

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: Chris Myklebust, Securities Commissioner for the State of Colorado</p> <p>v.</p> <p>Defendants: Gary Dragul; GDA Real Estate Services, LLC; and GDA Real Estate Management, LLC</p>	
<p>Attorneys for Receiver: Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Rachel A. Sternlieb, #51404 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout St., Suite 1100 Denver, Colorado 80202 Phone Number: (303) 534-4499 E-mail: pvellone@allen-vellone.com E-mail: mgilbert@allen-vellone.com E-mail: rsternlieb@allen-vellone.com</p>	<p>Case Number: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p style="text-align: center;">RECEIVER’S RESPONSE TO: (1) NATIONAL COMMERCIAL BUILDERS, INC.’S OBJECTION TO RECEIVER’S MOTION FOR ORDER AUTHORIZING SALE OF HICKORY CORNERS; AND (2) ITS MOTION FOR RELIEF FROM STAY</p>	

Harvey Sender, Yes. the duly-appointed receiver (“Receiver”) for Gary Dragul (“Dragul”), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, “Dragul and the GDA Entities”), hereby responds to National Commercial Builders, Inc.’s (“NCB”) Objection to the Receiver’s Motion for

Order Authorizing Sale of Hickory Corners (“NCB Objection”); and (2) its Motion for Relief from Stays (Stay Motion”), both filed March 4, 2019.

Although styled as an Objection to the Hickory Corners sale, NCB does not object to the sale itself. Instead, NCB objects to the Receiver distributing the sales proceeds without paying NCB \$586,054.67 to satisfy its purported mechanics’ lien on the Hickory Corners property. NCB Obj. ¶¶ 1, 2. Based on subsequent payments NCB acknowledges receiving, it appears the amount of its outstanding lien claim is instead approximately \$523,353.76, which includes more than \$20,000 in attorneys’ fees and \$13,000 in interest. NCB’s Stay Motion seeks relief from the stay imposed by this Court’s Receivership Order so that NCB can foreclose on the Hickory Corners property to obtain payment on its mechanics’ lien.

The Receiver and NCB have agreed to the following to resolve NCB’s Objection:

- (1) NCB will withdraw its Objection to the Hickory Corners sale and its Stay Motion;
- (2) the Receiver agrees not to contest that NCB properly perfected its mechanics’ lien on the Hickory Corners property;
- (3) pursuant to an agreement the Receiver has reached with Hagshama concerning the Hickory Corners sale, the Receiver will withhold an amount (to be agreed upon with NCB) from the Hickory Corners sales proceeds sufficient to pay NCB’s claimed lien;
- (4) NCB will provide the Receiver documents reasonably requested by the Receiver so that the Receiver can evaluate the amount of NCB’s claimed lien;
- (5) the Receiver and NCB will negotiate in good faith to determine the amount to be paid to NCB to satisfy its lien claim;
- (6) upon

payment of that amount, NCB will release and discharge its lien against the Hickory Corners property, and any remaining Hickory Corners sales proceeds attributable to the holdback will be released for distribution in accordance with the Receiver's agreement with Hagshama; and (7) any dispute the parties are unable to resolve concerning the amount to be paid to NCB will be submitted to this Court to resolve, subject to NCB's rights under North Carolina law.

ALLEN VELLONE WOLF HELFRICH & FACTOR P/C.

By: s/ Patrick D. Vellone

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ATTORNEYS FOR THE RECEIVER

CERTIFICATE OF SERVICE

I certify that on March 18, 2019, a true and correct copy of the **RECEIVER'S RESPONSE TO: (1) NATIONAL COMMERCIAL BUILDERS, INC.'S OBJECTION TO RECEIVER'S MOTION FOR ORDER AUTHORIZING SALE OF HICKORY CORNERS; AND (2) ITS MOTION FOR RELIEF FROM STAY** was filed and served via the Colorado Courts E-Filing system to the following:

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***Counsel for Fortune Capital Partners,
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In accordance with this Court's February 1, 2019 Order clarifying notice procedures for this case, I also certify that a copy of the foregoing is being served by electronic mail 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/ Victoria Ray
Allen Vellone Wolf Helfrich & Factor P.C.