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13  
14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE DISTRICT OF NEVADA**

16 SECURITIES AND EXCHANGE COMMISSION,

17 Plaintiff

18 vs.

19 MATTHEW WADE BEASLEY; et al.,

20 Defendants

21 THE JUDD IRREVOCABLE TRUST; et al.,

22 Relief Defendants

23 CASE NO. 2:22-cv-00612-<sup>CDS</sup>~~JCM~~-EJY

**STIPULATION AND ORDER  
AUTHORIZING THE SALE OF  
REAL PROPERTY LOCATED AT  
516 11<sup>TH</sup> STREET HUNTINGTON  
BEACH CA WITH PROCEEDS  
FROM SALE TO BE TRANSFERRED  
FROM ESCROW DIRECTLY TO  
THE RECEIVER**

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28 Counsel are reminded that all documents must bear the correct case number 2:22-cv-00612-CDS-EJY. ECF No. 104.

1 The following Stipulation and [Proposed] Order (the "Stipulation") regarding the sale of the  
2 real property located at 516 11<sup>th</sup> Street, Huntington Beach, CA 92648 and bearing the legal description  
3 appended hereto as **Exhibit A** (the "Property"), with proceeds from the sale to be transferred from  
4 escrow directly to Geoff Winkler (the "Receiver"), the Court-appointed receiver in the above-entitled  
5 action, is made by and between Geoff Winkler, in his capacity as Receiver in the above-entitled action  
6 and the plaintiff Securities and Exchange Commission (the "Commission"), on the one hand, and  
7 Christopher R Humphries and Jessica Humphries ("Seller"), on the other hand, and with respect to  
8 the following facts:

9 1. The Receiver was appointed on June 3, 2022 pursuant to this Court's Order Appointing  
10 Receiver [ECF No. 88] which was amended on July 28, 2022 [ECF 207] (collectively the  
11 "Appointment Order");

12 2. Among other things, the Appointment Order required the turnover of certain personal  
13 and real property to the Receiver, including the Property;

14 3. The proposed buyer for the Property is John Elias Haddad and Meredith Ann Carter  
15 (collectively "Buyer"). Buyer has agreed to purchase the Property for the sum of \$2,600,000 in  
16 accordance with that certain California Residential Purchase Agreement and Joint Escrow  
17 Instructions dated November 14, 2022, as amended by Addendums 1-4 (the "PSA"). Per the PSA,  
18 the Buyer has deposited \$78,000 into an escrow established at Escrow of the West (the "Escrow"),  
19 pursuant to that certain escrow agreement dated November 14, 2022, as an earnest money deposit;

20 4. The Buyer, Seller, and Receiver, have agreed that all proceeds of the foregoing sale  
21 shall be transmitted from the Escrow to the Receiver, via wire transfer, immediately upon the closing  
22 of the sale. It is anticipated that the sale will close within thirty (30) days of the Court's approval of  
23 this Stipulation. The Receiver and Seller, understand that Buyer's offer represents fair market value  
24 for the Property;

25 5. The Receiver is seeking to close the sale via this Stipulation in lieu of a receiver's  
26 auction process because recent changes and uncertainties in the real estate marketplace jeopardize the  
27 sale of the Property, and the recovery of the maximum sale proceeds for the benefit of the receivership  
28 estate in the immediate term. In most cases, transfers of title from the defendants in the above-entitled

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1 action to the Receiver would be necessary in order for the Receiver to conduct the auctions  
2 contemplated by 28 U.S.C. § 2001, and the sales procedures already approved by this Court (which  
3 include sale pursuant to stipulation, in certain circumstances). However, delays in connection with  
4 the closing of the sale that result from the auction process, and the time required by the title company  
5 to underwrite title policies, have created untenable delays that could result in the Buyer walking away  
6 from the sale;

7 6. The Receiver and his real estate broker believe that delays in the closing beyond the  
8 timing contemplated by the PSA will jeopardize the sale. As noted above, the market is deteriorating  
9 as a result of, among other things, the extraordinary rise in mortgage rates over the past six months.  
10 It is possible that if this sale does not close, the Property may remain on the market through the winter;

11 7. Seller has agreed that, after payment of closing costs and brokers' commissions, as  
12 reflected in the PSA, all sale proceeds from the sale of the Property shall be wired directly to the  
13 Receiver from Escrows, as provided above. It is estimated that the net proceeds of the sale, which  
14 will be wired from the Escrows to the Receiver, will be approximately \$737,062.00;

15 8. Based upon the time that the Property has been on the market, the terms of the Buyer's  
16 offer, and anticipated market conditions for homes in this price range, the Receiver, Seller, and the  
17 Commission have agreed to the immediate sale of the Property to the Buyer, on the terms set forth in  
18 the PSA; and

19 9. Accordingly, in light of the unique facts and circumstances surrounding the proposed  
20 sale of the Property including but not limited to the limited market for an "as is" sale of real property,  
21 the all-cash terms of the sale, as well as the Receiver's concerns that failing to immediately move  
22 forward with this sale may lead to the receipt of significantly less recovery for the receivership estate,  
23 the undersigned parties believe this Stipulation is necessary, and in the best interest of all parties and  
24 the receivership estate. Therefore, the undersigned agree that it is appropriate to waive any  
25 requirements imposed by 28 U.S.C. § 2001, *et. seq.* to the extent they are applicable to the offer, the  
26 PSA, and the proposed sale.

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1           **ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED** by and between the  
2 undersigned counsel that:

- 3           A.     Seller may sell the Property pursuant to the terms of the PSA.
- 4           B.     The deposit received by the Escrow pursuant to the PSA shall be immediately
- 5                     transferred to the Receiver; and
- 6           C.     Upon the Closing of the sale of the Property pursuant to the PSA, all of the net sale
- 7                     proceeds shall be wired directly from the Escrow to the Receiver.

9 DATED this 20th day of January, 2023.

DATED this 20th day of January, 2023.

10 GREENBERG TRAUERIG, LLP

SECURITIES & EXCHANGE COMMISSION

11 By: /s/ Kara B. Hendricks

By: /s/ Tracy Combs

12 KARA B. HENDRICKS, Bar No. 07743

TRACY S. COMBS, ESQ.

13 JASON K. HICKS, Bar No. 13149

(California Bar No. 298664)

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*Attorneys for Receiver Geoff Winkler*

[signatures continued on next page]

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DATED this \_\_\_ day of January, 2023.

DATED this 19 day of January, 2023.

CHRISTIANSSEN TRIAL LAWYERS

By:   
CHRISTOPHER HUMPHRIES

By: \_\_\_\_\_

PETER S. CHRISTIANSEN, ESQ.  
(#5254)  
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DATED this 19 day of January, 2023.

By:   
JESSICA HUMPHRIES

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**IT IS HEREBY ORDERED** that:

- A. Seller may sell the Property pursuant to the terms of the PSA.
- B. The deposit received by the Escrow pursuant to the PSA shall be immediately transferred to the Receiver; and
- C. Upon the Closing of the sale of the Property pursuant to the PSA, all of the net sale proceeds shall be wired directly from the Escrow to the Receiver.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Cristina D. Silva  
Judge, United States District Court

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DATED this 20th day of January, 2023.

DATED this \_\_\_ day of January, 2023.

CHRISTIANSSEN TRIAL LAWYERS

By: \_\_\_\_\_  
CHRISTOPHER HUMPHRIES

By: /s/ Peter S. Christensen  
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DATED this \_\_\_ day of January, 2023.

By: \_\_\_\_\_  
JESSICA HUMPHRIES

DATED this 20th day of January, 2023.

FOLEY & LARDNER LLP

*Attorneys for Christopher Humphries*

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*Attorney for Jessica Humphries (Non-  
Appearing)*

**IT IS HEREBY ORDERED** that:

- A. Seller may sell the Property pursuant to the terms of the PSA.
- B. The deposit received by the Escrow pursuant to the PSA shall be immediately transferred to the Receiver; and
- C. Upon the Closing of the sale of the Property pursuant to the PSA, all of the net sale proceeds shall be wired directly from the Escrow to the Receiver.

Dated: January 23, 2023

  
\_\_\_\_\_  
HON. CRISTINA D. SILVA  
Judge, United States District Court

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# EXHIBIT A

# EXHIBIT A

Legal Description

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Order No.: 1885526  
Escrow No.: 1885526

The land referred to herein is situated in the State of California, County of Orange, City of Huntington Beach and described as follows:

Lot 16 of Block 510 Main Street Section of Huntington Beach, in the City of Huntington Beach, County of Orange, State of California, as per Map recorded in Book 3, Page 43 of Miscellaneous Maps, in the Office of the County Recorder of said Orange County.

APN: 024-101-34

(End of Legal Description)