

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202 720.865.8612</p>	<p>DATE FILED: July 10, 2019 1:14 PM FILING ID: 8308A30BD0F6C CASE NUMBER: 2018CV33011</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;">JOINT MOTION AND STIPULATION TO VACATE JUNE 19, 2019, TURNOVER ORDER</p>	

Harvey Sender, 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”), and Gary Dragul

hereby stipulate as follows and jointly ask the Court to enter an order making the terms of this stipulation an order of the Court.

I. Background

1. On June 4, 2019, the Receiver and the Securities Commissioner filed a Joint Motion for an Order Requiring Dragul to Turnover and Account for Property of the Estate (“Turnover Motion”). On June 19th, the Court entered an Order granting that Motion (“Turnover Order”).

2. On June 20, 2019, Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC, filed a motion to vacate the Turnover Order (“Motion to Vacate”).¹ In the Motion to Vacate, Dragul argued that because the Turnover Motion had been filed jointly by the Receiver and the Commissioner, the Rule 121 21-day period to respond applied instead of the 10-day period provided in the Receivership Order for motions filed by Receiver. Dragul also argued that he had meritorious defenses and attached a proposed Response to the Turnover Motion.

3. The Receiver has agreed to stipulate to the Court vacating the Turnover Order and deciding the Turnover Motion on its merits pursuant to the following terms.

¹ Although the Motion to Vacate purported to be filed on behalf of the GDA entities, those entities are now controlled by the Receiver, and Dragul’s counsel lacks authority to be acting on their behalf.

II. Stipulation

4. Dragul shall provide the Receiver with a complete and accurate inventory of **all** of his personal property, wherever located, (including personal property he claims is jointly owned with his wife) within 5 calendar days of the date of this stipulation.

5. Pending resolution of the Turnover Motion on its merits, all of the personal property shall be stored in a secure location to which the Receiver is provided access to confirm the inventory. This may include a location at which Dragul resides. Dragul shall provide access to the Receiver to all locations at which any of the personal property may be located or stored.

6. Pending resolution of the Turnover Motion, Dragul shall not attempt to sell, secret, or dispose of **any** personal property, regardless of whether he believes it is part of the Estate or whether he claims it is jointly owned.

7. The Receiver's reply in support of the Turnover Motion shall be filed within 14 days of the Court entering an order vacating the Turnover Order.

WHEREFORE, the Receiver and Dragul ask the Court to enter an order vacating the Turnover Order and making the terms of this stipulation an order of the Court.

Dated: July 10, 2019.

ALLEN VELLONE WOLF HELFRICH & FACTOR
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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2019, a true and correct copy of the **JOINT MOTION AND STIPULATION TO VACATE JUNE 19, 2019, TURNOVER ORDER** was filed and served via the Colorado Courts E-Filing system to the following:

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