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THOMAS C. HEBRANK

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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

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14 SECURITIES AND EXCHANGE
COMMISSION,

15 Plaintiff,

16 v.

17 LOUIS V. SCHOOLER and FIRST
18 FINANCIAL PLANNING
CORPORATION d/b/a WESTERN
19 FINANCIAL PLANNING
CORPORATION,

20 Defendants.
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Case No. 3:12-cv-02164-GPC-JMA

**RECEIVER'S NOTICE OF NON-
RECEIPT OF QUALIFIED
OVERBID OR OPPOSITION TO
MOTION FOR APPROVAL OF
SALE OF HONEY SPRINGS
PROPERTY AND AUTHORITY TO
PAY BROKER'S COMMISSION**

Date: March 17, 2017
Time: 1:30 p.m.
Ctrm.: 2D
Judge: Hon. Gonzalo P. Curiel

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR**
2 **COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Thomas C. Hebrank ("Receiver"), the Court-
4 appointed receiver for First Financial Planning Corporation d/b/a Western Financial
5 Planning Corporation ("Western"), its subsidiaries and the General Partnerships
6 listed in Schedule 1 to the Preliminary Injunction Order entered on March 13, 2013
7 (collectively, "Receivership Entities"), hereby submits this Notice of Non-Receipt of
8 Qualified Overbid or Opposition to Motion for Approval of Sale of Honey Springs
9 Property and Authority to Pay Broker's Commission ("Motion").

10 In his Motion, the Receiver proposed a deadline for submission of qualified
11 overbids for the Honey Springs property of no later than February 13, 2017. The
12 Receiver posted the sale motion on the receivership website
13 www.ethreadvisors.com (see the "SEC Case Docs" tab), published notice of the
14 sale in the San Diego Union Tribune as required by 28 U.S.C. § 2002, and has,
15 through his broker, continued to market the property and notify potential purchasers
16 about the opportunity to submit an overbid and the proposed deadline to do so.
17 Despite the Receiver and his broker's continued efforts to market the property and
18 provide notice of the overbid process, there have been no qualified overbids
19 submitted.

20 In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.
21 No. 1431), the last day to file and serve an opposition to the Motion, if any, was
22 January 31, 2017. As of the date of this filing, no such opposition has been filed or
23 served. In accordance with the Civil Local Rule 7.1(f)(3)(c), the failure to file an
24 opposition to a motion may be deemed consent to its granting.

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1 Based on the above, and for the reasons and facts set forth in the Receiver's
2 Motion, the Receiver respectfully requests the Court vacate the March 17, 2017
3 hearing, grant the Motion in its entirety, and approve and authorize the relief
4 requested therein.

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6 Dated: February 17, 2017

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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8 By: /s/ Edward Fates

EDWARD G. FATES
Attorneys for Receiver
THOMAS C. HEBRANK

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PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of eighteen (18) and am not a party to this action. My business address is 501 West Broadway, 15th Floor, San Diego, California 92101-3541.

On February 17, 2017, I served the within document(s) described as:

- **RECEIVER'S NOTICE OF NON-RECEIPT OF QUALIFIED OVERBID OR OPPOSITION TO MOTION FOR APPROVAL OF SALE OF HONEY SPRINGS PROPERTY AND AUTHORITY TO PAY BROKER'S COMMISSION**

on the interested parties in this action by:

BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"): the foregoing document(s) will be served by the court via NEF and hyperlink to the document. On February 17, 2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

- Gary J. Aguirre - gary@aguirrelawapc.com; maria@aguirrelawapc.com
- John Willis Berry - berryj@sec.gov; LAROFiling@sec.gov
- Lynn M. Dean - deanl@sec.gov; larofiling@sec.gov; berryj@sec.gov; irwinma@sec.gov; cavallones@sec.gov
- Timothy P. Dillon - tdillon@dghmalaw.com; kramirez@dghmalaw.com; sahuja@dghmalaw.com
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on February 17, 2017, at San Diego, California.

Edward G. Fates	/s/ Edward Fates
(Type or print name)	(Signature of Declarant)