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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 II PROPERTY**

Date: May 4, 2018

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 II  
9 Property ("Motion").

10           In his Motion, the Receiver proposed a deadline for submission of qualified  
11 overbids for the Dayton II property of no later than April 3, 2018. The Receiver  
12 posted the sale motion on the receivership website [www.ethreadvisors.com](http://www.ethreadvisors.com) (see the  
13 "SEC Case Docs" tab) and published notice of the sale in the Reno Journal-Gazette  
14 as required by 28 U.S.C. § 2002. Despite these efforts, there have been no qualified  
15 overbids submitted.

16           In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.  
17 No. 1593), the last day to file and serve an opposition to the Motion, if any, was  
18 April 6, 2018. As of the date of this filing, no such opposition has been filed or  
19 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  
25 Dated: April 11, 2017

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By:           /s/ Edward Fates          

EDWARD G. FATES  
Attorneys for Receiver  
THOMAS C. HEBRANK

**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 April 11, 2018, 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 II 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 April 11, 2018, 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; ksouser@dghmalaw.com; sahuja@dghmalaw.com
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- Carol Elizabeth Schultze - schultzec@sec.gov; massey@sec.gov; caroleschultze@gmail.com; clarket@sec.gov
- Bryan Charles Vess – bryan@vesslaw.com; 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 April 11, 2017, at San Diego, California.

\_\_\_\_\_  
Edward G. Fates  
(Type or print name)

\_\_\_\_\_  
/s/ Edward Fates  
(Signature of Declarant)