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

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

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

**ERRATA TO COURT-APPOINTED
RECEIVER GEOFF WINKLER'S
MOTION FOR ORDER
AUTHORIZING RECEIVER TO
EMPLOY PROFESSIONALS TO
ASSIST WITH THE SALE OF
PROPERTY AND VEHICLES (ECF
264)**

24
25 COMES NOW, Geoff Winkler, the Court-appointed Receiver (the "Receiver") in the above
26 captioned matter and hereby submits this Errata to the Motion for Order Authorizing Receiver to
27 Employ Professionals to Assist with the Sale of Property and Vehicles (ECF 264) ("Motion to
28 Employ").

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1 Due to unforeseen circumstances, the Receiver has deemed it in the best interest of the
2 receivership estate to propose realtor Joe DiRaffaele of eXp Realty as the primary realtor to handle
3 the sale of receivership properties in Nevada, replacing Kristen Routh-Siberman. Accordingly, all
4 references to Kristen Routh-Silberman and Corcoran Global Living in the original Motion to Employ
5 (ECF 264) are hereby replaced with Joe DiRaffaele and eXp Realty. Further, Section III (B)(1) of
6 the original Motion is replaced with the following:

7 **1. Proposed Employment of Joe DiRaffaele and eXp Realty as the Receiver’s Primary**
8 **Nevada Real Estate Agent.**

9 The Receiver proposes the engagement of Joe DiRaffaele of eXp Realty as his primary
10 Nevada Real Estate Agent. eXp Realty is a global full-service real estate brokerage firm with over
11 80,000 agents globally.¹ Mr. Di Raffaele has been a realtor in Southern Nevada for 28 years.² He
12 currently is the exclusive realtor representative of multiple bankruptcy trustees in Nevada and knows
13 the importance of getting top dollar on surrendered real estate assets.³ Mr. DiRaffaele has been
14 identified by the Greater Las Vegas Association of Realtors in the Top 100 in residential Real Estate
15 sales in Las Vegas/Henderson for 23 consecutive years and speaks at real estate conferences
16 throughout the country.⁴ Mr. DiRaffaele is also the Foundation Board Chairman for the Henderson
17 Chamber of Commerce.⁵

18 As a term of the engagement, Mr. DiRaffaele and eXp Realty have agreed to list properties
19 identified by the Receiver with a 4.5% commission, instead of the standard 6%, with 2.5% available
20 for the buyer’s broker in order to ensure reaching the most clients.⁶ Given the value of the properties
21 at issue, the reduced commission percentage should result in significant savings to the receivership
22 estate.⁷ Additionally, Mr. DiRaffaele has agreed to accept compensation as approved by this Court,
23 and has acknowledged that his fees and expenses shall be governed by any orders entered by this
24

25 ¹ **Exhibit 5**, Declaration of Joe DiRaffaele (the “DiRaffaele Decl.”) at ¶ 4.

26 ² *Id.* at ¶ 5.

27 ³ *Id.* at ¶ 6.

28 ⁴ *Id.* at ¶ 7.

⁵ *Id.* at ¶ 8.

⁶ *Id.* at ¶ 9.

⁷ *Id.* at ¶ 10.

1 Court with regard to professional compensation.⁸

2 As a term of engagement, Mr. DiRaffaele has evaluated conflicts of interests by searching the
3 names of defendants in his client database, and affirmatively determined he has not previously
4 represented any of the defendants and could perform the work requested free of any conflict of
5 interest.⁹ Additionally, Mr. DiRaffaele has confirmed he is not a creditor of the receivership estate
6 and does not hold any interest adverse to the receivership estate.¹⁰

7 Attached hereto as **Exhibit 6**, is a revised proposed order in support of the originally filed
8 Motion.

9 DATED this 22nd day of August 2022.

10 **GREENBERG TRAUIG, LLP**

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

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8 *Id.* at ¶ 11.
9 *Id.* at ¶ 12.
10 *Id.* at ¶ 13.

CERTIFICATE OF SERVICE

I hereby certify that on **August 22, 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 5 Declaration of Joe DiRaffaele 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 6 [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 “5”

**DECLARATION OF JOE DiRAFFAELE IN SUPPORT OF
ERRATA TO 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 “5”

**DECLARATION OF JOE DiRAFFAELE IN SUPPORT OF
ERRATA TO 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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14 *J&J Consulting Services, Inc., J&J Consulting Services, Inc.,*
15 *J and J Purchasing LLC, The Judd Irrevocable Trust,*
16 *and BJ Holdings LLC*

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

I, Joe DiRaffaele, hereby declare as follows:

1. I am a real estate agent with eXp Realty in Las Vegas, Nevada.

2. I make this declaration in support of the Receiver's Errata to motion for order authorizing receiver to employ professionals to assist with the sale of property and vehicles (ECF 264) (the "Errata").

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

4. eXp Realty is a global full-service real estate brokerage firm with over 80,000 agents globally.

5. I have been a realtor in Southern Nevada for 28 years.

6. I am currently the exclusive realtor representative of multiple bankruptcy trustees in Nevada and know the importance of getting top dollar on surrendered real estate assets.

7. I have been identified by the Greater Las Vegas Association of Realtors in the Top 100 in residential Real Estate sales in Las Vegas/Henderson for 23 consecutive years and speak at real estate conferences throughout the country.

8. I am also the Foundation Board Chairman for the Henderson Chamber of Commerce.

9. As a term of the proposed engagement, I have agreed to list properties identified by the Receiver with a 4.5% commission instead of the standard 6% with 2.5% available for the buyer's broker in order to ensure reaching the most clients.

10. Given the value of the properties at issues, the reduced commission percentage will result in significant savings to the receivership estate.

11. I have agreed to accept compensation as approved by this Court and acknowledge that my fees and expenses and those of eXp Realty are governed by any orders entered by this Court with regard to professional compensation.

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1 12. As a term of engagement, I have evaluated conflicts of interests by searching the names
2 of defendants in my client database and have affirmatively determined that I have not previously
3 represented any of the defendants and could perform the work requested free of any conflict of
4 interest.

5 13. Additionally, I affirm that I am not a creditor of the receivership estate and do not hold
6 any interest adverse to the receivership estate.

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

9 DATED this 22 day of August, 2022

Joe DiRaffaele

Joe DiRaffaele
Declarant

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EXHIBIT “6”

**[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 “6”

**[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.

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23 Defendants,

24 THE JUDD IRREVOCABLE TRUST *et al.*

25 Relief Defendants.
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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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[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

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

(1) The Motion is GRANTED;

(2) Geoff Winkler, as the court-appointed receiver, is authorized to employ Joe DiRaffaele of eXp Realty in accordance with the terms set forth in the Motion;

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

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

IT IS SO ORDERED.

HON. JUDGE CRISTINA D. SILVA
United States District Court Judge

Dated this _____ day of _____ 2022.

GREENBERG TRAUERIG,
LLP
10845 Griffith Peak

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