

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO  Denver District Court  1437 Bannock St.  Denver, CO 80202</p>	<p>DATE FILED: November 15, 2018 1:41 PM  FILING ID: 2FB4CAA942E3B  CASE NUMBER: 2018CV33011</p>
<p><b>Plaintiff:</b> GERALD ROME, Securities Exchange Commissioner for the State of Colorado</p> <p>v.</p> <p><b>Defendants:</b> GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC, and GDA REAL ESTATE MANAGEMENT, LLC</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Receiver:  Patrick D. Vellone, #15284  Michael T. Gilbert, #15009  Rachel A. Sternlieb, #51404  ALLEN VELLONE WOLF HELFRICH &amp; FACTOR P.C.  1600 Stout St., Suite 1100  Denver, Colorado 80202  (303) 534-4499  pvellone@allen-vellone.com  mgilbert@allen-vellone.com  rsternlieb@allen-vellone.com</p>	<p>Case Number: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p style="text-align: center;"><b>RECEIVER’S NOTICE CONCERNING EMPLOYMENT OF MARCUS &amp; MILLICHAP</b></p>	

Harvey Sender, the duly-appointed Receiver in this case, hereby gives notice he has employed Marcus & Millichap to market and sell real property assets of the Receivership Estate as set forth below.

1. On August 15, 2018, Gerald Rome, Securities Commissioner for the State of Colorado (the “Commissioner”), filed his Complaint for Injunctive and Other Relief against Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (collectively, “Dragul and the DGA Entities”).

2. On August 30, 2018, the Court entered its Order Appointing Receiver (“Receivership Order”) which appointed Harvey Sender of Sender & Smiley LLC as receiver for Dragul and the DGA Entities, as well as for their respective properties and assets, and interests and management rights in related affiliated and subsidiary businesses (the “Receivership Estate” or the “Estate”). Receivership Order at p. 2, ¶ 5.

3. The Receivership Order gives the Receiver the authority to “hire and pay general counsel, accounting, and other professionals as may be reasonably necessary to the proper discharge of the Receiver’s duties, and to hire, pay and discharge the personnel necessary to fulfill the obligations of the Receiver hereunder, including the retention of . . . other third parties to assist the Receiver in the performance of its duties hereunder, all within the Receiver’s discretion[.]” Receivership Order at p. 9, ¶ 13(l).

4. The Receiver hereby gives notice that he has retained the nationally-recognized firm Marcus & Millichap to market and sell the following Receivership Estate properties to third-parties unrelated to Dragul and the GDA Entities. The Receiver has agreed to pay Marcus & Millichap the commissions set forth below from the proceeds of sale.

Property Name	Address	City	State	Commission (% of Gross Purchase Price)
Ash and Bellaire Development Site	2166, 2176, 2186, & 2196 South Ash Street and 2175 & 2195 South Bellaire Street	Denver	CO	3.00%
Village Inn	5290 East Arapahoe Road	Centennial	CO	4.00%
Cassinelli Square	11360 - 11500 Princeton Pike	Cincinnati	OH	4.00%
Clearwater Collection	21688 - 21800 Highway 19 North	Clearwater	FL	1.25%
Marketplace at Delta	416-647 Marketplace Boulevard	Lansing	MI	1.50%
DU Student Housing	2311, 2321, & 2329 South High Street	Denver	CO	3.00%
Happy Canyon	4950 & 4992-5082 East Hampden Ave	Denver	CO	1.25%
Hickory Corners	1718 US Highway 70 SE	Hickory	NC	2.25%
Prospect Square	9690 Colerain Ave	Cincinnati	OH	TBD
Summit Marketplace	385 Crossing Drive	Lafayette	CO	3.00%
Windsor Square	101-245 Seven Oaks Drive North	Knoxville	TN	1.50%
Safeway Marketplace (Yale & Monaco)	6460 E Yale Ave	Denver	CO	TBD

Dated: November 15, 2018.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

A handwritten signature in black ink, appearing to read 'M. T. Gilbert', written over a horizontal line.

By: *Michael T. Gilbert*

Patrick D. Vellone, Reg. No. 15284

Michael T. Gilbert, Reg. No. 15009

Rachel A. Sternlieb, Reg. No. 51404

ATTORNEYS FOR THE RECEIVER, HARVEY SENDER

**CERTIFICATE OF SERVICE**

I hereby certify that on the November 15, 2018, a true and correct copy of **Receiver's Notice Concerning Employment of Marcus & Millichap** was filed and served via the Colorado Courts E-Filing system to the following:

Robert Finke, Esq.  
Sueanna P. Johnson, Esq.  
Matthew J. Bouillon Mascarenas  
Attorney General  
Ralph L. Carr Judicial Building  
1300 Broadway, 8<sup>th</sup> Floor  
Financial and Health Services Unit  
Denver, CO 80203

**ATTORNEYS FOR PLAINTIFF, GERALD ROME,  
SECURITIES COMMISSIONER FOR THE STATE  
OF COLORADO**

Jeffrey A. Springer, Esq.  
Springer & Steinberg P.C.  
1600 Broadway Street, Suite 1200  
Denver, CO 80202

**ATTORNEYS FOR DEFENDANTS, GARY  
DRAGUL, GDA REAL ESTATE SERVICES,  
LLC AND GDA REAL ESTATE  
MANAGEMENT, LLC**

  
s/ Terri M. Novoa  
Allen Vellone Wolf Helfrich & Factor P.C.

*In accordance with C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.*

**SERVICE ON KNOWN CREDITORS**

A copy of the foregoing Motion will also be served by electronic mail and/or U.S. Mail first-class, postage-prepaid on all currently known creditors of the Receivership Estate to the addresses set forth on the service list maintained in the Receiver's records.

  
By: /s/ Terri M. Novoa  
Allen Vellone Wolf Helfrich & Factor P.C.