

<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: TUNG CHAN, Securities Exchange 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 Averil K. Andrews, # 56148 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: aandrews@allen-vellone.com</p>	<p>Case Number: 2018CV33011 Division/Courtroom: 424</p>
<p>RECEIVER’S MOTION TO APPROVE PROPOSED PLAN OF DISTRIBUTION</p>	

Harvey Sender, the duly-appointed receiver (“Receiver”) for the assets of Gary Dragul (“Dragul”), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, “Dragul and the GDA Entities”), hereby asks

the Court to enter the order approving the Proposed Plan of Distribution (the “Plan”) attached as Exhibit 1.

CERTIFICATION PURSUANT TO COLO. R. CIV. P. 121, § 1-15(8)

1. The Receiver’s proposed Plan seeks to benefit the losing investors in the Receivership Estate in this equitable receivership case commenced by the Securities Commissioner for the State of Colorado (the “Commissioner”). There is accordingly no discrete opposing counsel with whom to consult regarding this Motion and the requested equitable relief. As reflected on the Certificate of Service to this Motion, a separate Notice of the right to object to this Motion and the Plan is being served contemporaneously on all counsel who have entered an appearance in this action, all persons who have filed claims against the Receivership Estate.

MOTION AND REQUEST FOR RELIEF

2. The grounds and authority supporting this Motion and approval of the Plan are set forth in detail in the Plan and are incorporated in this Motion. The Plan is fair and equitable and explains the procedures for distributions on allowed claims under a rising tide methodology. The Notice that has been served with this Motion and the Plan explicitly notifies interested parties of their right to object. The objection deadline of 21 days set forth in the Notice complies with Colo. R. Civ. P. 121, § 15(1)(b), provides ample time for interested parties to review and object to the Plan, and exceeds the ten-day period set forth in this Court's Order Appointing Receiver.

See Order Appointing Receiver at 21, ¶ 34. (“Receivership Order,” entered August 30, 2018).

3. If no objection to the Plan is filed, the Receiver asks the Court to enter an order approving the Plan. If any objections to the Plan are filed, the Receiver asks the Court to set a prompt hearing to resolve them so that distributions may commence as soon as practicable.

4. The Receiver believes that the procedures set forth in the Plan are fair, equitable, and necessary to move the receivership toward its ultimate resolution.

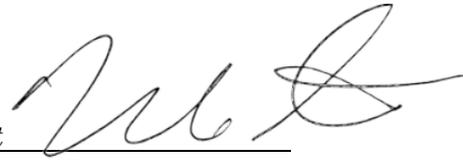
5. With respect to the merits of the Plan, the authorities supporting approval are contained in the Plan, and not repeated here. As a general proposition, however, “[i]n supervising an equitable receivership, the primary job of the district court is to ensure that the proposed plan of distribution is fair and reasonable.” *S.E.C. v. Wealth Mgmt. LLC*, 628 F.3d 323, 332 (7th Cir. 2010) (citing *Official Comm. of Unsecured Creditors of WorldCom, Inc. v. S.E.C.*, 467 F.3d 73, 84 (2d Cir. 2006)). For the reasons detailed in the Plan, the Receiver submits that the Plan meets that standard and should be approved according to its terms.

WHEREFORE, the Receiver requests that the Court grant this Motion, enter the form of proposed order approving the Plan submitted with this Motion, and for such other relief as deemed appropriate.

Dated: June 18, 2025.

ALLEN VELLONE WOLF HELFRICH & FACTOR
P.C.

By: s/ Michael T. Gilbert

A handwritten signature in black ink, appearing to read 'M T Gilbert', written over a horizontal line.

Patrick D. Vellone, Reg. No. 15284

Michael T. Gilbert, Reg. No. 15009

Averil K. Andrews, Reg. No. 56148

ATTORNEYS FOR THE RECEIVER, HARVEY
SENDER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 18, 2025, a true and correct copy of the foregoing was filed and served via the Colorado Courts E-Filing system to the following:

Robert W. Finke
Janna K. Fischer
Ralph L. Carr Judicial Building
1300 Broadway, 8th Floor
Denver, Colorado 80203
Robert.Finke@coag.gov
Janna.Fischer@coag.gov

*Counsel for Tung Chan, Securities
Commissioner*

Arthur Tyrone Glover
TYRONE GLOVER LAW, LLC
2590 Walnut St.
Denver, CO 80205
tyrone@tyroneglover.com

Counsel for Gary Dragul

Kevin D. Evans
Evans Law PLLC
5613 DTC Parkway
Suite 850
Greenwood Village, CO 80111
kdevans@evanspllc.law

Counsel for Lone Pine Resources, LP

Aaron A. Garber
Wadsworth Garber Warner Conrardy,
P.C.
2580 West Main Street, Suite 200
Littleton, CO 80120

Counsel for the Liquidating Trustee

Christopher S. Mills
Jones Keller, P.C.
1999 Broadway Street
Suite 3150
Denver, CO 80202
pmills@joneskeller.com

Counsel for Chad Hurst

CERTIFICATION OF E-SERVICE ON KNOWN CREDITORS

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.

/s/ Yvonne Davis

Allen Vellone Wolf Helfrich & Factor P.C.

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	
<p>Plaintiff: TUNG CHAN, Securities Exchange 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 style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Receiver:</p> <p>Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Averil K. Andrews, # 56148 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: aandrews@allen-vellone.com</p>	<p>Case Number: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p style="text-align: center;">RECEIVER'S PROPOSED PLAN OF DISTRIBUTION</p>	

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Executive summary of the Plan	2
III.	The Receivership Estate: investigation and asset recovery	4
	A. Summary of Dragul’s scheme	5
	B. Commercial property disposition.....	9
	C. Residential Property	11
	D. Other Estate assets and income	13
	E. Personal assets and turnover motion	14
	F. Litigation claims by the Receiver	15
	1. Fraudulent transfer litigation.....	15
	2. The Brownstein settlement.....	17
	3. The Insider Case.....	17
	4. Clearwater bankruptcy claims.....	20

IV.	The Estate	23
V.	Estate’s liabilities.....	24
VI.	Classification and treatment of claims for equitable distribution	26
VII.	Plan for partial cash distribution and establishment of reserve for future expenses	29
VIII.	Tax implications.....	30
IX.	Applicable legal standards in receivership cases support this equitable distribution Plan.	30
X.	Alternatives to this Plan are inferior and unwarranted under the circumstances.	35
XI.	The proposed treatment of claims, and classes of claimants, is fair and equitable.	44
XII.	Summary procedures for Plan approval are necessary and appropriate.	45
XIII.	Release and exculpation	47
XIV.	Conclusion	47

I. Introduction

Harvey Sender, the duly-appointed receiver (“Receiver”) for Gary Dragul (“Dragul”), GDA Real Estate Services, LLC (“GDARES”), GDA Real Estate Management, LLC (“GDAREM”), and related entities (collectively, the “Receivership Entities”), submits this Proposed Plan of Distribution (the “Plan”) for the receivership estate of the foregoing receivership entities (the “Estate”). The Receiver seeks the Court’s approval of both the equitable principles and administrative procedures outlined in this Plan so that he may distribute the proceeds of the Estate to claimants entitled to receive payments.¹

As explained in Sections IV and V, below, the Estate is insolvent: total allowable claims exceed the cash available to pay them. This Plan seeks approval to make an interim cash distribution of \$1.3 million from the Estate to holders of “Allowed Claims” (as explained further in this Plan), and when feasible and appropriate, additional distributions according to the classes of claims set forth in the Plan.

This Plan has been served on all counsel who have entered an appearance in this case, all persons who have filed claims against the Estate, and all parties in interest as identified on the Certificate of Service filed contemporaneously with this

¹ A proposed order granting the Receiver’s motion to approve this Plan has been submitted to the Court with that separate motion.

Plan and the Receiver's Motion to Approve Proposed Plan of Distribution (the "Plan Approval Motion") to which this Plan is attached.

II. Executive summary of the Plan

The Plan proposes first to pay the costs of administering the Estate as required by the Receivership Order (as defined in this Plan). Remaining proceeds of the Estate, after reserves and adjustments, will then be distributed primarily under a rising tide methodology, as more fully described in this Plan and the Plan Approval Motion. Distributions will be made only to claimants: (1) who filed claims with the Receiver, but (2) only to the extent that claims are allowed as provided in this Plan, or as otherwise ordered by the Court. The proposed interim distributions under this Plan are set forth on the attached **Exhibit 1**.

Claims of any other creditors of the Receivership Estate are **DISALLOWED** and will not receive distributions. Duplicate claims, claims related to entities that are not part of the Receivership Estate, claims filed by investors that received more cash as adjusted from the Receivership Entities than they invested with the Estate ("Net Winners"), unfiled claims, claims of any insiders or co-owners of the Receivership Entities, and settled claims are **DISALLOWED**; they will not receive any distributions. A complete list of claims and their classification is attached as **Exhibit 2**.

As detailed in § VI, distributions will be based on "Allowed Claims," calculated on a "cash-in, cash-out" basis with respect to the Estate. Any claim that includes

fictitious investment earnings, profits, interest, expenses, tax losses, attorney fees, or other incidental or consequential damages is **DISALLOWED** to the extent the claim includes those amounts. To the extent the Receiver has identified common beneficial interests of an individual and an entity or pass-through investment or retirement account, the claims are allowed on a combined (net cash loss) basis, provided however, that distributions to any such combined claimants involving a retirement account shall be made to the individuals and/or their retirement account for purposes of tax treatment.

Claims related to tenant security deposits will be paid in full. Allowed vendor claims will be calculated similarly to investor allowed claims, giving credit for the services performed prior to the Receivership and accounting for payments received for these services. For investors, the “cash-in, cash-out” analysis starts from a claimant’s beginning investment with the Estate, adds any subsequent investments to that figure, and then subtracts all distributions from the Estate, both before and after commencement of the Receivership. A tentative *rising tide* distribution is then calculated for all vendor and investor Allowed Claims.

Claims have been adjusted to account for recoveries Investors have received or are projected to receive from the Clearwater bankruptcy estates as approved by the Clearwater bankruptcy court, restitution payments made to investors by the Colorado Attorney General’s office related to Dragul’s promissory note scheme, and to reflect the assumption of liabilities effected by the Isabel Marina transaction

described below in Section III, B. Once these adjustments have been made, Net Claims are fixed as Allowed. The thresholds under this rising tide Plan result in initial interim recoveries based on the net return of total principal investments and/or the net recovery of billed services provided.

The proposed treatment of all claims, including the proposed interim distribution to all Allowed Claims, is reflected in Exhibit 1. If you wish to object to the proposed classification or treatment of your claim, you must file an objection to the Plan with the Court on or before **July 9, 2025**, as set forth in the Notice of Receiver’s Plan Approval Motion, served contemporaneously with this Plan. Claimants should review **Exhibits 1 and 2** for their proposed treatment and proposed interim distributions.

III. The Receivership Estate: investigation and asset recovery

On April 12, 2018, Dragul was indicted by a Colorado State Grand Jury on nine counts of securities fraud. On August 15, 2018, Gerald Rome, the then Securities Commissioner for the State of Colorado (the “Commissioner”), filed his Complaint for Injunctive and Other Relief against Dragul and the GDA Entities. On August 30, 2018, the Court entered a Stipulated Order Appointing Receiver (the “Receivership Order”) appointing Harvey Sender as the Receiver for the Estate.

The Receiver filed his initial report and additional Receivership reports in accordance with the Receivership Order and maintains a public website for all interested parties to access those reports and other case updates:

<https://dragulreceivership.com>. The Receiver's Reports are incorporated into this Plan by this reference.

A. Summary of Dragul's scheme

Dragul solicited investors to purchase membership interests in various limited liability companies/special purpose entities ("SPEs") that acquired and managed commercial real estate. According to the Complaint for Injunctive and Other Relief filed on behalf of the Commissioner, from January 2008 until December 2015, Dragul, through GDA, sold more than \$52 million worth of interests in 14 various SPEs to approximately 175 investors.

These SPEs were only Dragul's most recent investment vehicles. Before forming these SPEs, Dragul used multiple other SPE investment vehicles to defraud investors. Dragul also solicited purported loans from investors and in exchange issued millions of dollars of promissory notes.

Dragul solicited funds from investors for the stated purpose of purchasing and operating specific commercial properties, primarily retail shopping centers. Each SPE was purportedly a separate legal entity in which investors were promised profits from the operation, leasing, and eventual sale of the property.

As part of his scheme, Dragul transferred funds from the SPE accounts either directly to accounts held in his name, individually, or to GDARES accounts upon receiving investor funds or at closing of real estate purchases made by the SPEs. The shortfalls were financed by mortgages. In some instances, the SPEs were unable to

reduce the amount of principal since Dragul's use of the SPE's cash flows left insufficient funds to cover all the operating expenses and purported returns paid to investors.

Over time, if a particular SPE was either suffering losses or disposed of by Dragul for his own personal profit, rather than paying investors their pro rata share of profits, or allocating pro rata losses to them, Dragul would "rollover" investors' equity positions into a newly formed SPE and would induce investors to contribute additional funds for their new equity position in the rollover SPE. In this manner, Dragul sold more than 100% of the equity interests in at least one SPE, and perhaps more. Dragul also purportedly gifted interests in various SPE's to himself, friends, and family members without commensurate consideration.

Dragul also used promissory notes to further his fraudulent enterprise and Ponzi scheme. When he was unable to repay the promissory notes as they became due, he would either extend the notes or convert them to equity positions in SPEs without contributions of additional capital. This effectively diluted existing investors' interests without notice to them and without any benefit to the SPE.

Dragul also obtained personal loans from investors and secured them with real property owned by various SPEs. In some cases, this was done in violation of express provisions of the governing operating and loan agreements. Dragul represented to investors who purchased promissory notes that their funds would be used for specific

purposes related to SPE real estate assets, when in fact Dragul used those funds to support his extravagant lifestyle.

Instead of treating the SPEs as separate legal entities, Dragul routinely diverted money from SPE accounts to GDARES accounts and from there to his personal account. Dragul thus commingled SPE funds with other SPE accounts, his own personal funds, and funds of family members.

Dragul routinely reversed the comingling process and transferred money from his personal account to GDARES and then to SPE accounts at the end of financial reporting periods so he could falsely represent to investors the financial condition of the various SPEs in which they invested. Immediately after such reporting, Dragul would again transfer the funds out of the SPE accounts and begin the churning process anew.

This scheme resulted in investors not having their funds held or invested in the projects and properties where Dragul represented they would be held or invested. Dragul used his personal account, the GDARES account and the SPE accounts as if they were interchangeable. This commingling of funds was one of the mechanisms Dragul used to defraud investors. None of the investor funds transferred in or out of any specific SPE can be identified substantially as an asset of any SPE, and as a result, the investor funds lost their identity and have become untraceable. There was no legitimate business reason for this comingling, which was to such an extent that it is impossible to know the true ownership of the commingled funds. As a result, the

Receiver has collapsed all of the GDA Entities, filed consolidated tax returns for GDARES, and all distributions will be paid from GDARES.

From GDA's inception in 1995, Dragul's investment scheme was insolvent due to Dragul's unauthorized and undisclosed use of investor funds for his personal benefit, and to benefit his employees, friends, and family. While Dragul created SPEs did generate income, the income was not sufficient to pay investors the promised returns. Dragul diverted investor funds to his and his family's personal use and to pay fictitious returns or redemptions to other investors.

Commencing at least by 2007 and continuing through 2018, Dragul was operating his entire business enterprise as a Ponzi scheme. Dragul concealed his ongoing fraud to hinder, delay, and defraud other current and prospective investors and creditors from discovering the fraud. Money Dragul received from investors was used to make distributions to, or payments on behalf of, earlier investors. Funds provided to Dragul as loans and for investment purposes were used to keep the operation afloat and enrich Dragul and others.

Since inception, Dragul commingled funds from the various SPEs in the GDARES account and transferred funds from there to his personal bank account to fund his lifestyle. According to Dragul's own records, he stole over \$20 million from investors. Dragul used those funds to pay for: remodeling, repairs, and maintenance on his personal residence (\$11 million); his home mortgage (\$3.8 million); and gambling debts (\$9 million). Dragul also transferred \$5.6 million to two liquor stores

(Cornerstar Liquors and MC Liquors) purportedly owned by his wife Shelly, and to his family members, including Shelly, David (brother), Paul (father), Paulette (mother), and his three children (\$4 million), and to pay for his Vail condo and his second home in Beaver Creek (\$1.8 million).

B. Commercial property disposition

Upon entry of the Receivership Orders, the Receiver obtained the turnover of funds remaining in the Receivership and in the 98 SPE bank accounts, which collectively held less than \$40,000, and continued to monitor and collect proceeds from debt portfolios owned by certain of the Receivership Entities, which were administered by third-parties.

The following chart details the commercial properties that were originally part of the Estate and their disposition. The Estate received \$2,643,599.26 from disposing of these assets:

Commercial Property Sales				
	Property Name	Description	Status	Estate Proceeds
PROPERTIES SOLD BY RECEIVER				
1.	Happy Canyon Shoppes	Retail shopping center, Denver, CO	Sold April 15, 2019	\$600,494.52
2.	AV Pad (aka Village Inn Pad)	Unoccupied former Village Inn restaurant, CO	Sold May 13, 2019	\$200,000
3.	Summit Marketplace	Retail Shopping Center, Lafayette, CO	Sold Oct. 1, 2019	\$194,606.25

Commercial Property Sales				
	Property Name	Description	Status	Estate Proceeds
4.	Hickory Corners	Main retail shopping center, Hickory NC	Sold Nov. 1, 2019	\$393,298.53
5.	Hickory Corners Box	Outparcel at Hickory Corners, Hickory NC	Sold Nov. 1, 2019	\$195,142.14
6.	Rose, LLC	Leasehold interest at Treasure Island Casino leased to Senor Frogs Restaurant	Pre-Receivership appeal terminating lease interest decided against Rose, LLC; \$350,000 of \$850,000 appeal bond paid to Estate on October 4, 2019, per Settlement Agreement approved by Receivership Court on July 23, 2019	\$350,000.00
ESTATE INTEREST IN PROPERTIES SOLD BY RECEIVER				
1.	Cassinelli Square	Retail shopping center Cincinnati, OH	Sold to Isabel Marina April 2019 for \$710,000	\$710,000.00
2.	Marketplace at Delta	Retail shopping center Lansing, MI		
3.	DU Student Housing	3 single-family homesites, Denver, CO		
4.	Happy Canyon Market (aka Happy Canyon Box)	Former Safeway store 4950 East Hampton Avenue, Denver, CO		
5.	Windsor Square	Retail shopping center Knoxville, TN		
NET PROCEEDS RECEIVED			\$2,643,541.54	

Commercial Interests Abandoned			
	Property Name	Description	Status
1.	Prospect Square	Retail shopping center, Cincinnati, OH	Receiver terminated as manager by majority owner on March 29, 2019; Property controlled by receiver appointed by lender; sale to lender for credit bid has been approved by Ohio state court; Estate retains 6.387% equity interest, which appears to have no value
2.	YM Retail	Retail shopping center with two separate parcels, Denver, CO	Abandoned per court order December 13, 2018
3.	Clearwater Collection	Retail shopping center, Clearwater Florida	Abandoned per court order of March 3, 2020, after previous court-approved buyer backed out of sale due to deferred maintenance and other issues
4.	Ash and Bellaire	6 single-family homes located at Ash & Bellaire Streets, Denver ²	Abandoned per court order March 4, 2020

In connection with the sale of the five commercial estate properties to Isabel Marina, a number of investor and secured creditor claims against the Estate were released when equity holders elected to remain equity holders in the transferred entities and the secured debt transferred with the property. Investor claims have been adjusted for both the cash investments and cash distributions related to rollovers or direct investments in the properties.

C. Residential Property

The Receiver sold the following residential properties:

	Property	Sale Date	Estate Proceeds
1.	4450 Timber Falls Court, #1702, Vail, CO	July 24, 2019	\$100,001.00
2.	5722 S. Lansing, Ct, Englewood, CO	Sept. 19, 2019	\$34,497.65
3.	41 S. Fairway, Beaver Creek, CO 81620	Oct. 16, 2019	\$25,000.00

² 2166 South Ash Street, 2175 South Ash Street, 2175 South Bellaire Street, 2186 South Ash Street, 2195 South Bellaire Street, and 2196 South Ash Street.

	Property	Sale Date	Estate Proceeds
4.	3142 S Leyden Street, Denver, CO	Oct. 31, 2019	\$29,545.25
5.	2432 S Newport Street, Denver, CO	Nov. 19, 2019	\$30,000.00 ³
6.	3555 S Holly Street, Denver, CO	Dec. 4, 2019	\$12,280.28
7.	2624 S Oneida Street, Denver, CO	Dec. 4, 2019	\$30,000.00
8.	3675 S. Hibiscus Way, Denver, CO	Jan. 3, 2020	\$18,933.00
9.	7152 S. Blackhawk St. Unit D2	Feb. 21, 2020	\$18,377.83
Net Sales Proceeds			\$298,635.01

The Receiver abandoned the following residential properties pursuant to the Receivership Court's November 4, 2019, Order because they were of no or inconsequential value to the Estate:

RESIDENTIAL ESTATE PROPERTIES ABANDONED PER NOVEMBER 4, 2019, COURT ORDER	
1.	3593 S Hudson Street, Denver, CO
2.	1777 Larimer Street #703, Denver, CO
3.	1777 Larimer Street, #901, Denver, CO
4.	891 14th Street, #2417, Denver, CO
5.	5455 Landmark Pl, #509, Greenwood Village, CO
6.	5788 S Lansing Way, Englewood, CO
7.	6316 E Fair Avenue, Centennial, CO
8.	7373 E Fremont, Centennial, CO
9.	7517 E Davies Place, Centennial, CO

³ Both the Oneida and Newport properties were significantly underwater. The Receiver was able to negotiate an agreement with First Community Bank, the holder of second deeds of trust on the properties, that allowed the Estate to receive \$30,000 from each sale.

RESIDENTIAL ESTATE PROPERTIES ABANDONED PER NOVEMBER 4, 2019, COURT ORDER	
10.	7842 E Briarwood Boulevard, Centennial, CO
11.	1660 N. LaSalle Drive #3909, Chicago, IL
12.	1660 N. LaSalle Drive, #4205, Chicago, IL
13.	6937 E 6th Street, #1002, Scottsdale, AZ
14.	6937 E 6th Street, #1004, Scottsdale, AZ
15.	6937 E 6th Street, #1005, Scottsdale, AZ

The Estate obtained \$298,635.01 from selling residential properties. As set forth in the Receiver's Second Report, on April 29, 2019, the Receiver entered into an agreement with Chad Hurst pursuant to which Hurst agreed to purchase the Estate's interest in 22 of the Estate's residential properties for \$575,000. The Court approved that agreement on June 19, 2019. After Mr. Hurst failed to close, the Receiver retained Mr. Hurst's \$100,000 earnest money deposit per the agreement. The Estate has therefore received \$398,635.01 relating to the liquidation of the Estate's residential properties.

D. Other Estate assets and income

In addition to the proceeds received from the disposition of the above assets, the Estate received \$1,971,700.24 in rental income, and \$324,345.71 from ACF Property Management, Inc. ("ACF") attributable to Estate investments in properties owned and managed by ACF, which is controlled by Alan C. Fox (jointly, "Fox").

E. Personal assets and turnover motion

As set forth in the Receiver’s Second Report, Dragul turned over a RV to the Estate. The value of the RV was less than the purchase money lien encumbering it and it was surrendered to the lender.

Dragul’s personal residence located at 10 Cherry Lane Drive, Englewood CO, was foreclosed by Xin Nick Liu, the second lienholder, at a foreclosure sale on June 5, 2019. Mr. Liu bid \$1,250,000 leaving a deficiency of \$863,594.13 on his note. Mr. Liu took the property subject to a first mortgage lien of approximately \$4.1 million held by JP Morgan Chase Bank.

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. That motion was resolved in a settlement agreement in which Dragul agreed to turnover various assets to the Estate and to pay the Estate \$120,000. The settlement agreement was approved by the Court on December 17, 2019, and on December 18, 2019, the Receivership Court entered a \$120,000 judgment against Dragul, which has now been fully paid. Pursuant to the Turnover Motion, the Receiver liquidated the following assets:

PROCEEDS FROM DRAGUL TURNOVER ASSETS	
ITEM	NET AFTER PAYING LIENS AND SALES COMMISSIONS
A. Vehicles Sold through Dickensheet	
2016 Land Rover and Honda ATV - total	\$9,803.60
B. Jewelry, Sports Memorabilia, Liquor Sold through Dickensheet	
Jewelry, Sports Memorabilia, Liquor - total	\$11,361.80

PROCEEDS FROM DRAGUL TURNOVER ASSETS	
ITEM	NET AFTER PAYING LIENS AND SALES COMMISSIONS
Total Property Sales	\$21,165.40
C. Judgment Against Dragul	
\$120,000 Judgment against Dragul	\$120,083.38
TOTAL	\$141,248.78

F. Litigation claims by the Receiver

1. Fraudulent transfer litigation

In August 2019, the Receiver sent demand letters and tolling agreements to a number of potential litigation targets who received payments from the Estate that exceeded their investments, *i.e.*, “false profits,” or other fraudulent transfers. In several instances the Claim Amount below was adjusted down from the Receiver’s initial demand based on additional information discovered by the Estate’s accountants.

On August 30, 2019, the Receiver filed several complaints in Denver District Court seeking to recover assets of the Estate under fraudulent transfer and other theories which resulted in a number of settlements.

The Receiver sued Dragul’s family members in *Sender v. Dragul, et al.*, 2019CV33373, Denver District Court; those claims were settled shortly before trial in exchange for a payment of \$125,000 to the Estate. The settlement agreement was approved by the Receivership Court on December 23, 2020.

In *Sender v. Becker, et al.*, 2019CV33374, Denver District Court. the Receiver sued to recover fraudulent transfers (false profits) Dragul paid to three investors,

Russell Becker, Joseph Peirce, and Ken Stoltzfus. The Receiver sued the Bank of America in *Sender v. Bank of America, et al.*, 1:19-cv-02875-WJM, United State`s District Court, D. Colo.⁴ Settlements were reached with all defendants as shown below and approved by Receivership Court orders.

RESOLVED LITIGATION CLAIMS			
	Defendant	Claim Amt	Settlement Amt
16.	Mike Powers	\$36,000.00	\$18,000.00
17.	Jim Bauer	\$142,100.00	\$71,050.00
18.	John Blackerby	\$33,500.00	\$16,750.00
19.	Jim Gruenewald	\$39,450.00	\$19,725.00
20.	Steve Kris	\$59,138.00	\$30,000.00
21.	Cristiano Luchetta	\$22,777.00	\$15,000.00
22.	Richard Meer	\$7,532.00	\$3,766.00
23.	Chase/First USA	\$36,386.00	\$22,750.00 ⁵
24.	Discover	\$10,598.00	\$8,478.00
25.	American Express	See note ⁶	\$80,769.00
26.	Bank of America	\$66,560.00	\$40,000.00

⁴ This case was filed in Denver District Court and removed to the United States District Court on October 8, 2019.

⁵ This includes \$6,500 to settle potential Estate claims against Chase with respect to transactions in accounts Chase held for GDARES and a Dragul special purpose entity, Rose, LLC, relating to what appeared to be a potentially improper \$275,000 set-off.

⁶ Although the original complaint against American Express sought \$8,308,946.42, informal discovery revealed the Estate's maximum claim was \$80,769.

RESOLVED LITIGATION CLAIMS			
	Defendant	Claim Amt	Settlement Amt
27.	Joseph Peirce	\$8,203.00	\$3,500.00
28.	Russell Becker	\$86,941.67	\$15,000.00
29.	CB Law, LLC		\$1,995.50
30.	Juniper Consulting	\$104,900	\$10,000.00
31.	Audrey Ahrendt	\$218,285.91	\$25,000.00
TOTAL		\$629,954.67	\$344,788.32

2. The Brownstein settlement

After having been denied permission by the Receivership Court to do so, on October 7, 2020, Dragul, GDARES, GDAREM, and Rose LLC – all entities that are part of the Receivership Estate – filed a lawsuit in the Eighth Judicial District Court in Clark County, Nevada against Brownstein Hyatt Farber Schreck, LLP (“Brownstein”), a Denver based law firm, and 41 of its current and former attorneys and paralegals (Case No. A-20-822625-C) (the “Nevada Action”). After a two-day evidentiary hearing in February 2021, on February 26, 2021, the Receivership Court approved a settlement agreement between the Receiver and Brownstein pursuant to which Brownstein paid the Estate \$250,000 and entered an order enjoining Dragul from pursuing additional claims against Brownstein that were property of the estate.

3. The Insider Case

On January 21, 2020, the Receiver filed a lawsuit against Dragul, Fox, Susan Markusch, Benjamin Kahn, The Conundrum Group, LLP, Marlin Hershey, and

Performance Holdings, Inc., in Denver district court, Case No. 2020CV30255 (the “**Insider Case**”). Defendants in the Insider Case were Dragul insiders and co-conspirators and were involved in furthering Dragul’s Ponzi scheme.

On December 15, 2020, the Receivership Court approved a settlement between the Receiver and the Fox Defendants in the Insider Case which resulted in the payment of \$650,000 to the Estate and the withdrawal of \$6.9 million in claims against the Estate. On July 6, 2022, the Receivership Court approved a settlement between the Receiver and the Kahn Defendants in the Insider Case which resulted in the payment of \$375,000 to the Estate and the withdrawal of \$733,000 in claims. On November 7, 2023, the Receivership Court approved a settlement between the Receiver and Gary Dragul, Susan Markusch, and Olson Real Estate Services, LLC pursuant to which Dragul agreed to pay the Receivership Estate \$850,000 by October 25, 2024. The Dragul settlement payment was “secured” by a stipulated, \$999,999.99 “pocket judgment” that will accrue statutory 8% post-judgment interest upon its entry, and shall be non-dischargeable under Bankruptcy Code sections 523(a)(2)(A) and 523(a)(4). Dragul defaulted under his settlement agreement and after a series of negotiations, entered into a Forbearance Agreement with the estate pursuant to which he paid the Estate \$527,000 on May 28, 2025, and under which he is to make ten quarterly payments of \$32,500 to Allen & Vellone pursuant to Allen & Vellone’s contingent fee agreement with the Receiver as set forth in the Receiver’s May 28, 2020, Notice Concerning Revised Compensation to Allen & Vellone, which

provides for a 38% contingent fee to Allen & Vellone on amounts collected in the Insider Case. No additional payments are due to the Estate under the Forbearance Agreement.

The Receiver was unable to reach a settlement with Dragul's co-defendant and co-conspirator Marlin S. Hershey, and his company Performance Holdings, Inc. (jointly, the "Hershey Defendants"). On October 30, 2023, the Receiver proceeded to a six-day jury trial against the Hershey Defendants. On December 15, 2023, the court entered judgment against Hershey personally for \$14,770,358.49 plus post-judgment interest until paid in full. Judgment entered against Performance Holdings for \$9,534,538.00.

On January 31, 2024, Mr. Hershey filed a notice of appeal of the judgment against him. No appeal was taken of the judgment against Performance Holdings. On October 16, 2024, Hershey's appeal was dismissed with prejudice for failure to prosecute and the judgments are now final and non-appealable.

Mr. Hershey was previously indicted for securities fraud in North Carolina and ordered to pay \$300,000 in restitution. Currently, Mr. Hershey was scheduled to be released from the Williamsburg Federal Correctional Institute in South Carolina on May 26, 2025.

The Receiver has hired local counsel in North Carolina and domesticated the judgments against Hershey and Performance Holdings. Post-judgment discovery is ongoing in North Carolina to collect on the judgments. The Receiver has hired counsel

in North Carolina to pursue collection efforts against the Hershey Defendants, but North Carolina law concerning collection from judgment debtors is favorable to debtors, cumbersome, and time-consuming. Mr. Hershey's incarceration has delayed collection efforts and to date nothing has been recovered, but efforts are ongoing. Recently the Receiver obtained a charging order against Mr. Hershey's ownership interest in an LLC which owns a fractional interest in a condominium unit in Beaver Creek, Colorado and will continue to try and monetize the judgment against him.

4. Clearwater bankruptcy claims

On April 19, 2022, Clearwater Plainfield 15, LLC, and Clearwater Collection 15, LLC, filed for bankruptcy in Colorado under Sub-Chapter V of Chapter 11 of the bankruptcy code. On March 3, 2020, the Receiver had abandoned the Receivership Estate's equity interest in these entities after efforts to sell the underlying Clearwater shopping center in Clearwater Florida proved unsuccessful.

After the Receiver abandoned the Estate's equity interest in the Clearwater entities, the lender on the properties – then Rialto Mortgage Finance, LLC – had its own receiver appointed for the shopping center by a Florida state court. The shopping center was sold by the Florida receiver for \$22.5 million and the Liquidating Trustee for the Clearwater estates settled a litigation claim against a defaulting tenant for \$1 million; after paying the secured lender and various administrative expenses, approximately \$5 million remains in the Clearwater bankruptcy estate.

The Receiver filed claims in the Clearwater bankruptcy case for approximately \$10 million based on investor losses and pre-Receivership transfers from the Receivership Estate to the Clearwater entities. The Liquidating Trustee in the Clearwater case objected to the Receiver's claims contending, among other things, that the Receiver had abandoned the Receivership Estate's interest in Clearwater and therefore lacked standing. The Receiver and the Clearwater Liquidating Trustee reached an agreement resolving the Receiver's claims in exchange for the Clearwater estate paying the Receivership Estate \$500,000. Part of the Clearwater settlement agreement ensured that all Clearwater investors who filed claims in the Receivership case – whether or not they also filed claims in the Clearwater bankruptcy case – will receive distributions from the Clearwater bankruptcy estate.

The Liquidating Trustee filed a motion to approve the Settlement Agreement in the bankruptcy court on March 26, 2024, and the Receiver filed a similar motion in the Receivership Court on March 29, 2024. At least six other defrauded investors joined in the Liquidating Trustee's motion in the bankruptcy court to approve the Clearwater Settlement Agreement: Lone Pine Resources, LP; Marc C. Diamant; Aaron Metz; David Haar; and Cofund V, LLC; and Hagshama Florida 13 Clearwater, LLC. A seventh investor, Ray Nutt, withdrew his prior limited objection to the Settlement Agreement. Lone Pine Resources also joined in the motion to approve the Clearwater Settlement Agreement in the Receivership Court.

Chad Hurst individually filed the only objections to the Settlement Agreement in either the Bankruptcy Court or the Receivership Court. Hurst was an investor in various Dragul entities and has already recouped approximately 84% of his losses, while other investors have recouped far less, some as little as 5%. On September 30, 2024, the bankruptcy court awarded Hurst \$304,980.75 in administrative expenses, \$225,000 as a “success fee” for effecting the sale of the Clearwater shopping center even though it was sold by the Florida receiver that marketed and sold the shopping center and not by Hurst or the Debtors.

After multiple delays, a hearing was scheduled for April 18, 2025, in the Receivership Court on the Clearwater Settlement Agreement focused on whether the Receivership Court’s Abandonment Orders barred the Receiver’s claims in the Clearwater cases and deprived the Receiver of standing. The Receiver had asked the bankruptcy court to abstain from ruling on that issue until the Receivership Court decided the issue which was dependent on the Receivership Court’s interpretation of its own orders.

Although no objection to the Receiver’s motion to abstain was filed, on March 28, 2025, the bankruptcy court denied the motion and entered an order and judgment striking the Receiver’s claims in the Clearwater bankruptcy cases and denying the Liquidating Trustee’s motion to approve the Settlement Agreement. On April 7, 2025, the Liquidating Trustee filed a motion to approve the distribution of the assets in the Clearwater estates without payment to the Receiver.

On April 8, 2025, the Receiver appealed the bankruptcy court's March 28, 2025, Order and Judgment to the United States District Court in Colorado, and on April 9, 2025, filed a motion to stay proceedings in the Clearwater cases pending that appeal. The District Court denied the Receiver's Stay Motion on June 6, 2025, in an order plainly indicating the Receiver would not prevail on appeal. On June 10, 2025, the Receiver dismissed the appeal, which terminates the Receiver's involvement in the Clearwater bankruptcy cases.

IV. The Estate

The Receiver's investigation and asset recovery efforts with respect to the Estate have been described in the Receiver's reports on file and available on the Receivership website, www.dragulreceivership.com. As a result of those efforts, there is now approximately \$1,704,407.31 in the Estates' accounts. The initial distribution from the Estate upon approval of this Plan and payment of outstanding administrative expenses will be \$1,300,000; after paying pending administrative fees, the estate will have a reserve of approximately \$122,000 for anticipated additional administrative expenses.

As explained further in this Plan, the Receiver solicited, reviewed and reconciled hundreds of investor and creditor claims. The costs and expenses of administering the Estates have been detailed in eight previously filed Receiver's reports. Eight professional fee applications have been submitted to and approved by

the Court in accordance with the Receivership Order. A summary of the receipts and disbursements for the Estates is as follows and is detailed in **Exhibit 3**:

Cash Receipts and Disbursements for Dragul Estate	
Cash Receipts	
Transferred to Receiver	\$346,669.08
Rental Income	\$1,971,700.24
Investment Income	\$358,746.58
Property Sales	\$3,063,341.95
Settlement Income	\$2,420,388.88
Other Income	\$546,434.92
Total Cash Receipts	\$8,707,281.65
Cash Disbursements	
Operating Expenses	(\$1,150,298.60)
Property Expenses	(\$1,768,771.28)
Receivership Expenses	(\$3,876,561.57)
Other Expenses	(\$56,010.89)
Distributions	(\$151,248.00)
Total Cash Disbursements	(\$7,002,890.34)
Net Cash Receipts and Disbursements	\$1,704,391.31

The Receiver's Ninth Application for the payment of professional fees of \$281,827.43 is being filed contemporaneously with this Plan and is being served in accordance with the Receivership Order.

The current Receivership account balance does not include any amount that may be collected on the Hershey judgments. The Receiver anticipates making additional distributions in accordance with this Plan if he is able to recover on the judgment against Hershey.

V. Estate's liabilities

The deadline for submitting claims against the Estate was March 18, 2019. Approximately 245 claims were filed totaling approximately \$274 million of Actual

Damages. Those portions of any claims (including investor claims) that are based on fictitious profits promised to investors by Dragul, or that include interest, expenses, tax losses, attorney fees, or other alleged incidental or consequential damages are DISALLOWED. Claims for all losses that exceed the Allowed Claims identified in **Exhibit 1**, are DISALLOWED under the Plan.

Under the Plan, the claims of secured lenders have been disallowed, either because they were satisfied by the Estate’s sales of the commercial and residential properties as discussed in prior Receiver reports, because they were assumed and deemed satisfied pursuant to the Isabel Marina transaction described above or were secured by properties abandoned by the Estate. Additionally, as discussed above, Clearwater investor claims will be paid independently from distributions in the Clearwater bankruptcy cases, and those payments shall offset those investors’ claims against the Receivership Estate. Adjustments to Investor claims have been made to account for restitution received from the Attorney General related to Dragul’s criminal plea agreement.

As summarized below and detailed on **Exhibit 1**, the Allowed Claims total \$25,318,920.30.

Class	No. of Claims	Total Allowed Net Claim
5(A)	2	\$4,675.00
5(B)	11	\$771,809.42
5(C)	129	\$24,647,063.47
Total	142	\$25,423,547.89

VI. Classification and treatment of claims for equitable distribution

This section sets forth the Receiver's classification and treatment of claims.⁷ Section VII discusses potential alternatives, delineates the legal bases for the Plan's classification and treatment of claims, and for summary Plan approval proceedings. The Receiver provides this information to ensure transparency and solicit questions, comments, and active participation from the Court and interested parties. This information should be sufficient to allow any affected party to object to its treatment in the Plan if it believes an objection is warranted, and to then permit the Court to determine any objection in a summary proceeding.

As explained further in this Plan and the Plan Approval Motion, the Court has broad equitable discretion to employ summary proceedings to fairly adjudicate claims. "Receivership courts can employ summary procedures in allowing, disallowing and subordinating claims of creditors Summary proceedings should afford creditors fair notice and an opportunity to be heard They should also allow parties to present evidence when the facts are in dispute and to make arguments regarding those facts." *United States v. Fairway Cap. Corp.*, 433 F. Supp. 2d 226, 241

⁷ For the purposes of this Plan, "claim" includes, but is not limited to, a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured. This definition incorporates the definition of claim in Colo. Rev. Stat. § 38-8-102(3) and parallels § 101(5) of title 11, U.S.C.

(D.R.I. 2006) (citing *S.E.C. v. Hardy*, 803 F.2d 1034, 1037, 1040 (9th Cir. 1986)); *see also S.E.C. v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992); *S.E.C. v. Wencke*, 783 F.2d 829, 837 n.9 (9th Cir. 1986). In employing such procedures, courts have instructed that “the rights of creditors of a receivership must be balanced against the need for expeditious administration of the receivership.” *Hardy*, 803 F.2d at 1039.

A total of 247 claims, which include 280 claimants, were submitted to the Receiver in this case. Paragraph 22 of the Receivership Order establishes the priority for certain classes of claims against (or expenses of) the Estate.

Class 1 consists of the payment of Receivership costs and expenses of the Receivership Estate, including the costs and expenses of preserving and liquidating the Estate, taxes incurred from the appointment of the Receiver through the conclusion of the Receivership Proceeding and discharge of the Receiver, and compensation due the Receiver and any employees, consultants, or professionals retained by the Receiver.

Class 2 consists of the payment of outstanding Receiver’s Certificates. The Receiver has not issued any Receiver Certificates and does not anticipate doing so.

Class 3 consists of creditors holding obligations secured by Receivership Property, in the order of their priority of record. As provided in the Plan, all secured claims have been DISALLOWED as described above.

Class 4 consists of the payment of any unsecured tax obligations determined to be due for periods prior to the entry of an Order approving this Plan, pursuant to

the tax filing obligations imposed on the Receiver. The Receiver has been informed by the IRS that there are no such outstanding tax obligations.

Class 5 consists of unsecured creditors determined to hold legitimate claims against Dragul, GDARES, and GDAREM pursuant to the claims administration procedure adopted by the Receiver, in their legal order of priority. Class 5 consists of **Class 5(A)**, which is comprised of tenants that have submitted claims for return of security deposits as required by C.R.S. § 38-12-103. Class 5A claims are \$4,675 and will be paid in full. **Class 5(B)** consists of claims submitted by vendors that provided services to the GDA Entities prior to the Receivership. **Class 5(C)** consists of Investor Claims, determined on an adjusted cash-in, cash-out basis. The Receiver started with each claimant's beginning investment, added any subsequent investments to that figure, and subtracted all distributions that were made to such claimant. Additions and subtractions in some instances include transfers between investor accounts, calculated according to the amount of the actual cash invested as of the date of the transfer, without regard to any fictitious profits. Allowed Class 5 claims have been reduced where applicable by amounts recovered through the Clearwater settlement agreement, restitution arising from the Dragul criminal plea agreement, or the Isabel Marina transaction.

Class 6 consists of the preferred and common partners, members, or other equity interest holders of Dragul, GDARES, and GDAREM, as their rights are defined in their governing documents, except for any rights or interests held or owned

by or for the benefit of Dragul, GDARES, or GDAREM, or any insiders or related parties, with all such rights or interests to be determined by the Court. There are no claimants in Class 6.

Class 7 consists of the claims of Net Winners, Insiders, duplicate claims, settled claims, claims against entities outside of the Receivership Estate, transferred and/or assumed claims, unfiled claims, withdrawn claims, and claims without basis. All claims in Classes 6 and 7 are DISALLOWED and shall receive no distributions.

Under this Plan, and as formally requested in the accompanying Approval Motion, the Receiver requests that the tabulated Net Claims as adjusted for the equities be Allowed by the Court in the amounts stated in **Exhibit 1**, and thus fixed for purposes of distribution. **If a claimant objects to its claim thus being allowed and fixed, it must file an objection to the Receiver's Plan by July 9, 2025**, as provided in the Notice of Receiver's Motion to Approve Proposed Plan of Distribution and Liquidation filed contemporaneously with this Plan.

VII. Plan for partial cash distribution and establishment of reserve for future expenses

The Receiver's Plan proposes to make the initial interim distributions set forth in **Exhibit 1**, and ultimately final distributions, according to the same principles and classifications outlined in this Plan. Cash distributions will be paid only on Allowed Claims. The proposed \$1.3 million interim cash distribution contemplated under this Plan results in the estimated recovery of 41% pursuant to the rising tide methodology adopted in this Plan.

The Receiver will ensure that there are sufficient remaining cash reserves to fund future administrative expenses, and the *rising tide* claims of any claimants holding contingent, disputed, or unliquidated claims. Future and final distributions will be paid on a periodic basis from remaining Receivership assets as appropriate and as determined by the Receiver in accordance with the terms on this Plan.

VIII. Tax implications

THE RULES AND AUTHORITIES REGARDING THE TAX CONSEQUENCES OF PONZI SCHEME RECEIVERSHIPS ARE UNIQUE TO EACH TAXPAYER. IT IS THE SOLE RESPONSIBILITY OF EACH INDIVIDUAL INVESTOR AND PARTY-IN-INTEREST TO DETERMINE HIS OR HER OWN TAX STATUS AND POTENTIAL LIABILITIES, AND TO RETAIN PROFESSIONAL TAX ADVISORS, AS NECESSARY. THE INTERNAL REVENUE SERVICE HAS ISSUED CERTAIN GUIDANCE TO HELP TAXPAYERS WHO ARE THE VICTIMS OF LOSSES FROM PONZI-TYPE INVESTMENT SCHEMES, TO MORE ACCURATELY DETERMINE THE TAX CONSEQUENCES.

IX. Applicable legal standards in receivership cases support this equitable distribution Plan.

Formulating a proper distribution plan is a sensitive undertaking because a plan that is “equitable” might not necessarily be popular with all investors. Essentially, a receiver and investors have the same goal, which is to maximize the distribution to investors. *S.E.C. v. TLC Invs. and Trade Co.*, 147 F. Supp. 2d 1031, 1041-42 (C.D. Cal. 2001). Yet, as one court has observed, most cases involve numerous victims who “have competing claims to a limited receivership res.” *S.E.C. v. Credit Bancorp, Ltd.*, No. 99 Civ. 11395, 2000 WL 1752979, at *19 (S.D.N.Y. Nov. 29, 2000)

(internal quotations omitted), *aff'd*, 290 F.3d 80 (2d. Cir. 2002). Accordingly, relief sought by any individual investor in seeking to maximize his or her own outcome necessarily “come[s] at the direct expense of the other . . . victims.” *Id.* “[W]here the assets of the receivership estate are insufficient to afford full recovery to all victims, any given plan is likely to be viewed more favorably by certain victims than others depending on how they fare under that plan . . . An equitable plan is not necessarily a plan that everyone will like.” *Id.* at *29.

In deciding how the assets of the Estate should be paid out to aggrieved investors and other creditors, “[n]o specific distribution scheme is mandated so long as the distribution is ‘fair and equitable.’” *S.E.C. v. P.B. Ventures*, Civ. A. No. 90-5322, 1991 WL 269982, at *2 (E.D. Pa. Dec. 11, 1991). But what is “fair and equitable” for one investor may be perceived as “unfair and inequitable” to another.

Courts administering equity receiverships have recognized that when, as here, there is “a small pie and many disappointed investors,” there is an inherent conflict among investors. *Commodity Futures Trading Comm’n v. Hoffberg*, No. 93 C 3106, 1993 WL 441984, at *2 (N.D. Ill. Oct. 28, 1993); *see also, TLC Invs.*, 147 F. Supp. 2d at 1041-42 (recognizing that in any situation in which the pie is limited, each individual desiring a slice of that pie is, in a sense, adverse to others also wanting a slice of the pie); *S.E.C. v. Credit Bancorp Ltd.*, 194 F.R.D. 457, 462-63 (S.D.N.Y. 2000) (“[c]ertain . . . customers have made rather clear their individual desires that ‘Peter’ not be robbed to pay ‘Paul’ because of any fraud perpetrated by [the receivership

entity] . . . However . . . it is not altogether clear at this point who are the ‘Peters’ and who are the ‘Pauls’”). Hence, an equitable plan will not necessarily be better for each and every investor than any other plan since each investor will fare differently under different plans. *Id.*

The Court has broad discretion to implement an equitable plan of distribution for the victims of investment fraud, with overall fairness as the touchstone.⁸ “The primary job of the district court is to ensure that the proposed plan of distribution is fair and reasonable.”⁹ The Receivership Order requires Court approval for the allowance and payment of claims and any proposed distribution. Receivership Order ¶ 9.

Few published Colorado cases speak to distribution plans by receivers appointed in cases brought by the Securities Commissioner as a remedy for alleged violations of the Colorado Securities Act. And although there is scant published authority in Colorado governing receivers in Ponzi scheme cases, divisions of this Court have considered and approved plans under the ample authority from other

⁸ A “district court has broad powers and wide discretion to determine the appropriate relief in an equity receivership.” *S.E.C. v. Hardy*, 803 F.2d 1034, 1037 (9th Cir. 1986) (internal quotations omitted); *see also S.E.C. v. Quan*, 870 F.3d 754, 761 (8th Cir. 2017) (distribution plan is reviewed for abuse of discretion).

⁹ *S.E.C. v. Wealth Mgmt. LLC*, 628 F.3d 323, 332 (7th Cir. 2010); *see Quan*, 870 F.3d at 762 (same); *S.E.C. v. Wang*, 944 F.2d 80, 85 (2d Cir. 1991) (endorsing “fair and reasonable” standard).

state and federal jurisdictions.¹⁰ Courts in Colorado have long recognized that the Colorado securities statutes are modeled after the federal securities laws, and that in the absence of Colorado precedent, interpretations of federal securities law are “helpful,” “persuasive,” and “provide appropriate guidance” in applying the Colorado Securities Act.¹¹ And in equity receiverships generally, courts in Colorado have recognized that “a receiver does not hold funds it accumulates for the property’s record owner, but instead keeps such funds for distribution to the party whom the court ultimately finds is entitled to them,” as dictated by the equities of the case. *Northwestern Mut. Life Ins. Co. v. First Interstate Bank of Denver*, 703 P.2d 1314, 1317 (Colo. App. 1985).

Federal appellate courts have affirmed that district courts have broad discretion in fashioning relief in equity receiverships and in setting the procedures for prompt and efficient adjudication and administration of that relief.¹² Both the

¹⁰ See, e.g., *Joseph v. Jackson*, Case No. 2009CV4237 (Denver District Court April 24, 2012, order approving proposed plan of distribution); *Rome v. Mueller*, Case No. 2010CV3280 (Denver District Court March 20, 2015, order for partial approval of proposed plan of distribution).

¹¹ See *People v. Pahl*, 169 P.3d 169 (Colo. App. 2006) (helpful); *People v. Prendergast*, 87 P.3d 175 (Colo. App. 2003) (persuasive); *Westmark Asset Mgmt. Corp. v. Joseph*, 37 P.3d 516 (Colo. App. 2001) (appropriate guidance).

¹² See, e.g., *Wealth Mgmt. LLC*, 628 F.3d at 332-33 (district court has broad equitable power to ensure proposed plan is fair and reasonable); *Credit Bancorp, Ltd.*, 290 F.3d at 91 (approval of a plan of distribution is “within the Court’s equitable discretion”); *S.E.C. v. Fischbach Corp.*, 133 F.3d 170, 175 (2d Cir. 1997) (“The crafting of a remedy for violations of the [Securities Exchange Act of 1934] lies within the district court’s broad equitable discretion.”); *S.E.C. v. First Jersey Sec., Inc.*, 101 F.3d 1450, 1474 (2d Cir. 1996) (district court has

Seventh and Second Circuits have stated that – in the exercise of this broad discretion – a district court may adopt any proposed plan of distribution that is “fair and reasonable.” *S.E.C. v. Wealth Mgmt. LLC*, 628 F.3d at 332-33.

There are three common distribution methods that are considered in equitable receiverships. These methodologies are described as: (i) rising tide; (ii) net investment, net loss (or simple *pro rata*); and (iii) the last statement method. The rising tide method has been characterized as the “most commonly used (and juridically approved) for apportioning receivership assets.”¹³ The Receiver has concluded, as detailed below, that the rising tide method is the most equitable here because it equalizes claimants who received the lowest percentage returns with those who received payments before the receivership cases commenced.

“broad equitable power to fashion appropriate remedies” in securities fraud cases); *S.E.C. v. Wang*, 944 F.2d 80, 85 (2d Cir. 1991) (trial court is vested with “broad discretionary power . . . to craft an equitable decree”); *S.E.C. v. Infinity Group Co.*, 226 Fed. App’x 217, 218 (3d Cir. 2007) (“District Courts have wide equitable discretion in fashioning distribution plans in receivership proceedings”); *Forex Asset Mgmt.*, 242 F.3d at 331 (district court enjoys “broad discretionary power” in shaping equity decrees); *S.E.C. v. Elliott*, 953 F.2d at 1566 (“The district court has broad powers and wide discretion to determine relief in an equity receivership.”); *Hardy*, 803 F.2d at 1037 (“[I]t is a recognized principle of law that the district court has broad power and wide discretion to determine the appropriate relief in an equity receivership.”) (citations omitted).

¹³ *S.E.C. v. Huber*, 702 F.3d 903, 906 (7th Cir. 2012).

X. Alternatives to this Plan are inferior and unwarranted under the circumstances.

The Net Claim method, as adjusted by the equities, that the Receiver has proposed for allowing and fixing Allowed Claims employs a “rising tide” methodology that is superior to other possible methods and affords the maximum recovery for the maximum number of affected claimants in these cases. The claims that have been filed by claimants are either based upon simple net losses (without considering pre-receivership distributions or other adjustments), upon fictitious promised returns, or upon damage calculations that are not uniform or consistent. None of these methods is as reliable or as cost-effective or as equitable as the Net Claim method proposed by the Receiver under this Plan.

Under the net loss, net investment, or simple *pro rata* method, recoveries are considered as an offset to an investor’s net claim amount, and not treated as a pre-receivership recovery, and investors receive a straight *pro rata* distribution based on their net losses. *U.S. Commodity Futures Trading Comm’n v. Lake Shore Asset Mgmt. Ltd.*, 2010 WL 960362, at *9 (N.D. Ill. Mar. 15, 2010). In other words, a pre-receivership withdrawal would only reduce an investor’s claim amount, not the eligibility to receive a distribution. The overarching goal of receiverships is to maximize returns for the largest number of losing investors. The rising tide methodology seeks to treat all similarly situated investors the same by employing a distribution process that equalizes overall percentage losses, without favoring those who may have received – simply by happenstance – larger payouts before commencement of the receivership

or other recoveries as described herein. The Court of Appeals for the Seventh Circuit in *Huber* explained the fundamental differences, and differing results, for hypothetical investors under rising tide and net loss methodologies. *Huber*, 702 F.3d at 904-906. A similar analysis and rationale was approved by the federal district court in *S.E.C. v. Merrill et al.*, Case No. 18-CV-2844 (D. Md.) (federal receiver’s plan filed Nov. 17, 2021, at docket number 504, and order approving it dated November 15, 2022, at docket number 687). A rising tide distribution methodology here is superior to a simple *pro rata* plan because it will achieve equalize recoveries for the greatest number of claimants.

For each of the classes of claims under this Plan, more investors will receive a greater percentage recovery than under a simple *pro rata* plan. And while some fortuitous investors would achieve greater payouts under a *pro rata* plan, the minimum threshold for losing investors would be reduced overall – sometimes significantly – for most of the classes of claimants. A comparison of the proposed rising tide percentage recoveries with a hypothetical *pro rata* plan is reflected below:

	Rising Tide		Pro-Rata	
	Number of Claimants	Recovery Percentage	Number of Claimants	Recovery Percentage
Class 5(A)				
Minimum Recovery	2	100%	2	100%
Remaining Range of Recoveries	0	0	0	0
Class 5(B)				
Minimum Recovery	3	40%	2	5%
Remaining Range of Recoveries	8	55%-94%	9	28%-94%
Class 5(C)				
Minimum Recovery	49	40%	2	10%
Remaining Range of Recoveries	80	41%-96%	127	12%-96%

Reliance upon fictitious account statements (the “Last Statement Method,” generally not applicable here) was rejected in *In re Bernard L. Madoff Inv. Secs. LLC*, 654 F.3d 229 (2d Cir. 2011). In that SIPA liquidation, the Second Circuit approved the trustee’s “cash in/cash out” method for quantifying investor claims. The Court specifically rejected the Last Statement Method as having “the absurd effect of treating fictitious and arbitrarily assigned paper profits as real” *Id.* at 235. Thus, the Court refused to “give legal effect to Madoff’s machinations.” *Id.* Here, as in *Madoff*, the Receiver’s Net Claim calculations “achieve a fair allocation of the available resources among the customers,” whereas the Last Statement Method “undermines that objective.” *Id.* at 240. Courts have rejected the use of the Last Statement Method when those statements were based on fictitious profits, as it has “the absurd effect of treating fictitious and arbitrarily assigned paper profits as real and would give legal effect to [a Ponzi scheme’s] machinations.” *In re Bernard L. Madoff Invs. Secs., LLC*, 779 F.3d 74, 78 (2d Cir. 2015). In this case, the last statement method should be rejected as a distribution method because its use would similarly have the “absurd effect” of giving legal effect to the Dragul’s fraud and would in many instances be based on Dragul’s promises to preferred investors to the detriment of other less fortunate investors.

Alternatively, investors could assert injury and damages resulting from alleged fraudulent conduct of insiders. In the Receiver’s judgment – based upon his experience as receiver and trustee dealing with insolvent entities, their creditors and

other stakeholders – the cost and delay involved in investigating, conducting discovery, and litigating each investor claim for particularized actual, consequential and punitive damages (such as for lost profits, interest, expenses, tax losses, misrepresentation, fraud, and breach of fiduciary duty) would drain the resources of the Receivership Entities to the overall detriment of all claimants, without any equivalent or offsetting benefit.¹⁴

Likewise, cases involving Ponzi schemes that have permitted the return of identifiable, traceable assets to particular victims are distinguishable. As the Second Circuit recognized in *S.E.C. v. Credit Bancorp, Ltd.*, 290 F.3d 80, 90 (2d Cir. 2010), “[i]n those cases the reason the assets were returned was not merely because they were traceable, but because the assets had somehow been segregated in the manner of true trust accounts and/or had never been placed in the defrauder’s control.” Courts and commentators have roundly criticized the use of tracing methods in the context of equity receiverships as arbitrary and unfair.¹⁵ Such criticism persists even when,

¹⁴ See *S.E.C. v. Wealth Mgmt. LLC*, 628 F.3d 323, 336 (7th Cir. 2010) (receiver has “duty to avoid overly costly investigations, and at a certain point, the costs of such individualized determinations outweigh the benefit”) (citing *In re Equity Funding Corp. of Am. Secs. Litig.*, 603 F.2d 1353, 1365 (9th Cir. 1979)).

¹⁵ See, e.g., *U.S. v. Real Property Located at 13328 and 13324 State Highway 75 North*, 89 F.3d 551, 553 (9th Cir. 1996) (rejecting the application of tracing fictions where funds of fraud victims were commingled, finding that to allow one claimant to better its position over other victims would frustrate equity); *Quilling v. Trade Partners, Inc.*, No. 1:03- CV-236, 2008 WL 4366039, at *3 (W.D. Mich. Sept. 17, 2008) (“In receivership proceedings, tracing principles have been soundly rejected as a basis upon which to accord greater

unlike here, it is even possible, let alone cost-effective, to trace certain assets to particular investors:

To allow any individual to elevate his position over that of other investors similarly “victimized” by asserting claims for restitution and/or reclamation of specific assets based upon equitable theories of relief such as fraud, misrepresentation, theft, etc. would create inequitable results, in that certain investors would recoup 100% of their investment while others would receive substantially less In the context of this receivership the remedy of restitution to various investors seeking to trace and reclaim specific assets as originating with them is disallowed as an inappropriate equitable remedy.

Elliott, 953 F.2d at 1569 (citing and affirming district court decision approving a *pro rata* plan distribution).

Thus, in cases involving similar operative facts – commingling of funds, false profits and inflated account statements, and overlap of investors’ claims and investments among related entities – an equitable plan is favored as both fair and reasonable in the exercise of the district court’s broad equitable discretion in lieu of any attempt at tracing. *See, e.g., Liberte Cap. Grp., LLC, v. Capwill*, 148 F. App’x 426, 436 (6th Cir. 2005) (affirming distribution plan and noting that in two previous cases “the courts rejected a tracing method, even though tracing was clearly possible”); *13328 and 13324 State Highway*, 89 F.3d at 553 (upholding distribution plan and

compensation to one class of victim over another[.]”); *see also* 2 Dan B . Dobbs, *Law of Remedies* §§ 6.1(3); 6.1(4) (2d ed. 1993).

stating that “[i]nstead of engaging in a tracing fiction, the equities demand that all [defrauded customers] share equally in the fund of pooled assets”).

Therefore, the Receiver proposes to allow claims based solely on actual cash deposits or the invoiced amount of services provided, minus actual cash payments received, adjusted for the equities. The Receiver and his professionals have performed a forensic analysis of the cash invested and the cash distributed to claimants from the Receivership Entities’ bank records to determine each Net Claim. There is no reason that such independently verifiable records should be unreliable or lead to inequitable results. Equitable distributions avoid the arbitrary and costly application of tracing rules and prevent some victims from recovering more than others simply because of the “merely fortuitous fact that the defrauders spent the money of the other victims first” or the fact that there are insufficient records to trace some victims’ funds to after-acquired property. *U.S. v. Durham*, 86 F.3d 70, 72 (5th Cir. 1996); *see also Credit Bancorp*, 290 F.3d at 89; *Elliott*, 953 F.2d at 1570 (“[T]he equities weigh against allowing some to benefit from the fortuity that [the defendant] had not sold all of the securities.”); *S.E.C. v. George*, 426 F.3d 786, 799 (6th Cir. 2005) (stating that the “mere coincidence” that defendants paid certain victims to delay discovery of scheme does not entitle such victims to “preferential treatment”).¹⁶

¹⁶ *See also Cunningham v. Brown*, 265 U.S. 1, 13 (1924); *Ruddle v. Moore*, 411 F.2d 718, 719 (D.C. Cir. 1969) (tracing fiction “has nothing to be said for it as a principle governing conflicting claims to restitution by equally wronged parties”); *In re Lemons & Assocs., Inc.*, 67 B.R. 198, 213-14 (Bankr. D. Nev. 1986) (“[A] creditor cannot sufficiently identify or trace the trust res through a

The Receiver’s rising tide calculation for determining distributions on Allowed Claims, “appears to be the method most commonly used (and judicially approved) for apportioning receivership assets.” *S.E.C. v. Huber*, 702 F. 3d 903, 906 (7th Cir. 2012). In *Commodity Futures Trading Comm’n v. Equity Fin. Grp.*, No. Civ. 04-1512, 2005 WL 2143975, at *6 (D.N.J. Sept. 2, 2005), the Court adopted and named the “rising tide” distribution method, which allows investors to retain previously received funds, but credits those receipts against individual investors’ distributions from the Receivership entities. In effect, an individual investor’s loss is deemed to be the gross amount actually invested in the scheme. Payments received by the investor prior to the scheme’s collapse are treated as “distributions” on par with the distributions to be made by the Receiver, so that prior amounts paid out are credited against (*i.e.*, subtracted from) the amount that would otherwise be paid from the Receivership. Under this method, investors who received prior payments are entitled to receive a smaller payment from the Receivership than those who received no prior payment. And, as in the Receiver’s Plan, Net Winners would receive no distributions.

commingled fund where the fund is too small to satisfy the claims of similarly situated parties. To do so would allow that claimant to benefit at the expense of those who have equally strong equitable claims to the same fund.”); *People v. California Safe Deposit & Trust Co.*, 167 P. 388, 389-90 (Cal. 1917) (refusing to indulge in tracing fiction to allow bank’s fraud victim to take full fraud amount from assets of bank in receivership because to do so would harm depositors who were “as much entitled as . . . petitioner to the favorable consideration of a court of equity”); 5 W. Fratcher, *Scott on Trusts* § 519 (4th ed. 1989 & Supp. 1995) (condemning use of tracing fiction to favor one victim over another).

The rising tide formula for calculating an individual claimant's distribution "deduct[s] the amount of a claimant's pre-receivership disbursements after calculating the claimant's pro rata share of any distribution." *S.E.C. v. Detroit Mem'l Partners, LLC*, No. 1:13-CV-1817-WSD, 2016 WL 6595942, at *3 (N.D. Ga. Nov. 8, 2016). "If the result is negative – meaning that the claimant has already received pre-receivership disbursements in excess of his or her calculated pro rata share of a distribution – that claimant will not participate in that distribution, although he or she may participate in later distributions." *Id.* "This method recognizes that claimants have already recovered differing percentages of their investment, and seeks to achieve an equal total percentage recovery for all claimants." *Id.* Thus, "[t]he Rising Tide method seeks to bring all claimants to an equivalent rate of recovery by considering pre-and post-receivership recoveries." *S.E.C. v. Champion-Cain*, No. 19-cv-1628-LAB-AHG, 2023 WL 2215955, at *6-7 (S.D. Cal. Feb. 24, 2023) (approving rising tide plan and recognizing it as "especially equitable when there are widely varying rates of recovery and factual circumstances distinguishing each claimant").

The rising tide method equalizes the percentage return each allowed claim receives on their losses, and an investor's pre-receivership withdrawals are considered a part of the overall distributions received by an investor. As such, an investor's pre-receivership withdrawals are credited dollar-for-dollar against the principal amount they invested with the Receivership Entities. *Huber*, 702 F.3d at 903. The pre-receivership withdrawals are, in essence, treated as receivership distributions.

Where an investor received no pre-receivership withdrawals, the claim is treated as a 100% loss. This methodology ensures each allowed claim receives the same minimum percentage recovery before any investor who received pre-receivership withdrawals receives a distribution. As the rising tide recovery percentage reaches (*i.e.*, “rises”) to meet the amounts that investors may have received from pre-receivership withdrawals, those investors begin sharing *pari passu* in distributions until the next level in the rising tide is reached. This methodology results in those investors who received the largest percentage returns from pre-receivership withdrawals potentially excluded from any further distributions from the Estates, depending upon how “high” the “tide” may “rise,” for other losing investors.

Importantly, to determine the amount to be distributed to each claimant, this calculation must be made repeatedly as the amounts available for distribution are applied on a claimant-by-claimant basis. In other words, this calculation will not result in a disbursement of all funds available for distribution with just one iteration; it must be performed for each successive distribution – *i.e.*, to establish the height of the “rising tide” – until the funds available for distribution are fully applied.

After considering the various methodologies, the equitable adjustments included in the Plan which further reduce any marginal differences, and the complexity and additional costs involved, the Receiver’s judgment is that the rising tide method as modified and adopted in this Plan is both fair and equitable, and superior to any alternatives in the circumstances of these cases.

XI. The proposed treatment of claims, and classes of claimants, is fair and equitable.

As noted, the Court’s exercise of discretion in adopting a plan of distribution is guided by equitable principles. *See Durham*, 86 F.3d at 73 (“Sitting in equity, the district court is a ‘court of conscience.’”) (citing *Wilson v. Wall*, 73 U.S. 83, 90 (1867)). The adjustments to the classes of claimants in this case, and adjustments to specific claims, are fair and equitable under the circumstances. Courts in equity receiverships “generally support equitable pooling of the receivership entities’ assets to enable equal treatment of all defrauded investors.” *S.E.C. v. Aequitas Mgmt., LLC*, No. 3:16CV00438-JR, 2020 WL 1528249 (D. Ore. March 31, 2020) (approving receiver’s proposed limited pooling of entities in Ponzi scheme case). “[C]ourts may authorize the treatment of various receivership entities as one substantively pooled estate for the purpose of distribution, upon good cause shown.” *S.E.C. v. Founding Partners Cap. Mgmt.*, No. 2:09CV229, 2014 WL 2993780, at *6 (M.D. Fla. July 3, 2014). Under the “good cause” test for pooling, courts consider a number of different factors, including whether the investors subject to pooling across the various receivership entities are similarly situated and whether the funds were commingled among the receivership entities. *Id.*; *see S.E.C. v. One Equity Corp.*, No. 2:08-cv-667, 2011 WL 1002702 (S.D. Ohio March 16, 2011). Besides the overall fairness of treating similarly harmed investors the same, regardless of differences in the way they believed that they had invested, administrative factors also support equitable pooling. *See S.E.C. v. Schooler*, No. 3:12CV2164-GPC-JMA, 2016 WL 3031824, *16 (S.D. Cal. May 25, 2016)

(recognizing that “administrative considerations” favored receiver’s “one pot” proposal); *S.E.C. v. Sunwest Mgmt., Inc.*, Civ. No. 09-6056-HO, 2009 WL 3245879, at *9-10 (D. Or. Oct. 2, 2009) (approving receiver’s equitable pooling of assets where “tracing would be extremely difficult, time consuming and costly to the Receivership Estate”). Here, consolidation of the Dragul Entities is fair and equitable in part due to the vast comingling throughout the estate.

XII. Summary procedures for Plan approval are necessary and appropriate.

Procedurally, when assessing a plan of distribution, summary court proceedings to allow, disallow, and adjust the claims of interested parties have been approved as an appropriate and efficient means of adjudication, so long as potential claimants are afforded an opportunity to be heard and present claims.¹⁷ Indeed, the use of summary proceedings “promotes judicial efficiency and reduces litigation costs to the receivership, thereby preserving receivership assets for the benefit of

¹⁷ *Elliott*, 953 F.2d at 1567 (“[A] district court does not generally abuse its discretion if its summary procedures permit parties to present evidence when the facts are in dispute and to make arguments regarding those facts.”); *McFarland v. Winnebago South, Inc.*, 863 F. Supp. 1025, 1034 (W.D. Mo. 1994) (“[T]he receivership court has the power to use summary procedures in allowing, disallowing, and subordinating claims of creditors, so long as creditors have fair notice and a reasonable opportunity to respond.”); *F.D.I.C. v. Bernstein*, 786 F. Supp. 170, 177 (E.D.N.Y. 1992) (“a district court has extremely broad discretion in supervising an equity receivership and in determining the appropriate procedures to be used in its administration.”); 13 James Wm. Moore et al., *Moore’s Federal Practice* ¶ 66.06[4][b] (3d ed. 2000) (“The powers of the courts include the allowance, disallowance, and subordination of the claims of creditors.”).

[claimants].” *F.D.I.C. v. Bernstein*, 786 F. Supp. 170, 177-78 (E.D.N.Y. 1992) (internal citations omitted). A receivership court is “authorized and expected to determine claims in an equity receivership based on equitable, rather than formalistic, principles.” *Broadbent v. Advantage Software, Inc.*, 415 F. App’x 73, 75 (10th Cir. March 4, 2011) (unpublished).

The Receiver is filing this Plan contemporaneously with the Plan Approval Motion, and a form of notice to all investors and parties in interest, affording them 30 days to raise any objections or issues with the Receiver and the Court. *See Klingbeil v. State Dep’t of Rev.*, 668 P.2d 930, 932 (Colo. 1983) (under Colorado Constitution, notice is constitutionally adequate if reasonably calculated under all the circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to object). The proposed summary procedures to consider approval of this Plan, and any objections, is necessary to move this case toward interim, and ultimately final, distributions.

In light of these principles, and the alternatives and authorities considered by the Receiver as discussed in this Plan, the Receiver respectfully requests that the Court exercise its broad equitable discretion: (1) to grant the Plan Approval Motion and adopt the Receiver’s Plan for *rising tide* distributions, and (2) as necessary to address any objection, to employ prompt, summary proceedings to adjudicate and allow the claims in accordance with this Plan.

XIII. Release and exculpation

The purposes of this Plan include facilitating the administration and closing of the Receivership Estate after final distributions, and to forestall all additional claims.

Toward that end, the Receiver requests that any approval order include:

Except as otherwise expressly provided in the Plan, each person or entity that filed a claim or received a distribution in this case (individually, a “Party in Interest”) shall be deemed to have absolutely, unconditionally, and irrevocably released and discharged every other Party in Interest, the Receiver, the Receiver’s professionals, the Commissioner, and each party entering into a settlement agreement with the Receiver that has been or is in the future approved by the Court, for and from any and all claims and causes of action existing as of the date of this Order in any manner arising from, based upon, or related to the Receivership Entities, the Receiver’s Plan, the subject matter of or the transactions or events giving rise to any claim that is classified in the Receiver’s Plan, the Receivership Estate, and the business or contractual arrangements between the Receivership Entities and any party in interest.

Releasing and extinguishing potential claims will further the purpose of this receivership case by bringing finality to all: Parties in Interest that have accepted the Plan, those who have entered into settlement agreements with the Receiver, and to the Receiver and the Receivership Estate.

XIV. Conclusion

The foregoing reflects the Receiver’s best professional judgment on an equitable plan for distribution of receivership assets to victims of the fraud in this case that is consistent with controlling legal authority and falls within the purview

of the Court's broad equitable discretion. The Receiver respectfully requests that the Court enter an order approving the Plan in its entirety, and authorizing distribution of the proceeds and other assets of the Estate as provided in the Plan.

This Plan has been served on all counsel who have entered an appearance in this action, all persons and entities who have filed claims against the Estate, and all parties in interest as identified on the Certificate of Service filed contemporaneously with this Plan. The Receiver respectfully solicits comments, questions, and advice from the Court and interested parties with respect to the substance as well as the administrative implementation of the Plan.

Dated: June 18, 2025.

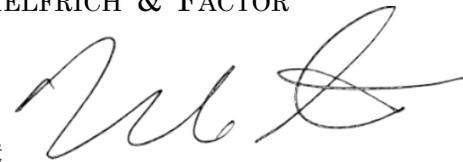
ALLEN VELLONE WOLF HELFRICH & FACTOR
P.C.

By: s/ Michael T. Gilbert

Patrick D. Vellone, Reg. No. 15284

Michael T. Gilbert, Reg. No. 15009

Averil K. Andrews, Reg. No. 56148



ATTORNEYS FOR THE RECEIVER, HARVEY
SENDER

Exhibit 1
Distribution Schedule for the Dragul Estate

Claimant Number	Class	Claimant	Adjusted Net Distributions/ Payments		Allowed Net Claim	Rising Tide Amount	Rising Tide Recovery %	Pro Rata %	Pro Rata Amount	Pro Rata Recovery %
			Contributions							
23	5(A)	Eady, Kevin			\$2,375.00	\$2,375.00			\$2,375.00	
24	5(A)	Torre, Glenn			\$2,300.00	\$2,300.00			\$2,300.00	
25	5(B)	Altura Land Consultants	\$2,895.00	\$0.00	\$2,895.00	\$1,170.93	40.4%	0.0%	\$147.53	5.1%
28	5(B)	JBC Enterprise Inc	\$42,439.00	\$0.00	\$42,439.00	\$17,165.09	40.4%	0.2%	\$2,162.66	5.1%
95	5(B)	Terracon Consultants Inc	\$54,488.04	(\$13,323.16)	\$41,164.88	\$8,715.34	40.4%	0.2%	\$2,097.73	28.3%
47	5(B)	Superior Aggregates	\$32,378.00	(\$17,853.00)	\$14,525.00	\$0.00	55.1%	0.1%	\$740.18	57.4%
79	5(B)	Park Place Operating Company	\$1,158,212.36	(\$709,145.98)	\$449,066.38	\$0.00	61.2%	1.8%	\$22,884.06	63.2%
104	5(B)	Lewis Roca Rotherger Christie LLP	\$211,479.14	(\$140,117.43)	\$71,361.71	\$0.00	66.3%	0.3%	\$3,636.53	68.0%
164	5(B)	Harris Kocher Engineering Group Inc	\$3,225.00	(\$2,175.00)	\$1,050.00	\$0.00	67.4%	0.0%	\$53.51	69.1%
141	5(B)	Gibson Arnold & Associates Inc	\$59,451.75	(\$44,439.12)	\$15,012.63	\$0.00	74.7%	0.1%	\$765.03	76.0%
131	5(B)	MSB Enterprises LLC	\$108,133.44	(\$81,750.38)	\$26,383.06	\$0.00	75.6%	0.1%	\$1,344.46	76.8%
91	5(B)	Ward, John - 505Design	\$573,684.13	(\$466,199.00)	\$107,485.13	\$0.00	81.3%	0.4%	\$5,477.35	82.2%
60	5(B)	Sparkin Spas Inc.	\$6,835.89	(\$6,409.26)	\$426.63	\$0.00	93.8%	0.0%	\$21.74	94.1%
137	5(C)	Horst, Donald R	\$100,000.00	(\$4,958.31)	\$95,041.69	\$35,488.18	40.4%	0.4%	\$4,843.25	9.8%
136	5(C)	Bradley, Kimberley	\$50,000.00	(\$2,479.19)	\$47,520.81	\$17,744.06	40.4%	0.2%	\$2,421.62	9.8%
108	5(C)	Furr, Herman Jr. and Cheryl	\$100,000.00	(\$7,520.14)	\$92,479.86	\$32,926.35	40.4%	0.4%	\$4,712.70	12.2%
100	5(C)	Lutz, Melanie	\$50,000.00	(\$5,020.79)	\$44,979.21	\$15,202.46	40.4%	0.2%	\$2,292.10	14.6%
94	5(C)	Ziegler, Earl and Vivian	\$150,000.00	(\$17,114.79)	\$132,885.21	\$43,554.95	40.4%	0.5%	\$6,771.72	15.9%
103	5(C)	Sommers, Connie & Vernon	\$256,000.00	(\$31,336.62)	\$224,663.38	\$72,206.41	40.4%	0.9%	\$11,448.66	16.7%
98	5(C)	Rosenbaum, Adam	\$225,000.00	(\$31,500.00)	\$193,500.00	\$59,504.61	40.4%	0.8%	\$9,860.60	18.4%
56	5(C)	Hill, Paul and Carol	\$100,000.00	(\$14,635.67)	\$85,364.33	\$25,810.82	40.4%	0.3%	\$4,350.10	19.0%
149	5(C)	Cypress Ventures, LLC	\$450,000.00	(\$70,195.56)	\$379,804.44	\$111,813.68	40.4%	1.5%	\$19,354.52	19.9%
143	5(C)	Sherwood, Bonnie	\$260,013.00	(\$44,359.96)	\$215,653.04	\$60,806.19	40.4%	0.8%	\$10,989.50	21.3%
34	5(C)	Sheets, William Brandon	\$150,000.00	(\$27,053.48)	\$122,946.52	\$33,616.26	40.4%	0.5%	\$6,265.25	22.2%
111	5(C)	Mauvais, Bradford	\$50,000.00	(\$9,298.19)	\$40,701.81	\$10,925.06	40.4%	0.2%	\$2,074.13	22.7%
96	5(C)	Krushinski, Donald	\$65,550.00	(\$13,223.07)	\$52,326.93	\$13,289.61	40.4%	0.2%	\$2,666.54	24.2%
159	5(C)	Hoffer, Tyson	\$600,000.00	(\$125,663.99)	\$474,336.01	\$117,014.99	40.4%	1.9%	\$24,171.78	25.0%
84	5(C)	Lewis, Susan	\$83,500.00	(\$18,193.58)	\$65,306.42	\$15,579.24	40.4%	0.3%	\$3,327.96	25.8%
68	5(C)	Jacobs, Elizabeth	\$260,000.00	(\$56,783.79)	\$203,216.21	\$48,377.10	40.4%	0.3%	\$10,355.73	25.8%
82	5(C)	Cieslinski, Daniel Jr. and Heather	\$50,000.00	(\$11,113.48)	\$38,886.52	\$9,109.77	40.4%	0.2%	\$1,981.63	26.2%
148	5(C)	Summers, Robert	\$100,000.00	(\$22,675.09)	\$77,324.91	\$17,771.40	40.4%	0.3%	\$3,940.41	26.6%
160	5(C)	Spring Street Capital, LLC	\$250,000.00	(\$58,165.74)	\$191,834.26	\$42,950.50	40.4%	0.8%	\$9,775.72	27.2%
153	5(C)	Menzel, John	\$185,013.00	(\$48,586.80)	\$136,426.20	\$26,244.47	40.4%	0.5%	\$6,952.17	30.0%
114	5(C)	Horst, Gerald and Susan	\$150,000.00	(\$40,478.74)	\$109,521.26	\$20,191.00	40.4%	0.4%	\$5,581.11	30.7%
58	5(C)	Vitorino, Jason	\$350,000.00	(\$98,999.61)	\$251,000.39	\$42,563.12	40.4%	1.0%	\$12,790.77	31.9%
142	5(C)	Grow, Gary and Pamela	\$50,000.00	(\$14,273.82)	\$35,726.18	\$5,949.43	40.4%	0.1%	\$1,820.58	32.2%
72	5(C)	Edds, James Todd	\$50,000.00	(\$14,627.55)	\$35,372.45	\$5,595.70	40.4%	0.1%	\$1,802.55	32.9%
162	5(C)	Gragg, Robert and Patsy	\$100,000.00	(\$29,311.87)	\$70,688.13	\$11,134.62	40.4%	0.3%	\$3,602.21	32.9%
39	5(C)	Stump, Rex and Kimberly	\$450,000.00	(\$133,139.05)	\$316,860.95	\$48,870.18	40.4%	1.2%	\$16,146.98	33.2%
154	5(C)	Vogel, Greg and Kristin	\$200,000.00	(\$59,495.68)	\$140,504.32	\$21,397.31	40.4%	0.6%	\$7,159.99	33.3%
118	5(C)	Tomika Investment Company	\$100,000.00	(\$30,286.33)	\$69,713.67	\$10,160.16	40.4%	0.3%	\$3,552.55	33.8%
109	5(C)	Newman, Jonathan Gray	\$50,000.00	(\$15,456.76)	\$34,543.24	\$4,766.49	40.4%	0.1%	\$1,760.30	34.4%
139	5(C)	Craig, Harnish	\$50,000.00	(\$15,595.27)	\$34,404.73	\$4,627.98	40.4%	0.1%	\$1,753.24	34.7%
152	5(C)	Speedwell Partners	\$50,000.00	(\$15,773.46)	\$34,226.54	\$4,449.79	40.4%	0.1%	\$1,744.16	35.0%
88	5(C)	Esbenshade, Ruby	\$50,000.00	(\$15,802.69)	\$34,197.31	\$4,420.56	40.4%	0.1%	\$1,742.67	35.1%
53	5(C)	Weller, Keith	\$50,000.00	(\$16,017.12)	\$33,982.88	\$4,206.13	40.4%	0.1%	\$1,731.74	35.5%
85	5(C)	Beall, John	\$1,111,112.35	(\$368,522.79)	\$742,589.56	\$80,883.22	40.4%	2.9%	\$37,841.76	36.6%
48	5(C)	Vanvliet, Dr. Martin and Marita	\$400,000.00	(\$134,667.93)	\$265,332.07	\$27,118.05	40.4%	1.0%	\$13,521.11	37.0%
155	5(C)	Otieno, John Paul	\$645,429.49	(\$219,003.61)	\$426,425.88	\$42,050.00	40.4%	1.7%	\$21,730.31	37.3%
107	5(C)	McCaffrey, Thomas	\$150,000.00	(\$51,353.40)	\$98,646.60	\$9,316.34	40.4%	0.4%	\$5,026.95	37.6%
71	5(C)	Shuff, Doug and Michelle	\$100,000.00	(\$34,387.19)	\$65,612.81	\$6,059.30	40.4%	0.3%	\$3,343.58	37.7%
145	5(C)	The Horst Irrevocable Trust	\$150,000.00	(\$52,391.64)	\$97,608.36	\$8,278.10	40.4%	0.4%	\$4,974.04	38.2%
49	5(C)	Hersch, Kurtz	\$150,000.00	(\$52,413.76)	\$97,586.24	\$8,255.98	40.4%	0.4%	\$4,972.92	38.3%
36	5(C)	Calhoun, David and Claudia	\$100,000.00	(\$36,010.12)	\$63,989.88	\$4,436.37	40.4%	0.3%	\$3,260.87	39.3%
117	5(C)	H&S Equity Partners, LLC	\$125,000.00	(\$45,036.23)	\$79,963.77	\$5,521.89	40.4%	0.3%	\$4,074.89	39.3%
101	5(C)	Brischke, Jeff and Phillips, Barbara	\$370,000.00	(\$134,677.64)	\$235,322.36	\$14,974.39	40.4%	0.9%	\$11,991.84	39.6%
92	5(C)	Vineyard, Bruce P Sr.	\$600,000.00	(\$219,853.63)	\$380,146.37	\$22,825.34	40.4%	1.5%	\$19,371.95	39.9%
46	5(C)	Marvin, Weaver	\$100,000.00	(\$37,200.52)	\$62,799.48	\$3,245.97	40.4%	0.2%	\$3,200.21	40.4%
147	5(C)	Eisen, Robert and Jodi	\$500,000.00	(\$192,596.70)	\$307,403.30	\$9,635.77	40.4%	1.2%	\$15,665.02	41.7%
62	5(C)	Stoltzfus Properties LLC	\$1,254,711.92	(\$486,644.35)	\$768,067.57	\$20,842.64	40.4%	3.0%	\$39,140.10	41.9%
37	5(C)	Brittain, Daniel	\$335,372.93	(\$130,220.05)	\$205,152.88	\$5,426.55	40.4%	0.8%	\$10,454.42	41.9%
105	5(C)	Aafedt, Eric	\$435,369.47	(\$174,956.54)	\$260,412.93	\$1,135.15	40.4%	1.0%	\$13,270.43	43.2%
73	5(C)	OM&K LLC	\$125,000.00	(\$51,127.22)	\$73,872.78	\$0.00	40.9%	0.3%	\$3,764.50	43.9%
38	5(C)	Lapp, Gideon and Rhonda	\$575,000.00	(\$236,263.76)	\$338,736.24	\$0.00	41.1%	1.3%	\$17,261.72	44.1%
42	5(C)	Hilltoppers Capital Growth	\$750,000.00	(\$311,732.39)	\$438,267.61	\$0.00	41.6%	1.7%	\$22,333.76	44.5%
140	5(C)	Bradley, Helene D	\$100,000.00	(\$42,859.29)	\$57,140.71	\$0.00	42.9%	0.2%	\$2,911.84	45.8%
144	5(C)	Strider, Virgil Dawson	\$300,000.00	(\$132,025.90)	\$167,974.10	\$0.00	44.0%	0.7%	\$8,559.82	46.9%
52	5(C)	Deardorff, Gerald	\$300,000.00	(\$135,624.57)	\$164,375.43	\$0.00	45.2%	0.6%	\$8,376.44	48.0%
138	5(C)	Acorn Island Properties, LLC	\$243,884.78	(\$110,643.91)	\$133,240.87	\$0.00	45.4%	0.5%	\$6,789.85	48.2%
156	5(C)	Lynge, Scott	\$170,026.00	(\$78,228.76)	\$91,797.24	\$0.00	46.0%	0.4%	\$4,677.91	48.8%
69	5(C)	Estate of Dr. Gerald Weaver	\$225,000.00	(\$103,819.51)	\$121,180.49	\$0.00	46.1%	0.5%	\$6,175.26	48.9%
89	5(C)	BBGI (Burrows)	\$110,013.00	(\$51,996.34)	\$58,016.66	\$0.00	47.3%	0.2%	\$2,956.48	50.0%
74	5(C)	Bice, Christopher	\$35,000.00	(\$17,053.11)	\$17,946.89	\$0.00	48.7%	0.1%	\$914.56	51.3%
33	5(C)	Snyder, Keith	\$721,936.47	(\$359,316.71)	\$362,619.76	\$0.00	49.8%	1.4%	\$18,478.81	52.3%
133	5(C)	Steinberg, Aaron	\$567,500.00	(\$284,302.47)	\$283,197.53	\$0.00	50.1%	1.1%	\$14,431.51	52.6%
130	5(C)	Burroughs, W. Slater	\$485,013.00	(\$243,803.52)	\$241,209.48	\$0.00	50.3%	0.9%	\$12,291.84	52.8%
135	5(C)	Sherwood, William	\$450,000.00	(\$235,618.56)	\$214,381.44	\$0.00	52.4%	0.8%	\$10,924.70	54.8%
123	5(C)	Vineyard, Philip	\$1,237,737.70	(\$658,256.88)	\$579,480.82	\$0.00	53.2%	2.3%	\$29,529.87	55.6%
51	5(C)	Eisen Steele Family LLC	\$200,000.00	(\$106,610.72)	\$93,389.28	\$0.00	53.3%	0.4%	\$4,759.04	55.7%
158	5(C)	Hess, James and Susan	\$679,812.45	(\$368,859.94)	\$310,952.51	\$0.00	54.3%	1.2%	\$15,845.89	56.6%
80	5(C)	Estate of James L Davis	\$435,369.47	(\$238,786.69)	\$196,582.78	\$0.00	54.8%	0.8%	\$10,017.70	57.1%
126	5(C)	Rosenbaum, Martin	\$8,395,250.00	(\$4,700,640.89)	\$3,694,609.11	\$0.00	56.0%	14.5%	\$188,274.27	58.2%
157	5(C)	Rockefeller, Scott	\$481,051.41	(\$270,683.14)	\$210,368.27	\$0.00	56.3%	0.8%	\$10,720.20	58.5%
67	5(C)	Sarah P. Vineyard Irrevocable Trust	\$387,737.70	(\$218,661.54)	\$169,076.16	\$0.00	56.4%	0.7%	\$8,615.98	58.6%
150	5(C)	Parker, William and Adelyn	\$850,000.00	(\$481,225.00)	\$368,775.00	\$0.00	56.6%	1.5%	\$18,792.47	58.8%
44	5(C)	Burnette, Nathan	\$151,186.47	(\$86,180.47)	\$65,006.00	\$0.00	57.0%	0.3%	\$3,312.65	59.2%
43	5(C)	Vineyard, Sarah	\$50,000.00	(\$28,684.22)	\$21,315.78	\$0.00	57.4%	0.1%	\$1,086.23	59.5%
45	5(C)	Gardner, David	\$50,000.00	(\$28,822.24)	\$21,177.76	\$0.00	57.6%	0.1%	\$1,079.20	59.8%
132	5(C)	Provenzola, Marianne	\$25,000.00	(\$14,411.63)	\$10,588.37	\$0.00	57.6%	0.0%	\$539.57	59.8%

**Exhibit 1
Distribution Schedule for the Dragul Estate**

Claimant Number	Class	Claimant	Contributions	Adjusted Net Distributions/ Payments	Allowed Net Claim	Rising Tide Amount	Rising Tide Recovery %	Pro Rata		Pro Rata Recovery %
								Pro Rata %	Pro Rata Amount	
31	5(C)	Vineyard, Sandra	\$100,000.00	(\$58,534.29)	\$41,465.71	\$0.00	58.5%	0.2%	\$2,113.06	60.6%
161	5(C)	Eagle Group V	\$200,000.00	(\$117,126.50)	\$82,873.50	\$0.00	58.6%	0.3%	\$4,223.17	60.7%
77	5(C)	Tennis, Jeff and Jane	\$1,103,372.64	(\$653,189.70)	\$450,182.94	\$0.00	59.2%	1.8%	\$22,940.95	61.3%
121	5(C)	Blow, Eric and Constance	\$233,747.61	(\$138,710.86)	\$95,036.75	\$0.00	59.3%	0.4%	\$4,843.00	61.4%
122	5(C)	Bice, Edwin III and Nicole	\$460,000.00	(\$275,015.09)	\$184,984.91	\$0.00	59.8%	0.7%	\$9,426.68	61.8%
124	5(C)	Bott, William	\$115,367.52	(\$69,494.94)	\$45,872.58	\$0.00	60.2%	0.2%	\$2,337.63	62.3%
115	5(C)	Rosenbaum, Leora	\$715,000.00	(\$435,944.74)	\$279,055.26	\$0.00	61.0%	1.1%	\$14,220.43	63.0%
128	5(C)	Waltman, Burton and Jane	\$475,000.00	(\$295,405.84)	\$179,594.16	\$0.00	62.2%	0.7%	\$9,151.97	64.1%
99	5(C)	Ewell, Calvin	\$2,365,276.88	(\$1,491,740.93)	\$873,535.95	\$0.00	63.1%	3.4%	\$44,514.68	65.0%
163	5(C)	Parker, Marshall	\$150,000.00	(\$95,781.86)	\$54,218.14	\$0.00	63.9%	0.2%	\$2,762.91	65.7%
110	5(C)	Parker, Ray Webb	\$150,000.00	(\$95,781.86)	\$54,218.14	\$0.00	63.9%	0.2%	\$2,762.91	65.7%
63	5(C)	Parker, William Jr.	\$150,000.00	(\$95,781.86)	\$54,218.14	\$0.00	63.9%	0.2%	\$2,762.91	65.7%
29	5(C)	Nutt, Raymond	\$300,000.00	(\$192,320.08)	\$107,679.92	\$0.00	64.1%	0.4%	\$5,487.28	65.9%
75	5(C)	Risser, Eric	\$66,600.00	(\$43,186.73)	\$23,413.27	\$0.00	64.8%	0.1%	\$1,193.12	66.6%
27	5(C)	Jacobs, Lawrence	\$50,000.00	(\$32,587.63)	\$17,412.37	\$0.00	65.2%	0.1%	\$887.32	66.9%
70	5(C)	Young, David and Eva	\$383,500.00	(\$253,419.53)	\$130,080.47	\$0.00	66.1%	0.5%	\$6,628.79	67.8%
66	5(C)	McMahon, James	\$230,002.59	(\$152,047.80)	\$77,954.79	\$0.00	66.1%	0.3%	\$3,972.51	67.8%
120	5(C)	Detterer, William	\$604,067.00	(\$399,350.38)	\$204,716.62	\$0.00	66.1%	0.8%	\$10,432.19	67.8%
127	5(C)	Evans, Craig	\$470,000.00	(\$314,784.66)	\$155,215.34	\$0.00	67.0%	0.6%	\$7,909.65	68.7%
90	5(C)	Eisen, Charles	\$905,000.00	(\$629,931.45)	\$275,068.55	\$0.00	69.6%	1.1%	\$14,017.27	71.2%
76	5(C)	Duboc, Susan	\$100,000.00	(\$70,374.65)	\$29,625.35	\$0.00	70.4%	0.1%	\$1,509.68	71.9%
65	5(C)	Owsley, Steven	\$100,000.00	(\$70,374.65)	\$29,625.35	\$0.00	70.4%	0.1%	\$1,509.68	71.9%
50	5(C)	Rainville, Mark Douglas	\$50,000.00	(\$35,972.15)	\$14,027.85	\$0.00	71.9%	0.1%	\$714.85	73.4%
64	5(C)	Hill, Jerry Lee	\$25,000.00	(\$18,100.46)	\$6,899.54	\$0.00	72.4%	0.0%	\$351.59	73.8%
83	5(C)	Evans, Laura	\$620,000.00	(\$450,041.69)	\$169,958.31	\$0.00	72.6%	0.7%	\$8,660.94	74.0%
26	5(C)	Dublin Realty Company Inc.	\$570,000.00	(\$416,411.97)	\$153,588.03	\$0.00	73.1%	0.6%	\$7,826.72	74.4%
81	5(C)	Bryant Boys, LLC	\$35,000.00	(\$25,801.79)	\$9,198.21	\$0.00	73.7%	0.0%	\$468.73	75.1%
30	5(C)	DTMA, LLC	\$274,543.58	(\$204,206.33)	\$70,337.25	\$0.00	74.4%	0.3%	\$3,584.33	75.7%
113	5(C)	Greene, John	\$150,000.00	(\$111,877.27)	\$38,122.73	\$0.00	74.6%	0.1%	\$1,942.70	75.9%
61	5(C)	Gerten, Kathleen	\$102,500.00	(\$76,945.55)	\$25,554.45	\$0.00	75.1%	0.1%	\$1,302.23	76.3%
93	5(C)	Miller, Chad and Kerri	\$125,000.00	(\$95,793.65)	\$29,206.35	\$0.00	76.6%	0.1%	\$1,488.33	77.8%
40	5(C)	Daswani, Vijay	\$200,000.00	(\$153,302.81)	\$46,697.19	\$0.00	76.7%	0.2%	\$2,379.65	77.8%
59	5(C)	Hoe, David and Lori	\$102,500.00	(\$78,649.48)	\$23,850.52	\$0.00	76.7%	0.1%	\$1,215.40	77.9%
87	5(C)	Beam Construction Company, Inc.	\$333,500.00	(\$257,159.45)	\$76,340.55	\$0.00	77.1%	0.3%	\$3,890.25	78.3%
106	5(C)	Cunningham, Jonathan	\$75,000.00	(\$59,500.87)	\$15,499.13	\$0.00	79.3%	0.1%	\$789.82	80.4%
35	5(C)	Helms, Christopher and Katherine	\$9,870,000.00	(\$7,835,918.19)	\$2,034,081.81	\$0.00	79.4%	8.0%	\$103,655.15	80.4%
146	5(C)	Martin, Nancy	\$25,000.00	(\$20,104.48)	\$4,895.52	\$0.00	80.4%	0.0%	\$249.47	81.4%
78	5(C)	Stone, Carolyn	\$48,750.00	(\$39,787.21)	\$8,962.79	\$0.00	81.6%	0.0%	\$456.74	82.6%
54	5(C)	Fadeley, Kyle	\$48,750.00	(\$39,907.95)	\$8,842.05	\$0.00	81.9%	0.0%	\$450.58	82.8%
86	5(C)	Cauthen, Alan	\$48,750.00	(\$39,954.53)	\$8,795.47	\$0.00	82.0%	0.0%	\$448.21	82.9%
41	5(C)	HBT Partners	\$200,000.00	(\$163,980.46)	\$36,019.54	\$0.00	82.0%	0.1%	\$1,835.53	82.9%
125	5(C)	Benzmiller, Ken	\$200,000.00	(\$165,269.45)	\$34,730.55	\$0.00	82.6%	0.1%	\$1,769.84	83.5%
151	5(C)	Penn, Richard	\$175,000.00	(\$146,948.50)	\$28,051.50	\$0.00	84.0%	0.1%	\$1,429.48	84.8%
97	5(C)	The Helen Moretz Sides Trust	\$100,000.00	(\$85,872.06)	\$14,127.94	\$0.00	85.9%	0.1%	\$719.95	86.6%
129	5(C)	Hurst, Chad and Colleen	\$7,260,913.91	(\$6,315,436.26)	\$945,477.65	\$0.00	87.0%	3.7%	\$48,180.77	87.6%
134	5(C)	Risser, Eugene	\$578,600.00	(\$515,339.58)	\$63,260.42	\$0.00	89.1%	0.2%	\$3,223.70	89.6%
102	5(C)	Rosenbaum, Melissa	\$2,539,000.00	(\$2,270,769.52)	\$268,230.48	\$0.00	89.4%	1.1%	\$13,668.81	90.0%
55	5(C)	Leftin Investment Company	\$1,725,000.00	(\$1,564,869.74)	\$160,130.26	\$0.00	90.7%	0.6%	\$8,160.11	91.2%
116	5(C)	Chapman, Bret and Sheryl	\$50,000.00	(\$45,452.10)	\$4,547.90	\$0.00	90.9%	0.0%	\$231.76	91.4%
119	5(C)	Oehme, William and Barbara	\$325,866.67	(\$298,427.01)	\$27,439.66	\$0.00	91.6%	0.1%	\$1,398.30	92.0%
32	5(C)	Owsley, James II	\$200,000.00	(\$186,023.58)	\$13,976.42	\$0.00	93.0%	0.1%	\$712.23	93.4%
112	5(C)	Metz, Jeromy	\$1,125,000.00	(\$1,065,875.00)	\$59,125.00	\$0.00	94.7%	0.2%	\$3,012.96	95.0%
57	5(C)	Consolidated CG of TX	\$560,000.00	(\$537,238.75)	\$22,761.25	\$0.00	95.9%	0.1%	\$1,159.89	96.1%
			\$69,287,420.76	(\$43,868,547.87)	\$25,423,547.89	\$1,300,000.00			\$1,300,000.00	

**Exhibit 2
Claimant List for Dragul Estate**

Claimant Number	Plan Name	Class	Reason	Per Claim	Allowed Net Claim
1	AFF II Denver LLC	3		\$22,620,522.61	\$0.00
2	Davis Partnership PC	3		\$404,515.01	\$0.00
3	Eisen, Robert I	3		\$553,900.00	\$0.00
4	Galloway & Company, Inc.	3		\$141,988.94	\$0.00
5	Greeley Asset Funding LLC (Philip Cohen)	3		\$3,981,388.89	\$0.00
6	Kerwin Plumbing & Heating Inc.	3		\$25,215.41	\$0.00
7	Maxson Engineering	3		\$86,075.77	\$0.00
8	MLMT 2005-LC1 Yale Retail, LLC	3		\$5,472,517.00	\$0.00
9	National Commercial Buildings Inc.	3		\$585,433.26	\$0.00
10	Patch of Land Lending LLC	3		\$2,163,927.31	\$0.00
11	rAd Architects Inc.	3		\$39,420.46	\$0.00
12	Trust, Normandy Capital	3		\$1,830,172.89	\$0.00
13	TVJS Associates LLC	3		\$437,950.66	\$0.00
14	U.S. Real Estate Credit Holdings III LP	3		\$10,196,044.08	\$0.00
15	Victoria Capital Trust	3		\$5,682,026.98	\$0.00
16	WBF/CT Associates LLC	3		\$5,330,797.84	\$0.00
17	Wells Fargo Bank, NA, as Trustee for the Benefit of the Registered Holders of UBS Commercial Mortgage Trust 2017-C2, Commercial Mortgage Pass-Through Certificates, Series 2017-C2	3		\$13,791,413.25	\$0.00
18	Wilmington Trust, NA, Trustee for the Registered Holders of CFCRE 2017LC8, Mortgage Trust Commercial Mortgage Pass-Through Certificates, Series 2017C8 [N. Powell, Asset Mgr of Rialto Capital Advisors LLC as Special Servicer]	3		\$9,514,873.16	\$0.00
19	Wilmington Trust, NA, Trustee for the Registered Holders of Wells Fargo Commerical Mortgage Trust 2015C31, Commercial Mortgage Pass-Through Certificates, Series 2015C31	3		\$12,138,881.33	\$0.00
20	Wilmington Trust, NA, Trustee for the Registered Holders of Wells Fargo Commerical Mortgage Trust 2015LC22, Commercial Mortgage Pass-Through Certificates, Series 2015LC22 [N. Powell, Asset Mgr of Rialto Capital Advisors LLC as Special Servicer]	3		\$14,390,472.53	\$0.00
21	Wilmington Trust, NA, Trustee for the Registered Holders of Wells Fargo Commerical Mortgage Trust 2016LC32, Commercial Mortgage Pass-Through Certificates, Series 2016LC32 [N. Powell, Asset Mgr of Rialto Capital Advisors LLC as Special Servicer]	3		\$4,040,850.87	\$0.00
22	Woodside Credit LLC	3		\$97,763.56	\$0.00
23	Eady, Kevin	5(A)		\$3,175.00	\$2,375.00
24	Torre, Glenn	5(A)		\$2,300.00	\$2,300.00
25	Altura Land Consultants	5(B)		\$2,895.00	\$2,895.00
26	Gibson Arnold & Associates Inc	5(B)		\$37,934.63	\$15,012.63
27	Harris Kocher Engineering Group Inc	5(B)		\$1,050.00	\$1,050.00
28	JBC Enterprise Inc	5(B)		\$43,871.16	\$42,439.00
29	Lewis Roca Rothgerber Christie LLP	5(B)		\$71,361.71	\$71,361.71
30	MSB Enterprises LLC	5(B)		\$26,383.06	\$26,383.06
31	Park Place Operating Company	5(B)		\$461,274.83	\$449,066.38
32	Sparkin Spas Inc.	5(B)		\$426.63	\$426.63
33	Superior Aggregates	5(B)		\$17,178.45	\$14,525.00
34	Terracon Consultants Inc	5(B)		\$44,690.97	\$41,164.88
35	Ward, John - 505Design	5(B)		\$111,421.75	\$107,485.13
36	Aafedt, Eric	5(C)		\$436,567.00	\$260,412.93
37	Acorn Island Properties, LLC	5(C)		\$348,435.00	\$133,240.87
38	BBGI (Burrows)	5(C)		\$35,000.00	\$58,016.66
39	Beall, John	5(C)		\$816,240.69	\$742,589.56
40	Beam Construction Company, Inc.	5(C)		\$219,705.09	\$76,340.55
41	Benzmiller, Ken	5(C)		\$203,900.00	\$34,730.55
42	Bice, Christopher	5(C)		\$35,000.00	\$17,946.89
43	Bice, Edwin III and Nicole	5(C)		\$908,417.22	\$184,984.91
44	Blow, Eric and Constance	5(C)		\$344,285.45	\$95,036.75
45	Bott, William	5(C)		\$83,412.52	\$45,872.58
46	Bradley, Helene D	5(C)		\$50,000.00	\$57,140.71
47	Bradley, Kimberley	5(C)		\$50,000.00	\$47,520.81
48	Brischke, Jeff and Phillips, Barbara	5(C)		\$251,941.00	\$235,322.36
49	Brittain, Daniel	5(C)		\$116,706.00	\$205,152.88
50	Bryant Boys, LLC	5(C)		\$25,625.00	\$9,198.21
51	Burnette, Nathan	5(C)		\$89,197.00	\$65,006.00
52	Burroughs, W. Slater	5(C)		\$435,691.00	\$241,209.48
53	Calhoun, David and Claudia	5(C)		\$237,729.33	\$63,989.88
54	Cauthen, Alan	5(C)		\$66,500.00	\$8,795.47
55	Chapman, Bret and Sheryl	5(C)		\$53,200.00	\$4,547.90
56	Cieslinski, Daniel Jr. and Heather	5(C)		\$50,000.00	\$38,886.52
57	Consolidated CG of TX	5(C)		\$300,000.00	\$22,761.25

Exhibit 2
Claimant List for Dragul Estate

Claimant Number	Plan Name	Class	Reason	Per Claim	Allowed Net Claim
58	Craig, Harnish	5(C)		\$50,000.00	\$34,404.73
59	Cunningham, Jonathan	5(C)		\$106,911.55	\$15,499.13
60	Cypress Ventures, LLC	5(C)		\$725,927.00	\$379,804.44
61	Daswani, Vijay	5(C)		\$114,101.00	\$46,697.19
62	Deardorff, Gerald	5(C)		\$100,000.00	\$164,375.43
63	Detterer, William	5(C)		\$91,250.00	\$204,716.62
64	DTMA, LLC	5(C)		\$274,543.58	\$70,337.25
65	Dublin Realty Company Inc.	5(C)		\$596,103.90	\$153,588.03
66	Duboc, Susan	5(C)		\$50,000.00	\$29,625.35
67	Eagle Group V	5(C)		\$150,000.00	\$82,873.50
68	Edds, James Todd	5(C)		\$87,800.00	\$35,372.45
69	Eisen Steele Family LLC	5(C)		\$192,000.00	\$93,389.28
70	Eisen, Charles	5(C)		\$400,000.00	\$275,068.55
71	Eisen, Robert and Jodi	5(C)		\$364,540.21	\$307,403.30
72	Esbenshade, Ruby	5(C)		\$50,000.00	\$34,197.31
73	Estate of Dr. Gerald Weaver	5(C)		\$150,000.00	\$121,180.49
74	Estate of James L Davis	5(C)		\$204,000.00	\$196,582.78
75	Evans, Craig	5(C)		\$200,000.00	\$155,215.34
76	Evans, Laura	5(C)		\$300,000.00	\$169,958.31
77	Ewell, Calvin	5(C)		\$429,742.87	\$873,535.95
78	Fadeley, Kyle	5(C)		\$63,543.00	\$8,842.05
79	Furr, Herman Jr. and Cheryl	5(C)		\$179,458.42	\$92,479.86
80	Gardner, David	5(C)		\$52,879.97	\$21,177.76
81	Gerten, Kathleen	5(C)		\$103,200.00	\$25,554.45
82	Gragg, Robert and Patsy	5(C)		\$117,119.03	\$70,688.13
83	Greene, John	5(C)		\$87,531.00	\$38,122.73
84	Grow, Gary and Pamela	5(C)		\$78,158.00	\$35,726.18
85	H&S Equity Partners, LLC	5(C)		\$51,095.52	\$79,963.77
86	HBT Partners	5(C)		\$102,666.00	\$36,019.54
87	Helms, Christopher and Katherine	5(C)		\$2,582,466.96	\$2,034,081.81
88	Hersch, Kurtz	5(C)		\$250,778.11	\$97,586.24
89	Hess, James and Susan	5(C)		\$360,483.60	\$310,952.51
90	Hill, Jerry Lee	5(C)		\$25,000.00	\$6,899.54
91	Hill, Paul and Carol	5(C)		\$100,000.00	\$85,364.33
92	Hilltoppers Capital Growth	5(C)		\$400,000.00	\$438,267.61
93	Hoe, David and Lori	5(C)		\$114,500.00	\$23,850.52
94	Hoffer, Tyson	5(C)		\$600,000.00	\$474,336.01
95	Horst, Donald R	5(C)		\$100,000.00	\$95,041.69
96	Horst, Gerald and Susan	5(C)		\$150,000.00	\$109,521.26
97	Hurst, Chad and Colleen	5(C)		\$2,229,466.24	\$945,477.65
98	Jacobs, Elizabeth	5(C)		\$393,634.80	\$203,216.21
99	Jacobs, Lawrence	5(C)		\$50,000.00	\$17,412.37
100	Krushinski, Donald	5(C)		\$92,580.00	\$52,326.93
101	Lapp, Gideon and Rhonda	5(C)		\$1,101,851.35	\$338,736.24
102	Leftin Investment Company	5(C)		\$247,895.90	\$160,130.26
103	Lewis, Susan	5(C)		\$108,762.00	\$65,306.42
104	Lutz, Melanie	5(C)		\$50,500.00	\$44,979.21
105	Lynge, Scott	5(C)		\$201,026.00	\$91,797.24
106	Martin, Nancy	5(C)		\$25,874.98	\$4,895.52
107	Marvin, Weaver	5(C)		\$74,000.00	\$62,799.48
108	Mauvais, Bradford	5(C)		\$55,000.00	\$40,701.81
109	McCaffrey, Thomas	5(C)		\$153,583.12	\$98,646.60
110	McMahon, James	5(C)		\$152,333.00	\$77,954.79
111	Menzel, John	5(C)		\$139,459.00	\$136,426.20
112	Metz, Jeromy	5(C)		\$134,122.04	\$59,125.00
113	Miller, Chad and Kerri	5(C)		\$109,000.00	\$29,206.35
114	Newman, Jonathan Gray	5(C)		\$45,821.04	\$34,543.24
115	Nutt, Raymond	5(C)		\$366,357.44	\$107,679.92
116	Oehme, William and Barbara	5(C)		\$126,724.82	\$27,439.66
117	OM&K LLC	5(C)		\$125,000.00	\$73,872.78
118	Otieno, John Paul	5(C)		\$467,292.82	\$426,425.88
119	Owsley, James II	5(C)		\$50,000.00	\$13,976.42
120	Owsley, Steven	5(C)		\$50,000.00	\$29,625.35
121	Parker, Marshall	5(C)		\$129,793.00	\$54,218.14
122	Parker, Ray Webb	5(C)		\$129,793.00	\$54,218.14
123	Parker, William and Adelyn	5(C)		\$631,100.00	\$368,775.00
124	Parker, William Jr.	5(C)		\$129,793.00	\$54,218.14
125	Penn, Richard	5(C)		\$76,990.00	\$28,051.50
126	Provenzola, Marianne	5(C)		\$26,937.53	\$10,588.37
127	Rainville, Mark Douglas	5(C)		\$65,500.00	\$14,027.85

**Exhibit 2
Claimant List for Dragul Estate**

Claimant Number	Plan Name	Class	Reason	Per Claim	Allowed Net Claim
128	Risser, Eric	5(C)		\$67,982.97	\$23,413.27
129	Risser, Eugene	5(C)		\$319,000.00	\$63,260.42
130	Rockefeller, Scott	5(C)		\$752,134.10	\$210,368.27
131	Rosenbaum, Adam	5(C)		\$237,211.04	\$193,500.00
132	Rosenbaum, Leora	5(C)		\$629,619.87	\$279,055.26
133	Rosenbaum, Martin	5(C)		\$6,653,959.56	\$3,694,609.11
134	Rosenbaum, Melissa	5(C)		\$3,533,188.22	\$268,230.48
135	Sarah P. Vineyard Irrevocable Trust	5(C)		\$328,706.00	\$169,076.16
136	Sheets, William Brandon	5(C)		\$216,000.00	\$122,946.52
137	Sherwood, Bonnie	5(C)		\$100,000.00	\$215,653.04
138	Sherwood, William	5(C)		\$828,485.00	\$214,381.44
139	Shuff, Doug and Michelle	5(C)		\$127,000.00	\$65,612.81
140	Snyder, Keith	5(C)		\$450,000.00	\$362,619.76
141	Sommers, Connie & Vernon	5(C)		\$156,000.00	\$224,663.38
142	Speedwell Partners	5(C)		\$67,500.00	\$34,226.54
143	Spring Street Capital, LLC	5(C)		\$193,501.00	\$191,834.26
144	Steinberg, Aaron	5(C)		\$638,446.17	\$283,197.53
145	Stoltzfus Properties LLC	5(C)		\$512,780.00	\$768,067.57
146	Stone, Carolyn	5(C)		\$71,000.00	\$8,962.79
147	Strider, Virgil Dawson	5(C)		\$251,000.00	\$167,974.10
148	Stump, Rex and Kimberly	5(C)		\$450,000.00	\$316,860.95
149	Summers, Robert	5(C)		\$100,000.00	\$77,324.91
150	Tennis, Jeff and Jane	5(C)		\$623,362.02	\$450,182.94
151	The Helen Moretz Sides Trust	5(C)		\$26,175.00	\$14,127.94
152	The Horst Irrevocable Trust	5(C)		\$150,000.00	\$97,608.36
153	Tomika Investment Company	5(C)		\$100,000.00	\$69,713.67
154	Vanvliet, Dr. Martin and Marita	5(C)		\$281,602.61	\$265,332.07
155	Vineyard, Bruce P Sr.	5(C)		\$63,161.64	\$380,146.37
156	Vineyard, Philip	5(C)		\$1,128,881.88	\$579,480.82
157	Vineyard, Sandra	5(C)		\$69,857.14	\$41,465.71
158	Vineyard, Sarah	5(C)		\$34,928.58	\$21,315.78
159	Vitorino, Jason	5(C)		\$200,000.00	\$251,000.39
160	Vogel, Greg and Kristin	5(C)		\$225,499.00	\$140,504.32
161	Waltman, Burton and Jane	5(C)		\$404,711.62	\$179,594.16
162	Weller, Keith	5(C)		\$50,000.00	\$33,982.88
163	Young, David and Eva	5(C)		\$147,495.63	\$130,080.47
164	Ziegler, Earl and Vivian	5(C)		\$150,000.00	\$132,885.21
165	3G2B Partners, LLC	7	Net Winner	\$100,000.00	\$0.00
166	Ace Storage	7	Outside Estate	\$2,378.00	\$0.00
167	Adopt A Highway Maintenance Corp	7	Outside Estate	\$33,638.64	\$0.00
168	Alberta Development Partners LLC	7	No Actual Damages	\$36,651.50	\$0.00
169	American Express National Bank	7	Outside Estate	\$551,200.00	\$0.00
170	Anvil Wine Company	7	Outside Estate	\$9,884.00	\$0.00
171	Ascentium Capital LLC	7	Outside Estate	\$4,216.34	\$0.00
172	Baccary Brewing Co LLC	7	Outside Estate	\$5,162.00	\$0.00
173	BBGI LLC	7	Duplicate of 38	\$35,000.00	\$0.00
174	Black Shirt Brewing Co	7	Outside Estate	\$239.60	\$0.00
175	Blitz Development LLC	7	Transferred	\$77,200.00	\$0.00
176	Borges, Gregory	7	Outside Estate	\$686.52	\$0.00
177	Bradley, Dana	7	Insider	\$100,000.00	\$0.00
178	Brava Wine Company	7	Outside Estate	\$3,103.62	\$0.00
179	Brewer's Star Distributors LLC	7	Outside Estate	\$1,600.00	\$0.00
180	Briggs, Eric J.	7	Outside Estate	\$1,817.00	\$0.00
181	Chris Electric Inc	7	Outside Estate	\$3,299.84	\$0.00
182	CLPF-KSA Grocery Portfolio Greenwood Village LLC	7	Outside Estate	\$318,680.09	\$0.00
183	Comer, Stephen	7	Duplicate of 233	\$100,000.00	\$0.00
184	Cornerstar Wine – Weinman	7	Outside Estate	\$0.00	\$0.00
185	Cristiano, Luchetta	7	Net Winner	\$154,900.01	\$0.00
186	CTS Distributing Inc.	7	Outside Estate	\$9,036.14	\$0.00
187	Cunundrum Group LLP, The	7	Settled	\$1,123,470.12	\$0.00
188	D'Addario Robert	7	Outside Estate	\$5,017.55	\$0.00
189	Darling Milligan PC	7	Outside Estate	\$67,503.53	\$0.00
190	Devil's Head Distillery	7	Outside Estate	\$423.00	\$0.00
191	Diamant, Marc	7	Net Winner	\$41,738.00	\$0.00
192	Diesel, Kristen	7	Net Winner	\$50,000.00	\$0.00
193	Dill Dill Carr Stonbraker & Hutchings PC	7	Outside Estate	\$16,210.16	\$0.00
194	Distillery 291 LLC	7	Outside Estate	\$2,228.00	\$0.00
195	DNVR Collective LLC	7	Transferred	\$14,670.00	\$0.00
196	E-Corp Inc	7	Outside Estate	\$1,114.56	\$0.00
197	Erdit, LLC (Dana Bradley)	7	Insider	\$149,999.60	\$0.00

**Exhibit 2
Claimant List for Dragul Estate**

Claimant Number	Plan Name	Class	Reason	Per Claim	Allowed Net Claim
198	Farnsworth Group Inc.	7	Outside Estate	\$34,360.89	\$0.00
199	Fashaw, Brian K	7	Outside Estate	\$4,048.58	\$0.00
200	Foundry Commercial	7	Transferred	\$120,796.25	\$0.00
201	Fox, Alan	7	Settled	\$6,211,304.43	\$0.00
202	Guitar Center Stores Inc	7	Transferred	\$412,358.20	\$0.00
203	Haar, David and Darcea	7	Net Winner	\$160,000.00	\$0.00
204	Hagshama	7	Net Winner	\$127,686,328.00	\$0.00
205	Hall, Sara	7	Net Winner	\$62,657.00	\$0.00
206	Henderson, Sherry	7	Duplicate of 233	\$50,000.00	\$0.00
207	Herrington, Kaity	7	Outside Estate	\$1,728.68	\$0.00
208	Hershey Enterprises	7	Insider	\$51,249.98	\$0.00
209	Hershey, Mark and Martha	7	Insider	\$50,000.00	\$0.00
210	Hershey, Marlin	7	Insider	\$350,000.00	\$0.00
211	Hershey, Wendy	7	Insider	\$104,893.30	\$0.00
212	Hub Wine Corp	7	Outside Estate	\$4,242.61	\$0.00
213	Hughes, Carol	7	Net Winner	\$85,469.50	\$0.00
214	JDN Real Estate - W Lansing LP	7	Transferred	\$96,608.45	\$0.00
215	Kingman Enterprises LLC	7	Outside Estate	\$2,098.00	\$0.00
216	Kris, Steven	7	Net Winner	\$60,000.00	\$0.00
217	Kristal Corporation	7	Outside Estate	\$2,505.84	\$0.00
218	Lease Corporation of America	7	No Actual Damages	\$4,396.64	\$0.00
219	Loja Real Estate	7	Outside Estate	\$63,831.46	\$0.00
220	Lone Pine Resources, LP	7	Net Winner	\$350,000.00	\$0.00
221	Lowery, Randall	7	Transferred	\$60,000.00	\$0.00
222	Mathies, Mike	7	Outside Estate	\$8,000.00	\$0.00
223	Mayo Aviation Inc	7	Outside Estate	\$329,372.68	\$0.00
224	MB Beverage Co LLC	7	Outside Estate	\$189.00	\$0.00
225	Metz, Aaron	7	Net Winner	\$300,980.00	\$0.00
226	Moser Aviation LLC	7	Outside Estate	\$69,661.29	\$0.00
227	MSHR, Inc.	7	Net Winner	\$221,650.57	\$0.00
228	Myers, Arthur and Jane	7	Net Winner	\$400,000.00	\$0.00
229	Natural Wine Company LLC	7	Outside Estate	\$1,092.00	\$0.00
230	Polar Ice Inc.	7	Outside Estate	\$2,840.00	\$0.00
231	Provenzano, Sheryl	7	Transferred	\$912,480.00	\$0.00
232	Purgatory Cellars	7	Outside Estate	\$512.00	\$0.00
233	SC Advisors VII, LLC	7	Net Winner	\$674,514.00	\$0.00
234	Serdavid LLC	7	Outside Estate	\$2,381.94	\$0.00
235	Shuff, Doug and Michelle	7	Duplicate of 139	\$127,000.00	\$0.00
236	Snyder, Elaine	7	Net Winner	\$50,000.00	\$0.00
237	Southern Glazer's Wine & Spirits of Colorado LLC	7	Outside Estate	\$54,486.65	\$0.00
238	Steele, Nancy	7	Transferred	\$50,000.00	\$0.00
239	Tews, Eric	7	Outside Estate	\$600.00	\$0.00
240	Tony's Meats Inc.	7	Transferred	\$103,263.74	\$0.00
241	Trust, Fox Irrevocable	7	Settled	\$705,000.00	\$0.00
242	TVJS Associates LLC	7	Outside Estate	\$225,438.80	\$0.00
243	Verboten Brewing	7	Outside Estate	\$281.00	\$0.00
244	Weaver, Linford	7	Net Winner	\$384,964.83	\$0.00
245	Weavers Spirits	7	Outside Estate	\$448.00	\$0.00
246	Whitewater Hill Vineyards	7	Outside Estate	\$687.50	\$0.00
247	Worldwide Beverage	7	Outside Estate	\$9,977.12	\$0.00
				<u>\$301,428,613.90</u>	<u>\$25,423,547.89</u>

Exhibit 3	
Cash Receipts and Disbursements for Dragul Estate	
Cash Receipts	
Transferred to Receiver	\$346,669.08
Rental Income	\$1,971,700.24
Investment Income	
Investment Income from ACF	\$324,345.71
Other Investment Income	\$34,400.87
Total Investment Income	\$358,746.58
Property Sales	
Commercial Property	\$2,643,541.54
Residential Property	\$298,635.01
Earnest Money	\$100,000.00
Personal Property	\$21,165.40
Total Property Sales	\$3,063,341.95
Settlement Income	
Fox	\$650,000.00
Kahn	\$375,000.00
Fraudulent Transfers (False Profits)	\$336,310.00
Brownstein	\$250,000.00
Dragul Family	\$125,000.00
Gary Dragul	\$647,083.38
Other Settlement	\$36,995.50
Total Settlement Income	\$2,420,388.88
Other Income	\$546,434.92
Total Cash Receipts	\$8,707,281.65
Cash Disbursements	
Operating Expenses	(\$1,150,298.60)
Property Expenses	(\$1,768,771.28)
Receivership Expenses	
Accounting	(\$943,295.49)
Receiver Fees & Expenses	(\$571,625.73)
Legal	(\$2,036,285.03)
Property Management	(\$325,355.32)
Total Receivership Expenses	(\$3,876,561.57)
Other Expenses	(\$56,010.89)
Distributions	(\$151,248.00)
Total Cash Disbursements	(\$7,002,890.34)
Net Cash Receipts and Disbursements	\$1,704,391.31

<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: TUNG CHAN, Securities Exchange 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:</p> <p>Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Averil K. Andrews, # 56148 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: aandrews@allen-vellone.com</p>	<p>Case Number: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p>ORDER GRANTING RECEIVER'S MOTION TO APPROVE PROPOSED JOINT PLAN OF DISTRIBUTION AND LIQUIDATION</p>	

THIS MATTER is before the Court on the Motion to Approve Proposed Plan of Distribution (the "Motion") filed by Harvey Sender, the duly-appointed receiver ("Receiver") for the assets of Gary Dragul ("Dragul"), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, "Dragul and the GDA Entities").

The Court has reviewed the Motion and the Receiver's Proposed Plan of Distribution ("Plan"). Having resolved any objections to the Plan, the Court hereby finds that notice of the Motion and the Plan was provided to all parties in interest in these cases and such notice is fair and adequate under the circumstances. It is hereby ORDERED that:

1. The Receiver's Motion is GRANTED, the Plan is APPROVED, and the Receiver is authorized to commence interim distributions as provided in the Plan. After making the interim distributions, the Receiver shall file a report with the Court reflecting the amounts paid;

2. The Receiver is authorized to make further interim, and final distributions under the Plan without further notice to parties in interest or order from the Court. After making any further interim and/or final distributions, the Receiver shall file a report with the Court reflecting all amounts paid;

3. Except as otherwise expressly provided in the Plan, each person or entity that filed a claim or received a distribution in this case (individually, a "Party in Interest") shall be deemed to have absolutely, unconditionally, and irrevocably released and discharged every other Party in Interest, the Receiver, the Receiver's professionals, the Commissioner, and each party entering into a settlement agreement with the Receiver that has been or is in the future approved by the Court, for and from any and all claims and causes of action existing as of the date of this Order in any manner arising from, based upon, or related to the Receivership Entities, the Receiver's Plan, the subject matter of or the transactions or events giving rise to any claim that is classified in the Receiver's Plan, the Receivership Estate, and the business or contractual arrangements between the Receivership Entities and any party in interest;

4. The Receiver shall promptly serve a copy of this Order on all parties served with the Motion and shall file a certificate of service with the Court reflecting the same;

5. The Receiver shall file semi-annual status reports following entry of this Order, and within 30 days of the final distributions from the Liquidating Trust, shall file a final report and request for discharge.

Dated: _____, 2025.

BY THE COURT:

Hon. District Court Judge

<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: TUNG CHAN, Securities Exchange 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 Averil K. Andrews, # 56148 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: aandrews@allen-vellone.com</p>	<p>Case Number: 2018CV33011 Division/Courtroom: 424</p>
<p style="text-align: center;">NOTICE OF RECEIVER’S MOTION TO APPROVE PROPOSED PLAN OF DISTRIBUTION</p>	

OBJECTION DEADLINE: JULY 9, 2025

NOTICE IS HEREBY PROVIDED that Harvey Sender, the duly-appointed receiver (“Receiver”) for the assets of Gary Dragul (“Dragul”), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, “Dragul and the GDA Entities”), has filed a Motion to Approve Proposed Plan of

Distribution (the “Motion”), in which he has asked the Court to approve his Proposed Distribution Plan (the “Plan”).

A copy of this Notice, the Motion, the Plan, and the proposed order granting the Motion and approving the Plan are being served on you as a party in interest related to the Dragul and the GDA Entities (copies are also available upon request to the undersigned and at <https://dragulreceivership.com>).

If you wish to object to the Motion or the Plan, you must file a written objection or response to the Motion with the Court no later than the objection deadline set forth in this notice and serve a copy on the undersigned counsel for the Receiver. Failure to file an objection or response by the objection deadline above may result in entry of an order granting the Receiver’s Motion, approving the Plan, and authorizing distributions to creditors in accordance with the Plan.

THE PLAN AFFECTS YOUR LEGAL RIGHTS AND INTERESTS. PLEASE CONSULT WITH YOUR COUNSEL CONCERNING THE RECEIVER’S MOTION and PLAN. Failure to act on or before the objection deadline may adversely affect your rights.

Dated: June 18, 2025.

ALLEN VELLONE WOLF HELFRICH & FACTOR
P.C.

By: *s/ Michael T. Gilbert*
Patrick D. Vellone, Reg. No. 15284
Michael T. Gilbert, Reg. No. 15009
Averil K. Andrews, Reg. No. 56148

ATTORNEYS FOR THE RECEIVER, HARVEY
SENDER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 18, 2025, a true and correct copy of the foregoing was filed and served via the Colorado Courts E-Filing system to the following:

Robert W. Finke
Janna K. Fischer
Ralph L. Carr Judicial Building
1300 Broadway, 8th Floor
Denver, Colorado 80203
Robert.Finke@coag.gov
Janna.Fischer@coag.gov

*Counsel for Tung Chan, Securities
Commissioner*

Arthur Tyrone Glover
TYRONE GLOVER LAW, LLC
2590 Walnut St.
Denver, CO 80205
tyrone@tyroneglover.com

Counsel for Gary Dragul

Kevin D. Evans
Evans Law PLLC
5613 DTC Parkway
Suite 850
Greenwood Village, CO 80111
kdevans@evanspllc.law

Counsel for Lone Pine Resources, LP

Aaron A. Garber
Wadsworth Garber Warner Conrardy,
P.C.
2580 West Main Street, Suite 200
Littleton, CO 80120

Counsel for the Liquidating Trustee

Christopher S. Mills
Jones Keller, P.C.
1999 Broadway Street
Suite 3150
Denver, CO 80202
pmills@joneskeller.com

Counsel for Chad Hurst

CERTIFICATION OF E-SERVICE ON KNOWN CREDITORS

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.

/s/ Yvonne Davis

Allen Vellone Wolf Helfrich & Factor. P.C.