

1 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2 DAVID R. ZARO (BAR NO. 124334)
515 South Figueroa Street, Ninth Floor
3 Los Angeles, California 90071-3309
Phone: (213) 622-5555
4 Fax: (213) 620-8816
E-Mail: dzaro@allenmatkins.com

5 EDWARD G. FATES (BAR NO. 227809)
6 501 West Broadway, 15th Floor
San Diego, California 92101-3541
7 Phone: (619) 233-1155
Fax: (619) 233-1158
8 E-Mail: tfates@allenmatkins.com

9 Attorneys for Receiver
THOMAS C. HEBRANK

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

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.

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

**RECEIVER'S NOTICE OF NON-
OPPOSITION AND NON-RECEIPT
OF QUALIFIED OVERBIDS FOR
MOTION FOR APPROVAL OF
(A) SALE OF REAL PROPERTY
OWNED BY WESTERN (SILVER
SPRINGS) AND (B) PAYMENT OF
BROKER'S COMMISSION**

Date: July 15, 2016
Time: 1:30 p.m.
Ctrm.: 2D
Judge: Hon. Gonzalo P. Curiel

22
23
24
25
26
27
28

1 Thomas C. Hebrank ("Receiver"), the Court-appointed receiver for First
2 Financial Planning Corporation d/b/a Western Financial Planning Corporation
3 ("Western"), its subsidiaries and the General Partnerships listed in Schedule 1 to the
4 Preliminary Injunction Order entered on March 13, 2013 (collectively,
5 "Receivership Entities"), hereby submits this Notice of Non-Opposition and Non-
6 Receipt of Qualified Overbids for Motion for Approval of (A) Sale of Real Property
7 Owned by Western (Silver Springs) and (B) Payment of Broker's Commission
8 ("Motion").

9 Pursuant to the Court's Order Setting Briefing Schedule for the Motion, the
10 deadline for opposition was June 17, 2016. Dkt. No. 1306. No opposition to the
11 Motion has been filed.

12 In the Motion, the Receiver proposed June 27, 2016, as the deadline for
13 interested parties to submit qualified overbids. The Receiver posted the sale motion
14 on the receivership website, and, in compliance with 28 U.S.C. §§ 2001(a) and
15 2002, published notice of the sale (in the form contained on page 8 of the
16 Memorandum of Points and Authorities in Support of the Motion) once a week for
17 four consecutive weeks in the Reno Gazette Journal, a newspaper of general
18 circulation in the Reno area of Nevada. The sale notice stated that overbids must be
19 submitted to the Receiver by June 27, 2016, in order to participate in the public
20 auction.

21 To date, no overbids have been received. Accordingly, an auction is not
22 necessary and the Receiver asks that the Court sign the proposed order approving
23 the sale and authorizing payment of the real estate broker's commission.

24
25 Dated: June 29, 2016

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 501 West Broadway, 15th Floor, San Diego, California 92101-3541.

On June 29, 2016, I served the within document(s) described as:

- **RECEIVER'S NOTICE OF NON-OPPOSITION AND NON-RECEIPT OF QUALIFIED OVERBIDS FOR MOTION FOR APPROVAL OF (A) SALE OF REAL PROPERTY OWNED BY WESTERN (SILVER SPRINGS) AND (B) PAYMENT OF BROKER'S COMMISSION**

on 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 June 29, 2016, 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 address 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; cbeal@dghmalaw.com; kramirez@dghmalaw.com; smiller@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
- Susan Graham - gary@aguirrelawapc.com
- Eric Hougen - eric@hougenlaw.com
- Sara D. Kalin - kalins@sec.gov; chattoop@sec.gov; irwinma@sec.gov
- 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 June 29, 2016, at San Diego, California.

Edward G. Fates
(Type or print name)

/s/ Edward Fates
(Signature of Declarant)