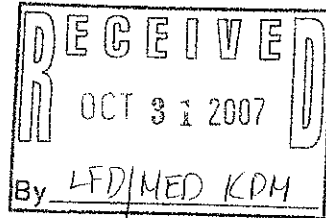


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 07-22204-CIV-GOLD  
Magistrate Judge Turnoff

SECURITIES AND EXCHANGE	)
COMMISSION,	)
Plaintiff,	)
v.	)
CHARLES O. MORGAN, JR.,	)
as Personal Representative of the	)
ESTATE OF FREDERICK J. KUNEN,	)
Defendant.	)



**ORDER DIRECTING MARC PHILLIP KUNEN TO CEASE USING THE BMW, THAT FREDERICK J. KUNEN PAID FOR WITH INVESTOR FUNDS, TO MARKET AND SELL IT WITH THE ASSISTANCE AND SUBJECT TO THE APPROVAL OF THE RECEIVER, AND TO REMIT ALL SALE PROCEEDS TO THE RECEIVER TO BE HELD UNTIL FURTHER ORDER OF THE COURT**

THIS MATTER came before the Court upon the Agreed Motion [DE 34] filed by the Court-pointed Receiver of the Estate of Frederick J. Kunen, Scott M. Dimond, Esq. (the "Receiver"), pursuant to this Court's Order Appointing Receiver, seeking to have the Court compel Mark Phillip Kunen, the owner of the 2006 BMW 325i (the "BMW") that Frederick J. Kunen paid for with investor funds, to immediately cease driving or otherwise using the BMW, park it in a secure location, provide a sworn Declaration attesting to the BMW's current odometer reading and good, working and undamaged condition, market it for sale in New Orleans or within close proximity to its current location with the assistance of the Receiver, sell it for the highest amount offered, subject to the approval of the Receiver, and remit the sale proceeds to the Receiver to be held until further order of the Court. With the

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Court having considered the Motion, finding good cause to grant the relief requested, noting that Marc Phillip Kunen, Defendant Charles O. Morgan, Jr., as Personal Representative of the Estate of Frederick J. Kunen, and the Securities and Exchange Commission all agree to the relief requested, and being otherwise duly advised in the premises, it is hereby

**ORDERED AND ADJUDGED:**

1. The Agreed Motion [DE 34] is GRANTED.
2. Marc Phillip Kunen is directed to immediately cease driving or otherwise using the BMW, park it in a secure location, and provide the Receiver with a sworn Declaration attesting to the BMW's good, working and undamaged condition, its odometer reading as of the date he receives notice of this Order, and the location where it will be parked until it is sold.
3. Marc Phillip Kunen is further directed to immediately begin marketing the BMW for sale. The Receiver shall assist Marc Phillip Kunen in his efforts to market and sell the BMW. The sale shall be subject to the approval of the Receiver.
4. Marc Phillip Kunen shall take all necessary steps to keep the BMW fully insured, including continuing to pay all insurance premiums as they come due, until the date that the BMW is sold. Until the date on which the BMW is sold, Marc Phillip Kunen shall be responsible for all damages to the BMW, and shall make all repairs, and take all other steps, necessary to maintain

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the BMW in good, working and undamaged condition.

5. The Receiver shall pay for all costs associated with the marketing and sale of the BMW, and shall reimburse Marc Phillip Kunen for any expenses he incurs in his efforts to market and sell the BMW. The Receiver shall reimburse Marc Phillip Kunen for all insurance premiums and portions thereof that Marc Phillip Kunen shall pay after receiving notice of this Order, provided that, after the date he receives notice of this Order, he does not drive or otherwise use the BMW, parks it in a secure location, and maintains it in good, working and undamaged condition.
6. Immediately upon selling the BMW, subject to the approval of the Receiver, Marc Phillip Kunen shall immediately remit all sale proceeds to the Receiver to be held until further order of this Court.

DONE AND ORDERED in the Southern District of Florida on this 30 day of  
October 2007.



THE HONORABLE ALAN S. GOLD  
UNITED STATES DISTRICT JUDGE

cc:  
Magistrate Judge Turnoff  
All counsel of record