of his business judgment, is authorized  
5 without the necessity of a further Court order to sell one or more of the Searchlight  
6 Parcels, which parcels bear Assessor's Parcel Numbers 243-34-101-006, 243-27-801-  
7 004, 243-27-801-006, 243-27-701-004, 243-27-701-005, 243-34-201-014, 243-34-301-  
8 007, and 243-34-201-002, by online auction pursuant to the terms of the auction  
9 agreement approved in this Order and, in that event, the sale of the Searchlight  
10 Parcels free and clear of liens is authorized, and the Receiver may pay any costs of  
11 sale, pro-rated property taxes, and marketing expenses at the closing of the sale(s);  
12 and

13 (7) In the event of a sale of one or more of the Searchlight Parcels by an  
14 online auction, any title company is authorized to rely on the Order as authority for  
15 the sale of the Searchlight Parcels by the Receiver without the necessity of a further  
16 Court order.

17 **IT IS SO ORDERED.**

18 \_\_\_\_\_  
19 DATED: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

**STATE OF NEVADA, DISTRICT COURT, DISTRICT OF NEVADA**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

On 2/7/2022, I served true copies of the following document(s) described as

**MOTION FOR ORDER IN AID OF RECEIVERSHIP TO APPROVE (1) STIPULATION WAIVING REQUIREMENTS OF 28 U.S.C. § 2001 WITH RESPECT TO THE SALE OF RESIDENTIAL REAL PROPERTY, (2) RETENTION OF BRAUN INTERNATIONAL REAL ESTATE TO LIST AND MARKET RESIDENTIAL REAL ESTATE LOCATED IN NORTH LAS VEGAS AND PARCELS LOCATED IN SEARCHLIGHT, (3) SALE OF RESIDENTIAL REAL PROPERTY, AND (4) AUCTION OF PARCELS IN SEARCHLIGHT** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**(X) (BY COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”))** – The foregoing document will be served by the court via NEF and hyperlinked to the document. On 2/7/2022, I checked the CM/ECF docket for this case and determined that the aforementioned person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated.

**(X) (BY U.S. MAIL).** I enclosed the document(s) in a sealed envelope or package and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Smiley Wang-Ekvall, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with USPS in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Costa Mesa, California.

Executed on February 7, 2022, at Costa Mesa, California.

*/s/ Lynnette Garrett*  
\_\_\_\_\_  
Lynnette Garrett

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**SERVICE LIST**

**BY COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):**

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