

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO</p> <p>1437 Bannock St. Denver, CO 80202 (720) 865-8612</p>	<p>DATE FILED: April 8, 2024 4:44 PM FILING ID: EF3DE38498D66 CASE NUMBER: 2018CV33011</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: Tung Chan, 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>Case No. 2018CV33011</p> <p>Courtroom: 424</p>
<p><i>Attorney for Investor/Creditor/Claimant Chad Hurst</i> Christopher S. Mills, Atty. Reg. No. 42042 Jones & Keller, P.C. 1675 Broadway, 26th Floor Denver, CO 80202 Phone: 303-573-1600 Email: cmills@joneskeller.com</p>	<p style="text-align: center;">FORTHWITH <u>SUBSTANTIALLY UNOPPOSED</u> MOTION FOR EXTENSION OF TIME TO OBJECT TO RECEIVER’S MOTION TO APPROVE SETTLEMENT AGREEMENT</p>

Investor/Creditor/Claimant Chad Hurst, through counsel, Jones & Keller, P.C., hereby moves for a brief extension of time, up to and including April 16, 2024, to file an objection to Receiver Harvey Sender’s Motion to Approve Settlement Agreement With Clearwater Bankruptcy Estates, and in support thereof, states as follows:

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C.R.C.P. 121 § 1-15(8) CERTIFICATION

Undersigned counsel for Mr. Hurst conferred with counsel for Plaintiff, the Commissioner, who states that she takes no position on this Motion for Extension.¹ Undersigned Counsel also conferred with counsel for the Receiver who does not oppose the relief requested herein.

1. Mr. Hurst is an investor/creditor and claimant of the Receivership Estate established in this action.

2. Paragraph 34 of the August 30, 2018 Stipulated Order Appointing Receiver in this action provides that court approval of motions filed by the Receiver shall be given as a matter of course, “unless any party objects to the request for the Court approval within ten (10) days after service by the Receiver or written notice of such request.”

3. On March 29, 2024, the Receiver filed the Receiver’s Motion to Approve Settlement Agreement with Clearwater Bankruptcy Estates (“Settlement Motion”).

4. Thus, the deadline for parties to object to the Settlement Motion appears to be today, April 8, 2024.

5. The Settlement Motion seeks approval of a settlement between the Receiver and the Liquidating Trustee in consolidated bankruptcy proceedings, *In Re: Clearwater Collection 15, LLC*, Case No. 22-11320-JGR and *In Re: Clearwater Plainfield 15, LLC*, Case No. 22-11321-JGR. It involves the Receiver’s Proof of Claims filed in those bankruptcy proceedings.

¹ Because the Commissioner has not opposed, but also has not consented, this Motion is presented as “Substantially Unopposed”.

6. Chad Hurst, as an investor/creditor of the Receivership Estate and person who filed a claim in the Receivership Estate, has an interest in the settlement agreement proposed in the Settlement Motion and wishes to object in response to that Settlement Motion.

7. Undersigned counsel was retained by Mr. Hurst the afternoon of today, April 8, 2024.

8. While undersigned counsel has familiarity with the history of this action while formerly serving as counsel for another party in it, he requires additional time to get up to speed on recent developments in the case.

9. More importantly, undersigned counsel requires additional time to get up to speed on the bankruptcy proceedings which play an integral role in the proposed settlement agreement at issue. Undersigned counsel presently has no familiarity with those bankruptcy proceedings.

10. For those reasons, good cause exists to extend Mr. Hurst's deadline to object or otherwise respond to the Settlement Motion up to and including April 16, 2024.

11. No parties will be prejudiced by the requested extension. The Receiver does not oppose the extension requested herein, and the Commissioner takes no position on it. Moreover, according to paragraph 29 of the Settlement Motion, the deadline for interested parties to object to the proposed settlement in the bankruptcy proceedings is April 16, 2024. Thus, the Receiver would be unable to move forward with the proposed settlement until at least that date in any event.

12. Mr. Hurst has not previously sought an extension of this deadline.

13. A copy of this Motion for Extension is concurrently being served on Mr. Hurst.

14. A proposed order is attached.

WHEREFORE, Mr. Hurst respectfully requests an extension up to and through April 16, 2024, to file an objection to the proposed settlement in the Settlement Motion.

DATED this 8th day of April, 2024.

JONES & KELLER, P.C.

/s/ Christopher S. Mills

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ATTORNEY FOR

INVESTOR/CREDITOR/CLAIMANT CHAD

HURST

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FORTHWITH SUBSTANTIALLY UNOPPOSED MOTION FOR EXTENSION OF TIME TO OBJECT TO RECEIVER'S MOTION TO APPROVE SETTLEMENT AGREEMENT** was filed and served via the CCE e-file system on this 8th day of April, 2024 to all counsel of record for the parties to the action, including the following:

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/s/ Margaret M. Kipling
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