

1 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2 DAVID R. ZARO (BAR NO. 124334)
865 South Figueroa Street, Suite 2800
3 Los Angeles, California 90017-2543
Phone: (213) 622-5555
4 Fax: (213) 620-8816
E-Mail: dzaro@allenmatkins.com

5 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
6 EDWARD G. FATES (BAR NO. 227809)
One America Plaza
7 600 West Broadway, 27th Floor
8 San Diego, California 92101-0903
Phone: (619) 233-1155
9 Fax: (619) 233-1158
E-Mail: tfates@allenmatkins.com

10 Attorneys for Receiver
11 THOMAS C. HEBRANK

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14
15 SECURITIES AND EXCHANGE
COMMISSION,

16 Plaintiff,

17 v.

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

21 Defendants.
22

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

**NOTICE OF NON-RECEIPT OF
QUALIFIED OVERBIDS
REGARDING RECEIVER'S
MOTION FOR APPROVAL OF
SALE OF DAYTON IV PROPERTY**

Date: December 15, 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"), 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"), submits this Notice of Non-Receipt of
8 Qualified Overbids Regarding Receiver's Motion for Approval of Sale of Dayton IV
9 Property ("Motion").

10 In his Motion, the Receiver proposed a deadline for submission of qualified
11 overbids for the Dayton IV property of no later than December 4, 2017. The
12 Receiver posted the sale motion on the receivership website
13 www.ethreadvisors.com (see the "SEC Case Docs" tab) and published notice of the
14 sale in the Reno Journal-Gazette as required by 28 U.S.C. § 2002. Despite these
15 efforts, there have been no qualified overbids submitted.

16 In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.
17 No. 1551), the last day to file and serve an opposition to the Motion, if any, was
18 November 24, 2017. As of the date of this filing, no such opposition has been filed
19 or served. In accordance with the Civil Local Rule 7.1(f)(3)(c), the failure to file an
20 opposition to a motion may be deemed consent to its granting.

21 Based on the above, and for the reasons set forth in the Motion, the Receiver
22 respectfully requests the Court grant the Motion and approve and authorize the relief
23 requested therein.

24 Dated: December 5, 2017

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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 One America Plaza, 600 West Broadway, 27th Floor, San Diego, California 92101-3541.

On December 5, 2017, I served the within document(s) described as:

- **NOTICE OF NON-RECEIPT OF QUALIFIED OVERBIDS REGARDING RECEIVER'S MOTION FOR APPROVAL OF SALE OF DAYTON IV PROPERTY**

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 December 5, 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; longoa@sec.gov; larofiling@sec.gov; berryj@sec.gov; irwinma@sec.gov; cavallones@sec.gov
- Timothy P. Dillon - tdillon@dghmalaw.com; ksauer@dghmalaw.com; sahuja@dghmalaw.com
- Philip H. Dyson - phildysonlaw@gmail.com; jldossegger2@yahoo.com; phdtravel@yahoo.com
- Edward G. Fates - tfates@allenmatkins.com; bcrfilings@allenmatkins.com; jholman@allenmatkins.com
- Dennis Frisman - gary@aguirrelawapc.com
- Eric Hougen - eric@hougenlaw.com
- Sara D. Kalin - kalins@sec.gov; chattoop@sec.gov; irwinma@sec.gov
- E. Andrew Schooler - andyschooler@att.net
- Carol Elizabeth Schultze - schultzec@sec.gov; massey@sec.gov; caroleschultze@gmail.com; clarket@sec.gov
- Bryan Charles Vess - annamforsberg@gmail.com
- David R. Zaro - dzaro@allenmatkins.com; mdiaz@allenmatkins.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on December 5, 2017, at San Diego, California.

Edward G. Fates

(Type or print name)

/s/ Edward Fates

(Signature of Declarant)