

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 07-22204-CIV-GOLD/TURNOFF

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

CHARLES O. MORGAN, JR., AS
PERSONAL REPRESENTATIVE OF
THE ESTATE OF FREDERICK J. KUNEN,

Defendant.

ORDER GRANTING UNOPPOSED MOTION FOR AUTHORIZATION [DE 177]

THIS CAUSE came before the Court upon the RECEIVER'S FINAL REPORT, MOTION FOR ORDER AUTHORIZING PAYMENT OF CLAIMS, FEES, EXPENSES, AND IRS SETTLEMENT, AND MOTION TO DISCHARGE RECEIVER [DE 177] (the "Motion") filed by Receiver Scott M. Dimond (the "Receiver" or "Mr. Dimond"). Having considered the relevant submissions, the applicable law, and being otherwise duly advised, I conclude that good cause exists for the entry of this Order. Accordingly, it is hereby

ORDERED and ADJUDGED as follows:

1. The Receiver's Motion is GRANTED.
2. The Court APPROVES the final report of the Receiver as detailed in the Motion and further approves the final accounting contained therein.
3. The Court APPROVES the Receiver's request to make the following payments:
 - a. Payment of claims made by Investors 69 and 70 (as described in the Motion) in the total amount of \$29,212.83; and

- b. Payment of the remaining outstanding Receivership obligations (as described in the Motion) in the total amount of \$2,550.00.
4. The Court APPROVES the settlement with the Internal Revenue Service (the "IRS"), and approves the immediate payment of \$23,120.04 to the IRS.
5. The Court APPROVES the payment of fees and costs to the Receiver and his counsel in the total collective amount of \$23,120.04.
6. The Court APPROVES Mr. Dimond's proposal that to the extent that any additional assets of the Receivership are hereafter recovered (for example, if a judgment debtor were to pay a portion of an outstanding judgment), Mr. Dimond would have the authority to distribute such funds to himself and his counsel on the above-mentioned pro-rata basis up to the total amount of \$39,907.61 without further approval of Court.
 - a. If funds in excess of that amount are recovered, then Mr. Dimond is ORDERED to file a notice with the Court and seek this Court's approval for the proposed treatment of any such monies.
7. Irrespective, Mr. Dimond is discharged as the Receiver and of all responsibilities as Receiver in this action.
8. Accordingly, Mr. Dimond and his counsel shall not be liable for any actions performed pursuant to or in connection with the August 23, 2007 order appointing Mr. Dimond as the Receiver in this action. to the extent permitted by law. *See Property Management & Investments, Inc. v. Lewis*, 752 F.2d 599, 603 (11th Cir. 1985).
9. All of Mr. Dimond's acts and transactions and those of his counsel during the

Receiver's administration disclosed by the pleadings and reports filed with this Court are hereby ratified, confirmed, and approved as being correct and proper and in the best interest of the Receivership estate and the Parties to this action.

10. Mr. Dimond is authorized to discard any documents or other materials generated or received in connection with the Receivership at his sole discretion.

DONE AND ORDERED in Chambers, in Miami, Miami-Dade County, Florida on 13
this ___ day of July 2010.



HON. ALAN S. GOLD
U.S. DISTRICT COURT JUDGE

cc: All counsel of record