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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 MOTION FOR
(A) APPROVAL OF SALE OF
TECATE SOUTH PROPERTY AND
(B) AUTHORITY TO PAY
BROKER'S COMMISSION**

Date: August 17, 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"), 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 Overbids Regarding Motion for (A) Approval of Sale of Tecate South
9 Property; and (B) Authority to Pay Broker's Commission ("Motion").

10 In his Motion, the Receiver proposed a deadline for submission of qualified
11 overbids for the Tecate South property of no later than July 23, 2018. The Receiver
12 posted the sale motion on the receivership website www.ethreadvisors.com (see the
13 "SEC Case Docs" tab), published notice of the sale in the San Diego Union Tribune
14 as required by 28 U.S.C. § 2002, and has, through his broker, continued to market
15 the property and notify potential purchasers about the opportunity to submit an
16 overbid and the proposed deadline to do so. Despite the Receiver and his broker's
17 continued efforts to market the property and provide notice of the overbid process,
18 there have been no qualified overbids submitted.

19 In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.
20 No. 1627), the last day to file and serve an opposition to the Motion, if any, was
21 July 27, 2018. As of the date of this filing, no such opposition has been filed or
22 served. In accordance with the Civil Local Rule 7.1(f)(3)(c), the failure to file an
23 opposition to a motion may be deemed consent to its granting.

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1 Based on the above, and for the reasons set forth in the Motion, the Receiver
2 respectfully requests the Court grant the Motion and approve and authorize the relief
3 requested therein.

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5 Dated: July 30, 2018

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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7 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 600 West Broadway, 27th Floor, San Diego, California 92101.

On July 30, 2018, I served the within document(s) described as:

- **NOTICE OF NON-RECEIPT OF QUALIFIED OVERBIDS REGARDING MOTION FOR (A) APPROVAL OF SALE OF TECATE SOUTH PROPERTY AND (B) 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 July 30, 2018, I checked the CM/ECF docket for this case 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
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- 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 July 30, 2018, at San Diego, California.

Edward G. Fates
(Type or print name)

/s/ Edward Fates
(Signature of Declarant)