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

17 SECURITIES AND EXCHANGE COMMISSION,  
18  
19 Plaintiff,  
20 vs.  
21 MATTHEW WADE BEASLEY *et al.*  
22 Defendants,  
23 THE JUDD IRREVOCABLE TRUST *et al.*  
24 Relief Defendants.

CASE NO. 2:22-cv-00612-CDS-EJY

**COURT-APPOINTED RECEIVER  
GEOFF WINKLER’S MOTION FOR  
ORDER AUTHORIZING RECEIVER  
TO EMPLOY PROFESSIONALS TO  
ASSIST WITH THE SALE OF  
PROPERTY AND VEHICLES**

25 Comes now, Geoff Winkler, the Court-appointed Receiver (the “Receiver”) in the above  
26 captioned matter and hereby submits the following Motion for Order Authorizing Receiver to Employ  
27 Professionals to Assist with the Sale of Property and Vehicles (the “Motion”).

28 ///

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1 This Motion is based upon the attached Memorandum of Points and Authorities, the  
2 Declarations of Kristen Routh-Silberman, Todd Wohl, and Ben Tranquillo filed concurrently  
3 herewith, the pleadings and papers on file herein, and such other and further arguments and evidence  
4 as may be presented to the Court in connection with the Motion.

5 DATED this 18<sup>th</sup> day of August, 2022.

6 **GREENBERG TRAUIG, LLP**

7 By: */s/ Kara B. Hendricks*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

By and through this Motion, the Receiver seeks to employ professionals to assist with the sale of real property held by the Receiver located in Nevada, California and Utah. Additionally, the Receiver seeks to employ a professional to assist with the sale of vehicles recovered by the Receiver. This request is made pursuant to this Court’s June 3, 2022, order appointing Geoff Winkler of American Fiduciary Services LLC to serve as the receiver in the above captioned matter (ECF No. 88) (the “Appointment Order”)<sup>1</sup> and two subsequent Court orders by which procedures were approved for the sale of personal and real property.<sup>2</sup>

**II. RELEVANT BACKGROUND**

The Securities and Exchange Commission (“SEC”) filed the complaint in this action on April 12, 2022. (ECF No. 1). On April 13, 2022, the SEC filed an *Ex Parte* Motion for Entry of Temporary Restraining Order and Orders (1) freezing assets; (2) requiring accountings; (3) prohibiting the destruction of documents; (4) granting expedited discovery; (5) order to show cause re: preliminary injunction by the SEC. (ECF No. 2). On April 21, 2022, this Court issued an order entering the requested preliminary injunction, asset freeze and other equitable relief. (ECF No. 56). On May 3, 2022 the SEC filed a Motion to Appoint Receiver and Related Relief requesting Winkler be appointed as the Receiver of the receivership estate. (ECF No. 67). On June 3, 2022, this Court entered the Appointment Order granting the SEC’s request and establishing the terms of Winkler’s appointment as the Receiver in this case which was amended on July 28, 2022. (ECF Nos. 88 and 207). Thereafter, on July 11, 2022, the Court entered the Personal Property Order approving procedures for the sale of personal property including vehicles recovered by the Receiver.

///

<sup>1</sup> The Appointment Order was amended on July 28, 2022 (ECF No. 207) after new Defendants were added to the case *via* an Amended Complaint and the two orders will be referred to collectively herein as the “Appointment Order”.

<sup>2</sup> On July 11, 2022, the Court entered an order approving procedures for the sale of personal property out of the receivership. (ECF No. 146) (the “Personal Property Order”) and on August 2, 2022, the Court entered and order approving procedures for the sale of real property out of the receivership. (ECF No. 224) (the “Real Property Order”).

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1 (ECF No. 146). On August 2, 2022, the Court entered the Real Property Order approving procedures  
 2 for the sale of real property out of the receivership estate. (ECF No. 224)

3 The Appointment Order, Personal Property Order and Real Property Order all contemplate  
 4 the Receiver employing professionals to assist with the sale of property recovered by the Receiver.  
 5 As set forth in the Receiver’s First Quarterly Report (ECF No. 215), as of June 30, 2022, the Receiver  
 6 had successfully secured real and personal property initially valued in the aggregate at over \$32.3  
 7 million and the Receiver further estimated that there may be more than fifty properties and 150  
 8 vehicles that are assets of the receivership estate. ECF No. 224, p. 16. As the Receiver works to  
 9 secure additional real and personal property, it is necessary to employ professionals to assist with the  
 10 sale of the same to maximize the income for the estate. Notably, until the Receiver is able to sell the  
 11 real property in his possession, expenses are being incurred by the receivership estate to maintain the  
 12 same including paying mortgages, insurance, homeowner association fees, required maintenance and  
 13 the like. Similarly, the Receiver is incurring storage fees related to the storage of vehicles recovered  
 14 and is incurring insurance costs for the vehicles until they are sold. Accordingly, moving  
 15 expeditiously to sell the real and personal property will benefit the receivership estate.

### 16 **III. LEGAL ARGUMENT**

#### 17 **A. Legal Standard.**

18 “The power of a district court to impose a receivership...derives from the inherent power of  
 19 a court of equity to fashion effective relief.” *S.E.C. v. Wencke*, 622 F.2d 1363, 1369 (9th Cir. 1980).  
 20 The “primary purpose of equity receiverships is to promote orderly and efficient administration of the  
 21 estate by the district court for the benefit of creditors.” *S.E.C. v. Hardy*, 803 F.2d 1034, 1038 (9th  
 22 Cir. 1986). To accomplish the orderly and efficient administration of a receivership estate, the district  
 23 court holds broad discretion in determining the appropriate steps to be taken, which would  
 24 indisputably include the receiver’s ability to employ professionals to assist the receiver with required  
 25 tasks.

26 “A district court’s power to supervise an equity receivership and to determine  
 27 the appropriate action to be taken in the administration of the receivership is  
 28 extremely broad. The district court has broad powers and wide discretion to  
 determine the appropriate relief in an equity receivership. The basis for this

1 broad deference to the district court’s supervisory role in equity receiverships  
 2 arises out of the fact that most receiverships involve multiple parties and  
 complex transactions.”

3 *SEC v. Capital Consultants, LLC*, 397 F.3d 733, 738 (9th Cir. 2005) (internal citations omitted).

4 Based on this framework, the Ninth Circuit will “generally uphold reasonable procedures instituted  
 5 by the district court that serve this purpose.” *Hardy*, 803 F.2d at 1038; *see also CFTC v. Topworth*  
 6 *Int’l, Ltd.*, 205 F.3d 1107, 1115 (9th Cir. 1999).

7 Moreover, with respect to the duties conferred upon the Receiver, this Court has inherent  
 8 authority to authorize and direct a receiver in the sale of any real property or personal property under  
 9 the receivership, including the employment of real estate agents. *FTC v. Johnson*, No. 2:10-cv-02203-  
 10 RLH-GWF, 2011 U.S. Dist. LEXIS 96529, at \*7 (D. Nev. Aug. 25, 2011). Indeed, courts have  
 11 recognized that the employment of real estate professionals presents “the best opportunity to  
 12 maximize the highest and best value of the Property on behalf of the [] receivership estate.” *DB*  
 13 *Midwest LLC v. Kennedy Rd. Ltd.*, No. 10 CV 018799, 2012 Ohio Misc. LEXIS 16025, at \*2 (Ct.  
 14 Com. Pl. Nov. 29, 2012). Additionally, in a case such as this, the Receiver is tasked with preserving  
 15 the value and assets of the receivership estate, which may be accomplished by “preventing the value  
 16 of these assets and the estate as a whole from decreasing through ongoing expenses to maintain,  
 17 insure, store and protect.” *Id.* at \*8.

18 The Appointment Order directs the Receiver to, among other things, marshal and preserve the  
 19 assets of the Defendants and the assets of the Relief Defendants that “(a) are attributable to funds  
 20 derived from investors or clients of the Defendants; (b) are held in constructive trust for the  
 21 Defendants; (c) were fraudulently transferred by the Defendants; and/or (d) may otherwise be  
 22 includable as assets of the estates of the Defendants.” ECF No. 88 at p. 2. Thus, a primary point of  
 23 focus of the Receiver is to ensure that all assets derived from the Ponzi-scheme set forth in the  
 24 Amended Complaint are preserved with the goal of establishing a settlement fund sufficient to provide  
 25 redress for those victimized by the Defendants’ acts. To accomplish this goal the Receiver is to  
 26 identify, locate, and take possession of all monies, funds, securities, credits, effects, goods, chattels,  
 27 lands, premises, leases, claims, rights and other assets, together with all rents, profits, dividends,  
 28 interest or other income. *Id.* at ¶ 7. Moreover, the Receiver is to manage said assets which includes

1 listing for sale or lease real or personal property of the receivership estate and taking all steps  
2 necessary to maintain the business operations of the receivership estate. *Id.* at ¶¶ 38-40. Additionally,  
3 the Receiver is to “take all necessary steps to enable the Receivership Funds to obtain and maintain  
4 the status of a taxable ‘Settlement Fund,’ within the meaning of Section 468B of the Internal Revenue  
5 Code.” *Id.* at ¶ 41. In order to liquidate the assets of which the Receiver has already taken possession,  
6 professionals are needed to facilitate the swift and efficient sale of all assets.

7 Here, paragraph 7(F) of the Appointment Order permits the Receiver to:

8  
9 “engage and **employ persons in his discretion**, subject to approval of the  
10 Court, to assist him in carrying out his duties and responsibilities hereunder,  
11 **including**, but not limited to, accountants, attorneys, securities traders,  
12 registered representative, financial or business advisers, **liquidating agents**,  
13 **real estate agents**, forensic experts, brokers, traders or auctioneers.” ECF  
14 No. 88 at ¶ 7(F) (emphasis added).

15 (ECF No. 88).

16 Through the instant Motion, the Receiver seeks to employ professionals to facilitate the sale  
17 of substantial real property in Nevada, California, and Utah. Each of the proposed professionals  
18 discussed herein possesses the requisite skill, experience, knowledge, and ability to maximize the  
19 value of the real property sought to be liquidated as well as the numerous vehicles that have been  
20 recovered to date. The Receiver believes, in his business judgment, a real estate professional familiar  
21 with each of the respective markets, serves the best interest of the receivership estate by providing  
22 the best possible chance to obtain maximum value for each of the properties at issue. The real estate  
23 professionals discussed herein will facilitate the prompt and efficient liquidation of each property,  
24 which will in turn, obtain maximum value and prevent further decrease in value via the carrying costs  
25 associated therewith.

26 Similarly, the receivership estate currently includes numerous vehicles, the prompt liquidation  
27 of which serves the best interest of the receivership estate. *DB Midwest LLC*, 2012 Ohio Misc. LEXIS  
28 16025, at \*2. Generally, motor vehicles are depreciating assets, the delayed disposition of which,  
only hurts the receivership estate as a whole. *See generally, Moran v. Holman*, 514 P.2d 817, 820  
(Alaska 1973) (a motor vehicle is a depreciating asset and a secured party who has taken possession

1 cannot wait an inordinate period and then elect to sue for the full amount); *see also Mack Financial*  
2 *Corp. v. Scott*, 100 Idaho 889, 606 P.2d 993, 997 (Idaho 1980) (unexcused delay of nearly 2 years  
3 between the secured party's repossession of trucks and its sale at public auction resulted in a reduced  
4 price as a consequence of depreciation and constituted a commercially unreasonable disposition of  
5 the collateral). To facilitate the sale of said vehicles, the Receiver proposes to employ an automotive  
6 consultant well-versed in the liquidation of all types of vehicles. Without question, the employment  
7 of an experienced liquidator will facilitate an expeditious sale and obtain maximum value for each of  
8 the vehicles currently held by the Receiver.

9 **B. Employment and Compensation of Real Estate Agents.**

10 The Receiver has determined, in his reasonable business judgment, that the employment of  
11 two real estate professionals is necessary at this time to facilitate the sale of real property held by the  
12 Receiver in three different states. To facilitate the same, the Receiver is proposing the employment  
13 of realtor Kristen Routh-Silberman of Corcoran Global Living as the Receiver's primary Nevada  
14 realtor and Todd Wohl of Braun International Real Estate as the Receiver's primary California and  
15 Utah broker/realtor.

16 **1. Proposed Employment of Corcoran Global Living as Receiver's Primary Nevada**  
17 **Real Estate Agent.**

18 Corcoran Global Living serves the California, Nevada and Ohio markets with more than 80 offices.<sup>3</sup>  
19 Corcoran Global Living has more than 2,800 agents with more than \$11 billion in total sales volume.<sup>4</sup>  
20 Real Estate Agent Kristen Routh-Silberman of Corcoran Global Living is a Nevada licensed realtor  
21 and is the top ranked individual broker with Corcoran Global Living.<sup>5</sup> She specializes in selling  
22 luxury homes in Las Vegas and surrounding areas with more than \$228 million in annual sales.<sup>6</sup> Ms.  
23 Routh-Silberman has represented clients in transactions totaling more than \$1 billion in her career  
24 and has a reputation as the pre-eminent marketer of Las Vegas' most important real estate assets.<sup>7</sup>

25  
26 <sup>3</sup> **Exhibit 1**, Declaration of Kristen Routh-Silberman (the "Silberman Decl.") at ¶ 4 .

27 <sup>4</sup> *Id.* at ¶ 5 .

28 <sup>5</sup> *Id.* at ¶ 6.

<sup>6</sup> *Id.* at ¶ 7.

<sup>7</sup> *Id.* at ¶ 8.

1 Her sole focus is achieving for her clients the highest values for their homes, while providing the  
2 discreet, white-glove service.<sup>8</sup>

3 As a term of the engagement, Ms. Routh-Silberman and Corcoran Global Living have agreed  
4 to list properties identified by the Receiver with a 4% commission instead of the standard 6%.<sup>9</sup> Given  
5 the value of the homes at issues, this will result in significant savings to the receivership estate.<sup>10</sup>  
6 Additionally, she has agreed to accept compensation as approved by this Court and has acknowledged  
7 that her fees and expenses are governed by any orders entered by this Court with regard to professional  
8 compensation.<sup>11</sup>

9 As a term of engagement, Corcoran Global Living has evaluated any potential conflicts of  
10 interests and affirmatively determined that it could perform the work requested free of any conflict of  
11 interest as it has not been retained by any Defendant, is not a creditor of the receivership estate and  
12 does not hold any interest adverse to the receivership estate.<sup>12</sup>

13 Neither Corcoran, nor any of its employees hold an interest or represent any interest adverse  
14 to the parties in this matter, or the Receivership Entities and their assets, and have no prior connections  
15 with any party.<sup>13</sup>

16 **2. Proposed Employment of Todd Wohl as Receiver’s Primary California and Utah**  
17 **Real Estate Agent.**

18 The Receiver has also identified a number of properties in California and Utah that have  
19 significant value and proposes the employment of Todd Wohl of Premiere Estates International Real  
20 Estate (“Premiere”) to assist the Receiver in the sale of the same. Mr. Wohl is a founder and partner  
21 at Premiere and its sister company Braun International and has more than 27 years of diverse, multi-  
22 faceted experience in the real estate industry.<sup>14</sup> Premier is dedicated to helping sellers achieve market  
23 value for their properties using a hybrid brokerage and sales platform and has real estate agents  
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<sup>8</sup> *Id.* at ¶ 9.

26 <sup>9</sup> *Id.* at ¶ 10.

27 <sup>10</sup> *Id.* at ¶ 11.

<sup>11</sup> *Id.* at ¶ 12.

<sup>12</sup> *Id.* at ¶ 13.

28 <sup>13</sup> *Id.* at ¶ 14.

<sup>14</sup> **Exhibit 2**, Declaration of Todd Wohl (the “Wohl Decl.”) at ¶ 1.



1 licensed in California and Utah among other states.<sup>15</sup> Premiere delivers expertise in the valuation of  
2 real estate, business, business assets, financial reporting and personal property and has expertise and  
3 experience in the luxury housing markets.<sup>16</sup> Mr. Wohl is a certified American Society of Appraisers  
4 (AM) Appraiser and a member of the National Auctioneer’s Association (NAA) and has experience  
5 working with and selling properties in receivership matters.<sup>17</sup>

6 As a term of the proposed engagement herein, Premiere by and through Mr. Wohl have agreed  
7 to list properties identified by the Receiver with a 5% commission instead of its standard 6%.<sup>18</sup> Given  
8 the value of the homes at issues, this will result in significant savings to the receivership estate.<sup>19</sup>  
9 Premier has agreed to accept compensation as approved by this Court and has acknowledged that its  
10 fees and expenses are governed by any orders entered by this Court with regard to professional  
11 compensation.<sup>20</sup>

12 Additionally, as a term of engagement, Premier has evaluated any potential conflicts of  
13 interests and affirmatively determined that it could perform the work requested free of any conflict of  
14 interest as it has not been retained by any Defendant, is not a creditor of the receivership estate and  
15 does not hold any interest adverse to the receivership estate.<sup>21</sup>

16 Neither Premiere, nor any of its employees hold an interest or represent any interest adverse  
17 to the parties in this matter, or the Receivership Entities and their assets, and have no prior connections  
18 with any party.<sup>22</sup>

19 In the Receiver’s business judgment, the expertise of Premiere and Mr. Wohl serves the best  
20 interest of the receivership estate by obtaining the maximum value for each of the assets.

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25 <sup>15</sup> *Id.* at ¶ 4.

26 <sup>16</sup> *Id.* at ¶ 5.

27 <sup>17</sup> *Id.* at ¶¶ 6-7.

28 <sup>18</sup> *Id.* at ¶ 8.

<sup>19</sup> *Id.* at ¶ 9.

<sup>20</sup> *Id.* at ¶ 10.

<sup>21</sup> *Id.* at ¶ 11.

<sup>22</sup> *Id.* at ¶ 12.

**C. Employment and Compensation of Agent to Assist with Vehicle Sales.**

The Receiver proposes the employment of Ben Tranquillo to assist the Receiver with the sale of cars, recreational vehicles, boats, etc. (collectively referred to as “vehicle[s]”). Mr. Tranquillo is the founder of The Car Consultant, Inc. (“TCC”), a full-service company with extensive experience in all industries of the automotive community.<sup>23</sup> Mr. Tranquillo has nearly twenty (20) years of experience as a broker as well as owning dealerships, transportation companies, curating collections, and managing assets.<sup>24</sup> Through TCC, Mr. Tranquillo works in all aspects of vehicle management, curation, and sales.<sup>25</sup> TCC also specializes in vehicle sales, consignment and acquisition.<sup>26</sup> TCC has a large network of buyers in place and possesses the requisite skill to maximize exposure across many platforms.<sup>27</sup> TCC handles all aspects of the sale and closing process.<sup>28</sup> As set forth in the Petition Order Authorizing and Approving General Procedures for Sale of Personal Property out of Receivership (EFC 137), there are a variety of mechanisms available to facilitate the sale of vehicles depending on the make and model of the same.<sup>29</sup> Mr. Tranquillo is committed to assisting the Receiver in evaluating the same and maximizing recovery to the receivership estate.<sup>30</sup> Additionally, Mr. Tranquillo has agreed to reduce his standard rates and depending on the value of the vehicles sold will adjust the percentage he earns on a sliding scale.<sup>31</sup> In other words, the percent he is paid in compensation for the sale of a luxury vehicle that has an estimated value of over \$100,000 will be less than the percent he is paid for the sale of a vehicle of lesser value.<sup>32</sup> Given the wide-range in value of each of the vehicles at issue, TCC and the Receiver will work together to determine the best sale procedure for each vehicle (i.e. direct peer-to-peer sale, dealer to dealer sale, or auction).<sup>33</sup> As a result, the final rate TCC will be paid will be set when TCC and the Receiver determine the best sale

<sup>23</sup> **Exhibit 3**, Declaration of Ben Tranquillo (the “Tranquillo Decl.”) at ¶¶ 2, 4.

<sup>24</sup> *Id.* at ¶ 5.

<sup>25</sup> *Id.* at ¶ 6.

<sup>26</sup> *Id.* at ¶ 7.

<sup>27</sup> *Id.* at ¶ 8.

<sup>28</sup> *Id.* at ¶ 9.

<sup>29</sup> *Id.* at ¶ 10.

<sup>30</sup> *Id.* .

<sup>31</sup> *Id.* at ¶ 11.

<sup>32</sup> *Id.* .

<sup>33</sup> *Id.* at ¶ 12.

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1 procedure for each vehicle.<sup>34</sup> Given the number and value of vehicles at issue, this will result in  
2 significant savings to the receivership estate.<sup>35</sup>

3 As a term of engagement, Mr. Tranquillo has evaluated any potential conflicts of interests and  
4 affirmatively determined that he could perform the work requested free of any conflict of interest as  
5 neither he, nor TCC, have been retained by any Defendant, are not creditors of the receivership estate  
6 and do not hold any interest adverse to the receivership estate.<sup>36</sup>

7 Neither TCC, nor any of its employees hold an interest or represent any interest adverse to the  
8 parties in this matter, or the Receivership Entities and their assets, and have no prior connections with  
9 any party.<sup>37</sup>

10 In the Receiver’s business judgment, the assistance of Mr. Tranquillo and TCC serves the best  
11 interest of the receivership estate by providing the requisite expertise and exposure to obtain  
12 maximum value for each vehicle recovered in this action.

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26 <sup>34</sup> *Id.* at ¶ 13.

27 <sup>35</sup> *Id.* at ¶ 14.

28 <sup>36</sup> *Id.* at ¶ 15.

<sup>37</sup> *Id.* at ¶ 16.

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**IV. CONCLUSION**

For the foregoing reasons, the Receiver respectfully requests this Court enter an Order authorizing the Receiver to employ professionals to assist with the sale of property and vehicles in accordance with the terms described herein. A proposed order to facilitate the same is attached hereto as **Exhibit 4.**

DATED this 18<sup>th</sup> day of August, 2022.

**GREENBERG TRAUIG, LLP**

By: */s/ Kara B. Hendricks*

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**CERTIFICATE OF SERVICE**

I hereby certify that on **August 18, 2022**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Pamela January

An employee of GREENBERG TRAUIG, LLP

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**LIST OF EXHIBITS**

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- Exhibit 1 Declaration Of Kristen Routh-Silberman In Support Court-Appointed Receiver Geoff Winkler’s Motion For Order Authorizing Receiver To Employ Professionals To Assist With The Sale Of Property And Vehicles
- Exhibit 2 Declaration Of Todd Wohl In Support Court-Appointed Receiver Geoff Winkler’s Motion For Order Authorizing Receiver To Employ Professionals To Assist With The Sale Of Property And Vehicles
- Exhibit 3 Declaration Of Ben Tranquillo In Support Court-Appointed Receiver Geoff Winkler’s Motion For Order Authorizing Receiver To Employ Professionals To Assist With The Sale Of Property And Vehicles
- Exhibit 4 [Proposed] Order Granting Court-Appointed Receiver Geoff Winkler’s Motion For Order Authorizing Receiver To Employ Professionals To Assist With The Sale Of Property And Vehicles

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# **EXHIBIT “1”**

**DECLARATION OF KRISTEN ROUTH-SILBERMAN IN SUPPORT  
COURT-APPOINTED RECEIVER GEOFF WINKLER’S MOTION FOR  
ORDER AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS  
TO ASSIST WITH THE SALE OF PROPERTY AND VEHICLES  
Pages 1-3**

**UNITED STATES DISTRICT COURT**

**Case No. 2:22-cv-00612-CDS-EJY**

# **EXHIBIT “1”**

**DECLARATION OF KRISTEN ROUTH-SILBERMAN IN SUPPORT  
COURT-APPOINTED RECEIVER GEOFF WINKLER’S MOTION FOR  
ORDER AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS  
TO ASSIST WITH THE SALE OF PROPERTY AND VEHICLES  
Pages 1-3**

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15 *J and J Purchasing LLC, The Judd Irrevocable Trust,*  
16 *and BJ Holdings LLC*

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16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE DISTRICT OF NEVADA**

18 SECURITIES AND EXCHANGE COMMISSION,

19 Plaintiff,

20 vs.

21 MATTHEW WADE BEASLEY *et al.*

22 Defendants,

23 THE JUDD IRREVOCABLE TRUST *et al.*

24 Relief Defendants.  
25

CASE NO. 2:22-cv-00612-CDS-EJY

**DECLARATION OF KRISTEN  
ROUTH-SILBERMAN IN SUPPORT  
COURT-APPOINTED RECEIVER  
GEOFF WINKLER'S MOTION FOR  
ORDER AUTHORIZING RECEIVER  
TO EMPLOY PROFESSIONALS TO  
ASSIST WITH THE SALE OF  
PROPERTY AND VEHICLES**



1                   **DECLARATION OF KRISTEN ROUTH-SILBERMAN IN SUPPORT COURT-**  
2                   **APPOINTED RECEIVER GEOFF WINKLER’S MOTION FOR ORDER AUTHORIZING**  
3                   **RECEIVER TO EMPLOY PROFESSIONALS TO ASSIST WITH THE SALE OF**  
4                   **PROPERTY AND VEHICLES**

5                   I, Kristen Routh-Silberman, hereby declare as follows:

- 6                   1.       I am a real estate agent with Corcoran Global Living (“Corcoran”) in Las Vegas, NV.
- 7                   2.       I make this declaration in support of the Receiver’s motion for order authorizing  
8                   receiver to employ professionals to assist with the sale of property and vehicles (the “Motion”).
- 9                   3.       I have personal knowledge of the following facts and am competent to testify thereto  
10                  if necessary.
- 11                  4.       Corcoran Global Living serves the California, Nevada and Ohio markets with more  
12                  than 80 offices.
- 13                  5.       Corcoran Global Living has more than 2,800 agents with more than \$11 billion in total  
14                  sales volume.
- 15                  6.       I am a Nevada licensed realtor and the top ranked individual broker with Corcoran.
- 16                  7.       I specialize in selling luxury homes in Las Vegas and surrounding areas with more  
17                  than \$228 million in annual sales.
- 18                  8.       I have represented clients in transactions totaling more than \$1 billion in her career  
19                  and have a reputation as the pre-eminent marketer of Las Vegas’ most important real estate assets.
- 20                  9.       My sole focus is achieving for my clients the highest values for their homes, while  
21                  providing the discreet, white-glove service.
- 22                  10.       As a term of my engagement, Corcoran and I have agreed to list properties identified  
23                  by the Receiver with a 4% commission instead of the standard 6%.
- 24                  11.       Given the value of the homes at issues, this will result in significant savings to the  
25                  receivership estate.
- 26                  12.       Additionally, Corcoran and I have agreed to accept compensation as approved by this  
27                  Court and acknowledge that fees and expenses are governed by any orders entered by this Court with  
28                  regard to professional compensation.

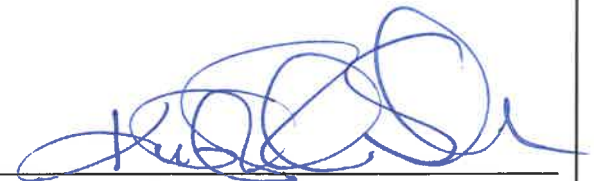
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1           13. As a term of engagement, Corcoran Global Living has evaluated any potential  
2 conflicts of interests and affirmatively determined that the company can perform the work requested  
3 free of any conflict of interest as it has not been retained by any Defendant, is not a creditor of the  
4 receivership estate and does not hold any interest adverse to the receivership estate.

5           14. To the best of my knowledge, neither Corcoran, nor any of its employees hold an  
6 interest or represent any interest adverse to the parties in this matter, or the Receivership Entities and  
7 their assets, and have no prior connections with any party.

8           I declare under penalty of perjury under the laws of the United States of America and the State  
9 of Nevada that the foregoing is true and correct.

10           DATED this 17<sup>th</sup> day of August, 2022



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12           Kristen Routh-Silberman  
13           Declarant

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## **EXHIBIT “2”**

**DECLARATION OF TODD WOHL IN SUPPORT COURT-APPOINTED  
RECEIVER GEOFF WINKLER’S MOTION FOR ORDER  
AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS TO  
ASSIST WITH THE SALE OF PROPERTY AND VEHICLES  
Pages 1-3**

**UNITED STATES DISTRICT COURT**

**Case No. 2:22-cv-00612-CDS-EJY**

## **EXHIBIT “2”**

**DECLARATION OF TODD WOHL IN SUPPORT COURT-APPOINTED  
RECEIVER GEOFF WINKLER’S MOTION FOR ORDER  
AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS TO  
ASSIST WITH THE SALE OF PROPERTY AND VEHICLES  
Pages 1-3**

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 15 *J and J Purchasing LLC, The Judd Irrevocable Trust,*  
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17 **IN THE UNITED STATES DISTRICT COURT**  
 18 **FOR THE DISTRICT OF NEVADA**

19 SECURITIES AND EXCHANGE COMMISSION,

20 Plaintiff,

21 vs.

22 MATTHEW WADE BEASLEY *et al.*

23 Defendants,

24 THE JUDD IRREVOCABLE TRUST *et al.*

25 Relief Defendants.

CASE NO. 2:22-cv-00612-CDS-EJY

**DECLARATION OF TODD WOHL IN  
 SUPPORT COURT-APPOINTED  
 RECEIVER GEOFF WINKLER'S  
 MOTION FOR ORDER  
 AUTHORIZING RECEIVER TO  
 EMPLOY PROFESSIONALS TO  
 ASSIST WITH THE SALE OF  
 PROPERTY AND VEHICLES**

**DECLARATION OF TODD WOHL IN SUPPORT COURT-APPOINTED RECEIVER  
GEOFF WINKLER'S MOTION FOR ORDER AUTHORIZING RECEIVER TO EMPLOY  
PROFESSIONALS TO ASSIST WITH THE SALE OF PROPERTY AND VEHICLES**

I, Todd Wohl, hereby declare as follows:

1. I am a founder and partner at Premiere Estates International (“Premiere”) and its sister company Braun International Real Estate (“Braun”) and have more than 27 years of diverse, multi-faceted experience in the real estate industry.

2. I make this declaration in support of the Receiver’s motion for order authorizing receiver to employ professionals to assist with the sale of property and vehicles (the “Motion”).

3. I have personal knowledge of the following facts and am competent to testify thereto if necessary.

4. Premiere is dedicated to helping sellers achieve market value for their properties using a hybrid brokerage and sales platform and has real estate agents licensed in California and Utah among other states.

5. Premiere and Braun delivers expertise in the valuation of real estate, business, business assets, financial reporting and personal property and has expertise and experience in the luxury housing markets.

6. I am a certified American Society of Appraisers (AM) Appraiser and a member of the National Auctioneer’s Association (NAA).

7. I have extensive experience working with and selling properties in receivership matters.

8. As a term of the proposed engagement herein, Premiere has agreed to list properties identified by the Receiver with a 5% commission instead of its standard 6%.

9. Given the value of the homes at issues, this will result in significant savings to the receivership estate.

10. Premiere and I have agreed to accept compensation as approved by this Court and acknowledged that our fees and expenses are governed by any orders entered by this Court with regard to professional compensation.

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1 11. Additionally, as a term of engagement, Premiere has evaluated any potential conflicts  
2 of interests and affirmatively determined that it could perform the work requested free of any conflict  
3 of interest as it has not been retained by any Defendant, is not a creditor of the receivership estate and  
4 does not hold any interest adverse to the receivership estate.

5 12. To the best of my knowledge, neither Premiere, nor any of its employees hold an  
6 interest or represent any interest adverse to the parties in this matter, or the Receivership Entities and  
7 their assets, and have no prior connections with any party.

8 I declare under penalty of perjury under the laws of the United States of America and the State  
9 of Nevada that the foregoing is true and correct.

10 DATED this 18 day of August, 2022

DocuSigned by:  
*Todd Wohl*

11  
12 Todd Wohl  
13 Declarant  
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## **EXHIBIT “3”**

**DECLARATION OF BEN TRANQUILLO IN SUPPORT  
COURT-APPOINTED RECEIVER GEOFF WINKLER’S  
MOTION FOR ORDER AUTHORIZING RECEIVER TO  
EMPLOY PROFESSIONALS TO ASSIST WITH THE SALE OF  
PROPERTY AND VEHICLES**

**Pages 1-3**

**UNITED STATES DISTRICT COURT**

**Case No. 2:22-cv-00612-CDS-EJY**

## **EXHIBIT “3”**

**DECLARATION OF BEN TRANQUILLO IN SUPPORT  
COURT-APPOINTED RECEIVER GEOFF WINKLER’S  
MOTION FOR ORDER AUTHORIZING RECEIVER TO  
EMPLOY PROFESSIONALS TO ASSIST WITH THE SALE OF  
PROPERTY AND VEHICLES**

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

17 SECURITIES AND EXCHANGE COMMISSION,  
18  
19 Plaintiff,  
20 vs.  
21 MATTHEW WADE BEASLEY *et al.*  
22 Defendants,  
23 THE JUDD IRREVOCABLE TRUST *et al.*  
24 Relief Defendants.

CASE NO. 2:22-cv-00612-CDS-EJY

**DECLARATION OF BEN  
TRANQUILLO IN SUPPORT COURT-  
APPOINTED RECEIVER GEOFF  
WINKLER'S MOTION FOR ORDER  
AUTHORIZING RECEIVER TO  
EMPLOY PROFESSIONALS TO  
ASSIST WITH THE SALE OF  
PROPERTY AND VEHICLES**

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28 ///

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1                    **DECLARATION OF BEN TRANQUILLO IN SUPPORT COURT-APPOINTED**  
2                    **RECEIVER GEOFF WINKLER'S MOTION FOR ORDER AUTHORIZING RECEIVER**  
3                    **TO EMPLOY PROFESSIONALS TO ASSIST WITH THE SALE OF PROPERTY AND**  
4                    **VEHICLES**

4                    I, Ben Tranquillo, hereby declare as follows:

5                    1.        I am the founder of The Car Consultant, Inc. ("TCC").

6                    2.        I make this declaration in support of the Receiver's motion for order authorizing  
7 receiver to employ professional to assist with the sale of property and vehicles (the "Motion").

8                    3.        I have personal knowledge of the following facts and am competent to testify thereto  
9 if necessary.

10                  4.        TCC is a full-service company with extensive experience in all industries of the  
11 automotive community.

12                  5.        I have nearly twenty (20) years of experience as a broker as well as owning  
13 dealerships, transportation companies, curating collections, and managing assets.

14                  6.        Through TCC, I work in all aspects of vehicle management, curation, and sales.

15                  7.        TCC also specializes in vehicle sales, consignment and acquisition.

16                  8.        TCC has a large network of buyers in place and possesses the requisite skill to  
17 maximize exposure of vehicles recovered by the Receiver across many platforms.

18                  9.        TCC handles all aspect of the sale and closing process.

19                  10.       There are a variety of mechanisms available to facilitate the sale of vehicles depending  
20 on the make and model of the same. I am committed to assisting the Receiver in evaluating the same  
21 and maximizing recover to the receivership estate.

22                  11.       Additionally, I have agreed to reduce my standards rates and depending on the value  
23 of the vehicles sold will adjust the percentage I earn on a sliding scale. In other words, the percent I  
24 am paid in compensation for the sale of a luxury vehicle that has an estimated value of over \$100,000  
25 will be less than the percent he is paid for the sale of a vehicle of lesser value.

26                  12.       Given the wide-range in value of each of the vehicles at issue, I will work with the  
27 Receiver to determine the best sale procedure for each vehicle (i.e. direct peer-to-peer sale, dealer to  
28 dealer sale, or auction).

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1           13.     As a result, the final rate TCC will be paid will be set when TCC and the Receiver  
2 determine the best sale procedure for each vehicle.

3           14.     Given the number and value of vehicles at issue, this will result in significant savings  
4 to the receivership estate.

5           15.     Additionally, as a term of engagement, I have evaluated any potential conflicts of  
6 interests and affirmatively determined that I could perform the work requested free of any conflict of  
7 interest as neither I, nor TCC, have been retained by any Defendant, are not creditors of the  
8 receivership estate and do not hold any interest adverse to the receivership estate.

9           16.     To the best of my knowledge, neither TCC, nor any of its employees hold an interest  
10 or represent any interest adverse to the parties in this matter, or the Receivership Entities and their  
11 assets, and have no prior connections with any party.

12           I declare under penalty of perjury under the laws of the United States of America and the State  
13 of Nevada that the foregoing is true and correct.

14           DATED this 17<sup>th</sup> day of August, 2022.



15  
16           Ben Tranquillo  
17           Declarant

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## **EXHIBIT “4”**

**[PROPOSED] ORDER GRANTING COURT-APPOINTED  
RECEIVER GEOFF WINKLER’S MOTION FOR ORDER  
AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS  
TO ASSIST WITH THE SALE OF PROPERTY AND VEHICLES**

**Pages 1-2**

**UNITED STATES DISTRICT COURT**

**Case No. 2:22-cv-00612-CDS-EJY**

## **EXHIBIT “4”**

**[PROPOSED] ORDER GRANTING COURT-APPOINTED  
RECEIVER GEOFF WINKLER’S MOTION FOR ORDER  
AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS  
TO ASSIST WITH THE SALE OF PROPERTY AND VEHICLES**

**Pages 1-2**

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J and J Purchasing LLC, The Judd Irrevocable Trust,  
and BJ Holdings LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

18 SECURITIES AND EXCHANGE  
19 COMMISSION,

20 Plaintiff,

21 vs.

22 MATTHEW WADE BEASLEY *et al.*

23 Defendants,

24 THE JUDD IRREVOCABLE TRUST *et al.*

25 Relief Defendants.  
26

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CASE NO. 2:22-cv-00612-CDS-EJY

**[PROPOSED] ORDER GRANTING  
COURT-APPOINTED RECEIVER GEOFF  
WINKLER’S MOTION FOR ORDER  
AUTHORIZING RECEIVER TO EMPLOY  
PROFESSIONALS TO ASSIST WITH THE  
SALE OF PROPERTY AND VEHICLES**

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1 **[PROPOSED] ORDER GRANTING COURT-APPOINTED RECEIVER GEOFF WINKLER’S**  
2 **MOTION FOR ORDER AUTHORIZING RECEIVER TO EMPLOY PROFESSIONALS TO**  
3 **ASSIST WITH THE SALE OF PROPERTY AND VEHICLES**

4 The Receiver’s Motion for Order Authorizing Receiver to Employ Professionals to Assist With  
5 the Sale of Property and Vehicles (the “Motion”) having come before this Court and good cause appearing  
6 therefor, this Court ORDERS as follows:

7 (1) The Motion is GRANTED;

8 (2) Geoff Winkler, as the court-appointed receiver, is authorized to employ Kristen  
9 Routh-Silberman of Corcoran Global Living in accordance with the terms set forth in the Motion;

10 (3) Geoff Winkler, as the court-appointed receiver, is authorized to employ Todd Wohl  
11 of Premiere Estates International, Inc. in accordance with the terms set forth in the Motion; and

12 (4) Geoff Winkler, as the court-appointed receiver, is authorized to employ Ben  
13 Tranquillo of The Car Consultant, Inc. in accordance with the terms set forth in the Motion.

14 **IT IS SO ORDERED.**

15 \_\_\_\_\_  
16 HON. JUDGE CRISTINA D. SILVA  
17 United States District Court Judge

18 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2022.