

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MEDICAL CAPITAL HOLDINGS,
INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
FIELD; and JOSEPH J.
LAMPARIELLO,

Defendants.

Case No. 8:09-cv-0818-DOC (RNBx)

**~~PROPOSED~~ ORDER GRANTING
RECEIVER'S EX PARTE
APPLICATION FOR ORDER
(A) AUTHORIZING RECEIVER TO
SELL SOUTHWEST ATLANTA
MEDICAL CENTER PROPERTY,
(B) APPROVING OVERBID
PROCEDURES, AND
(C) APPROVING NOTICE OF SALE
PROVIDED BY THE RECEIVER**

Ctrm: 9D
Judge: Hon. David O. Carter

The Court having considered the ex parte application of Thomas A. Seaman ("Receiver"), Court-appointed permanent receiver for defendants Medical Capital Holdings, Inc., Medical Capital Corporation, and Medical Provider Funding Corporation VI, and their subsidiaries and affiliates, including Georgia Medical Provider Financial Corporation (the "Receivership Entities"), for an Order (a) Authorizing the Receiver to Sell Southwest Atlanta Medical Center Property, (b) Approving Overbid Procedures, and (c) Approving Notice of Sale Provided by

1 the Receiver ("Application"), and all papers in support of and opposition to the
2 Application, and good cause appearing therefor, hereby orders as follows:

- 3 1. The Application is granted;
- 4 2. The Receiver is authorized to market the property located at 501
5 Fairburn Road SW, Atlanta, Georgia known as the Southwest Atlanta Medical
6 Center for sale, subject to Court review and approval of the sale terms in connection
7 with the concurrently filed Motion for Order (a) Approving Sale of the Southwest
8 Atlanta Medical Center Property Free and Clear of Liens, (b) Authorizing the
9 Receiver to Pay Certain Liens and Claims from the Sale Proceeds, and
10 (c) Approving Real Estate Broker's Commission ("Sale Motion");
- 11 3. The sale and overbid procedures provided in Article 15 of the Purchase
12 and Sale Agreement attached to the Declaration of Thomas Seaman in Support of
13 the Sale Motion are approved; and
- 14 4. The notice of the sale and Sale Motion given by the Receiver by
15 publication and mail, as described in the Application, is approved, and the Receiver
16 is relieved of any further notice or publication of the sale or Sale Motion required
17 under Local Rule 66-7.
- 18 5. **However, taking in to consideration the Oppositions that have been**
19 **filed to this *Ex Parte* Motion by the Receiver and to the regularly noticed Sale**
20 **Motion, the Court reserves the right to revoke approval of these notices, sale**
21 **and overbid procedures following the hearing on the Sale Motion currently set**
22 **for December 14, 2009.**

23
24 **IT IS SO ORDERED.**

25
26 DATED: December 1, 2009



27 _____
28 JUDGE, UNITED STATES DISTRICT COURT

1 Submitted by:

2 ALLEN MATKINS LECK GAMBLE
3 MALLORY & NATSIS LLP

4 By: /s/ Michael R. Farrell

5 Michael R. Farrell
6 Attorneys for Thomas A. Seaman, Receiver
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28