



1. In paragraphs 11, 37 and 38 of the Order to Show Cause Motion, the Receiver stated that U.S. Real Estate Credit Holdings III, L.P. (“Lender”) and its counsel, Jonathan S. Hawkins, Louis F. Solimine, and Anthony Hornback (collectively “Lender’s Counsel”), concealed the Colorado Receivership Order from the Ohio court and the Ohio receiver upon initiating their Ohio state court action. *See* Order to Show Cause at ¶¶ 11, 37 and 38.

2. Lender did disclose the Colorado Receivership Order to in the Ex Parte Motion for Appointment of a Receiver and Motion for Temporary Restraining Order and Preliminary Injunction it filed in Ohio. They did not, however, disclose this case or the Colorado Receivership Order in the original Ohio complaint filed on November 29, 2018. And neither the Ohio receiver nor its counsel was informed about this Court’s Receivership Order before the Ohio receiver was appointed.

3. Neither Lender nor its Counsel sought relief from this Court before instituting the Ohio state court action, nor did they contact the Colorado Receiver or his counsel to confer before seeking appointment of the Ohio receiver.

Dated: December 26, 2018.

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ATTORNEYS FOR THE RECEIVER

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26th, 2018, I served a true and correct copy of the foregoing **ERRATA TO RECEIVER'S EXPEDITED MOTION FOR ORDER TO SHOW CAUSE AND REQUEST FOR HEARING** via CCE and/or *via* electronic mail to the following:

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