

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 20-CV-81205-RAR

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

COMPLETE BUSINESS SOLUTIONS
GROUP, INC. d/b/a PAR FUNDING, *et al.*

Defendants.

**STIPULATION TO WAIVE REQUIREMENTS OF 28 U.S.C. § 2001(A) AND
(B) IN CONNECTION WITH, AND TO ESTABLISH SALES PROCEDURES
FOR, RECEIVER’S SALES OF RESIDENTIAL REAL PROPERTY**

The following Stipulation to Waive Requirements of 28 U.S.C. § 2001(a) and (b) in Connection with, and to Establish Sales Procedures for, Receiver's Sales of Residential Real Property (the “Stipulation”) is made by and between: (1) Ryan Stumphauzer, Esq. (the “Receiver”), the Court-appointed receiver for certain Receivership Entities;¹ (2) Plaintiff

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“Par Funding”); Full Spectrum Processing, Inc.; ABetterFinancialPlan.com LLC d/b/a A Better Financial Plan; ABFP Management Company, LLC f/k/a Pillar Life Settlement Management Company, LLC; ABFP Income Fund, LLC; ABFP Income Fund 2, L.P.; United Fidelis Group Corp.; Fidelis Financial Planning LLC; Retirement Evolution Group, LLC; RE Income Fund LLC; RE Income Fund 2 LLC; ABFP Income Fund 3, LLC; ABFP Income Fund 4, LLC; ABFP Income Fund 6, LLC; ABFP Income Fund Parallel LLC; ABFP Income Fund 2 Parallel; ABFP Income Fund 3 Parallel; ABFP Income Fund 4 Parallel; and ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Fund 2 LP; MK Corporate Debt Investment Company LLC; Capital Source 2000, Inc.; Fast Advance Funding LLC; Beta Abigail, LLC; New Field Ventures, LLC; Heritage Business Consulting, Inc.; Eagle Six Consulting, Inc.; 20 N. 3rd St. Ltd.; 118 Olive PA LLC; 135-137 N. 3rd St. LLC; 205 B Arch St Management LLC; 242 S. 21st St. LLC; 300 Market St. LLC; 627-629 E. Girard LLC; 715 Sansom St. LLC; 803 S. 4th St. LLC; 861 N. 3rd St. LLC; 915-917 S. 11th LLC; 1250 N. 25th St. LLC; 1427 Melon St. LLC; 1530 Christian St. LLC; 1635 East Passyunk LLC; 1932 Spruce St. LLC; 4633 Walnut St.

Securities and Exchange Commission (the “Commission”); and (3) Defendant Perry S. Abbonizio (“Abbonizio”) (collectively, the “Parties”), by and through their respective counsel of record, and in reliance on and with respect to the following facts:

A. The Receiver was appointed as the permanent receiver for the Receivership Entities pursuant to this Court's Order dated July 27, 2020 [ECF No. 36], as amended and expanded from time to time with the full power of an equity receiver under common law as well as such powers as are enumerated in that subject order.

B. The Court’s August 13, 2020 Amended Order Appointing Receiver (the “Amended Appointment Order”) vested the Receiver with exclusive authority and control over the real property of the Receivership Entities (the “Properties”) [ECF No. 141]. The Amended Appointment Order further directed the Receiver, subject to further Order of this Court and additional authority such as 28 U.S.C. §2001 and 2004 as to the sale and transfer of clear title, to locate, list for sale, engage a broker for sale or lease, cause the sale or lease, and take all necessary and reasonable actions to cause the sale or lease of all real property in the Receivership Estates, either at public or private sale, on terms and in the manner the Receiver deems most beneficial to the Receivership Estate, and with due regard to the realization of the true and proper value of all real property in the Receivership Estates.

C. On February 25, 2022, this Court entered a Final Judgment as to Defendant Perry S. Abbonizio [ECF No. 1169], providing for, among other things, the surrender to the Receiver

LLC; 1223 N. 25th St. LLC; 500 Fairmount Avenue, LLC; Liberty Eighth Avenue LLC; Blue Valley Holdings, LLC; LWP North LLC; The LME 2017 Family Trust; Recruiting and Marketing Resources, Inc.; Contract Financing Solutions, Inc.; Stone Harbor Processing LLC; LM Property Management LLC; and ALB Management, LLC; and the receivership also includes the properties located at 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; 107 Quayside Dr., Jupiter FL 33477; 2413 Roma Drive, Philadelphia, PA 19145; 159 26th Street, Avalon, NJ 08202; and 164 84th Street, Stone Harbor, NJ 08247.

of real properties commonly identified as 159 26th Street, Avalon, New Jersey 08202 and 164 84th Street, Stone Harbor, New Jersey 08247, both located in Cape May County (collectively the “Shore Properties”).

D. The Shore Properties were surrendered to the Receiver and entered into the Receivership Estate on June 30, 2022.

E. The Shore Properties are residential properties located within walking distance of public beaches in Stone Harbor and Avalon, Cape May County, New Jersey, have previously been marketed as vacation homes and seasonal vacation rentals within the New Jersey shore community market, and as such are best marketed by a broker with knowledge and experience of that market.

F. In accordance with his authority under the Amended Appointment Order, the Receiver intends to retain the services of Thomas McMullen at Long & Foster Stone Harbor, a New Jersey licensed real estate broker. Mr. McMullen has been working in real estate for more than 20 years, and has been living in and working as a real estate broker in Cape May County since 2004.

G. The Receiver has considered all viable alternatives for the disposition of the Properties, and has concluded, in his reasonable business judgment, that the marketing and private sale of the Shore Properties out of receivership, with each sale subject to Court approval, is the method most likely to maximize the value of the Properties and the returns to the Estate.

H. Pursuant to 28 U.S.C. § 2004, any property sold under a decree or order of a court of the United States must be sold in accordance with the requirements of 28 U.S.C. § 2001, unless waived. In turn, 28 U.S.C. § 2001 imposes certain requirements on sales of receivership property, including but not limited to the location where sales may be held, notice required in connection

with such sales, and the appointment of three disinterested parties to provide valuations for the property to be sold.

I. Given the nature of the Shore Properties, the Receiver has further determined, in his reasonable business judgment, that strict compliance with 28 U.S.C. § 2001 could potentially undermine the Receiver's efforts to increase the value of that estate via sales of Receivership Assets. Accordingly, and without waiving any other rights, the Commission and Mr. Abbonizio have agreed with the Receiver to waive the requirements of 28 U.S.C. § 2001 in connection with the Receiver's contemplated marketing and sale of the Shore Properties.

J. The Receiver had engaged a New Jersey licensed appraiser to assist with the valuation of the Shore Properties.

K. The Commission and Mr. Abbonizio have further agreed with the Receiver upon the following sales procedures (the "Sales Procedures") to be adhered to in connection with the Receiver's contemplated sales of the Properties:

- i. The Receiver shall be authorized to engage Mr. McMullen as Retained Personnel under the Amended Order Appointing Receiver to market each of the Properties in a manner consistent with the ordinary custom and practice in the sale of residential property. Mr. McMullen will be paid a commercially reasonable commission from the sales proceeds for the Shore Properties, not to exceed 5% of the sale price of each Property;
- ii. With the assistance of Mr. McMullen, the Receiver will market the Shore Properties through traditional channels, including via publication on the Multiple Listing Service and holding "open houses" or similar public showings. Unless otherwise specified, all Properties sold in accordance with these Sales Procedures

shall be sold by the Receiver on an as-is/where-is basis, with no representations or warranties by the Receiver;

- iii. Upon receipt of an offer to purchase a given Property, which offer the Receiver determines, in his reasonable business judgement, is appropriate, the Receiver will enter into a purchase and sale agreement ("PSA") for that Property, utilizing standard New Jersey Realtors forms, with an addendum disclosing that the sale is subject to Court approval, and will be concluded on an as-is/where-is basis, with no representations or warranties by the Receiver; and
- iv. Within five (5) days of his execution of a PSA for a given Property, the Receiver will file a declaration with this Court advising the Court and the Parties of the identity of the buyer, along with the materials terms of the sale, and attesting that the sale was undertaken in compliance with these Sales Procedures, along with a proposed order (a "Sale Order") approving and authorizing the Receiver to consummate the sale. Thereafter, and if no objections are raised by the Commission or Mr. Abbonizio within ten (10) days of the submission of the Receiver's declaration, the Court may enter the Sale Order.

STIPULATION AND AGREEMENT

Accordingly, and in consideration of the foregoing, the Receiver, the Commission, and Mr. Abbonizio hereby STIPULATE and AGREE as follows:

STIPULATION TO WAIVE 28 U.S.C. 2001(a) AND (b) AND ESTABLISH SALES PROCEDURES

1. The Parties waive the requirements of 28 U.S.C. § 2001(a) and (b) in connection with the Receiver's contemplated sale of the Shore Properties, and the Receiver is excused from compliance with the requirements of 28 U.S.C. § 2001(a) and (b) in connection with all such sales;

2. The Sales Procedures shall govern the Receiver's sales of the Shore Properties, unless otherwise ordered by the Court, and the Receiver may immediately commence the marketing and sale of the Shore Properties in accordance therewith; and

3. The Parties retain and reserve any and all other of their respective rights arising in connection with the above-entitled action.

SO STIPULATED.

Dated: July 11, 2022

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*Attorneys for Defendant
Perry S. Abbonizio*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 11, 2022, I electronically filed the foregoing document with the clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA

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v.

COMPLETE BUSINESS SOLUTIONS
GROUP, INC. d/b/a/ PAR FUNDING, et al.,

Defendants.

**[PROPOSED] ORDER APPROVING STIPULATION TO WAIVE REQUIREMENTS OF
28 U.S.C. § 2001(A) AND (B) IN CONNECTION WITH, AND TO ESTABLISH SALES
PROCEDURES FOR, RECEIVER'S SALES OF RESIDENTIAL REAL PROPERTY**

THIS CAUSE comes before the Court upon the Stipulation to Waive Requirements of 28 U.S.C. § 2001(a) and (b) in Connection with, and to Establish Sales Procedures for, Receiver's Sales of Residential Real Property (the "Stipulation") [ECF No. ____] by and between (1) Ryan Stumphauzer, Esq. (the "Receiver"), the Court-appointed receiver for certain Receivership Entities; (2) Plaintiff Securities and Exchange Commission; and (3) Defendant Perry S. Abbonizio (collectively, the "Parties"), filed on July 11, 2022. Good cause appearing therefor, the Court orders as follows:

1. The Stipulation is **APPROVED**, in its entirety.
2. By agreement, the Parties have waived the requirements of 28 U.S.C. § 2001(a) and (b) in connection with the Receiver's anticipated sales of those real properties commonly identified as 159 26th Street, Avalon, New Jersey 08202 and 164 84th Street, Stone Harbor, New Jersey 08247, both located in Cape May County (collectively the "Shore Properties"), which were

surrendered to the Receiver and included within the Receivership Estate pursuant to the Court's Final Judgment as to Defendant Perry S. Abbonizio dated February 25, 2022 [ECF No. 1169].

3. Accordingly, the Receiver is excused from compliance with 28 U.S.C. § 2001(a) and (b) in connection with the Receiver's anticipated sales of the Shore Properties.

4. The Sales Procedures, as the term "Sales Procedures" is defined in the Stipulation, shall govern the Receiver's sales of the Shore Properties, unless otherwise ordered by the Court.

5. The Receiver may immediately commence the marketing and sale of the Shore Properties in accordance with the Sales Procedures.

6. The Parties retain and reserve any and all other of their respective rights arising in connection with the above-entitled action.

DONE AND ORDERED in Fort Lauderdale, Florida, this ____ day of July, 2022.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record