



Smith Debnam
ATTORNEYS AT LAW

EXHIBIT A

SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP

Bettie Kelley Sousa
Partner
bsousa@smithdebnamlaw.com
(919) 250-2105
Fax: (919) 250-2211

January 26, 2024

Harvey Sender, Receiver
600 17th Street, Suite 2800 South
Denver, CO 80202

Via E-mail to:
aandrews@allen-vellone.com

Averil K. Andrews
ALLEN VELLONE, et al.
1600 Stout St., Suite 1900
Denver, CO 80202

Re: Legal Representation – Marvin Hershey
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Dear Mr. Sender:

On behalf of you, as the duly-appointed receiver for Gary Dragul, GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities ("Receiver"), Averil Andrews has requested that our firm provide advice and counsel regarding the judgment obtained by the Receiver against Marlin Hershey, one of the defendants. Mr. Hershey is believed to reside in North Carolina and to own one or more parcels of real property in the state.

The representation will involve domesticating the Colorado judgment in North Carolina, proceeding with the North Carolina requirements for the exemption process, exercising collection efforts including obtaining one or more writs of execution, and conducting supplemental proceedings in the event writs of execution are returned *nulla bona*. A significant part of our time will be locating assets held by, or transferred by, Mr. Hershey.

Our basic fees will be calculated on an hourly basis. My time will be charged at \$300.00 per hour. Paralegal time will be charged at \$100.00 per hour. We acknowledge that both our firm's retention, and the payment of fees, are subject to Court approval.

We request an initial, refundable retainer in the amount of \$3,000.00. We will hold this retainer in our trust account and apply it to our initial invoices in the case. In addition, we request the amount of \$500.00 as a cost-deposit. We reserve the right to request additional retainers as we deem necessary. Expected costs include the filing and service fees for the filing of a civil action in North Carolina, and other Sheriff and Clerk fees that might be assessed. Costs such as court reporter's charges, may be requested in advance.

A handwritten signature in blue ink, appearing to be 'BKS'.

Harvey Sender, Receiver
Averil K. Andrews
January 26, 2024

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As I mentioned to Averil previously, I have family in Charlotte and would not charge for any overnight stay were a matter there to run into two days.


We will keep records of time expended on your behalf and, usually on a monthly basis, will submit invoices describing the services rendered. We will also itemize expenses incurred for court fees, deposition charges, and other out of pocket costs. Bills for our services and any advanced costs will be paid from the retainer funds, but if those funds are depleted, invoices are payable within 30 days from the date of each bill.

We will use Internet e-mail to communicate with you during the course of our representation. It is widely known that ordinary Internet e-mail is entirely unsecure. If you would like us to engage in something more secure than ordinary Internet e-mail, please advise. Otherwise, we will presume that ordinary Internet e-mail is acceptable.

Thank you for requesting that our firm represent the Receiver. Our firm is pleased to assist with this matter, and we look forward to working with you. We will exert our best efforts to advocate for the Receiver's interests, and hopefully collect funds to apply to the judgment.

Please feel free to call me should you have any questions. An email confirmation of the Receiver's agreement to our representation under these terms is sufficient.

Sincerely



Bettie Kelley Sousa

Agreed to and Accepted by Harvey Sender, Receiver

By: _____

Date: _____

