

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**RONALD ALLEN, et al.,**

**Defendants.**

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**Civil Action No. 3:11-cv-00882-O**

**ORDER**

Before the Court is Plaintiff Securities and Exchange Commission’s (“SEC” or “Commission”) Motion to Terminate Receivership, Discharge the Receiver, and Grant Related Relief (ECF No. 350), filed May 31, 2018.<sup>1</sup> Receiver Michael J. Uhl (the “Receiver”) does not oppose Plaintiff’s motion. Having considered the motion, briefing, and applicable law, the Court finds that Plaintiff’s motion should be and is hereby **GRANTED**.

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED**:

1. That the Court **GRANTS** SEC’s motion in its entirety.
2. Within sixty (60) days after the entry of this Order, the Receiver is directed to file a final report and final accounting for approval by the Court. The final accounting shall be on the Standardized Fund Accounting Report (“SFAR”) form attached for the period beginning at the inception of the Receivership to date. The final report shall include, without limitation: (1) the number of investors compensated; (2) the total net distribution amount paid to investors; (3) the

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<sup>1</sup> On January 12, 2012, the Court issued an order appointing a receiver in this case (ECF No. 192) (hereinafter “Order Appointing Receivership”).

amount of any returned payments; (4) a description of any effort to locate a prospective payee whose payment was returned, or to whom payment was not made for any reason; (5) a representation that all reasonable expenses of the distribution have been paid, including taxes and related fees; (6) a representation that distribution of all monies to eligible investors has been completed; (7) the total amount of fees and expenses paid to the Receiver; and (8) the amount of monies remaining in the fund. Two weeks prior to filing the final report and accounting, the Receiver shall present a draft of the documents to the SEC counsel for review and work cooperatively with the SEC to address any concerns and provide any requested documentation.

3. Within ten days of the approval of the final report and final accounting, the Receiver shall provide to SEC counsel the following documents related to its distribution to investors: (1) all last known investor contact information; (2) all distribution calculations, including the Rising Tide Calculation used for the first distribution, and all calculations of investor loss; (3) the amount paid to each investor; (4) the date on which each payment to an investor was made; and (5) the check number or other identifier of proof of payment made.
4. Document Retention. With respect to any other documents obtained or created by the Receiver during the course of this receivership (the "Receivership Documents"), and subject to paragraph 5, below, the Receiver and the Receiver's employees and agents shall maintain the records in accordance with their customary document retention and destruction policies, unless, within 30 days

from the entry of this Order, the Receiver has been served with a written request by the SEC for possession of the records

5. Within sixty days after the entry of this Order, the Receiver shall submit his final Fee Application to this Court, including all requests for payment related to the Receivership (the “Final Fee Application”).
6. Within ninety days of adjudication of the Final Fee Application, the Receiver shall distribute all remaining funds and any assets held by the Receivership Estate as follows:

- a. The funds shall first be used to pay the fees and expenses pursuant to the adjudication by the Court of the Final Fee Application;
- b. The Receiver shall transfer all remaining assets to the SEC. The Receiver may transmit payment electronically to the SEC pursuant to further direction by the SEC staff. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>; or by check or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, Oklahoma 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court, along with a copy of this Order. The

Receiver shall simultaneously transmit photocopies of evidence of payment and case identifying information to the SEC counsel in this action.

- c. The Receiver shall promptly notify SEC counsel of any future collections or receipts in this matter and transfer the same to the SEC in the same manner as set forth above.
7. The SEC shall hold any funds until such time as no further funds are expected. At that time, if the SEC determines a further distribution is feasible, it will return to the Court with a Motion to Disburse Funds to investors. If the SEC determines a further distribution is not feasible, it will return to the Court with a Motion to turn over the remaining funds to the U.S. Treasury or otherwise dispose of such funds as directed by the Court.
8. The Receiver shall provide a copy of this Order to any entities making ongoing payments to the Receiver, and direct that all future payments be sent to the SEC in the manner set forth in paragraph 6 above.
9. The Receiver shall cooperate with the SEC and provide information requested by the SEC that is reasonably necessary to administer the remaining Receivership assets and make any future distributions or to otherwise comply with the Commission's statutory or Court-ordered responsibilities, including information requested in connection with any additional distribution. Nothing herein affects the Receiver's right to withhold documents on the basis of the attorney client privilege and/or work product doctrine, or the SEC's right to challenge the same.

10. Nothing in this Order shall be construed as releasing or discharging any obligation of the defendants to the SEC.

11. Upon the completion of the steps set forth in Paragraphs 5 and 6(a) and (b) and 8 above, completion of which will be evidenced by a Notice of Completion filed by the Receiver, the *Securities and Exchange Commission v. David Ronald Allen, et al.*, Civil Action No. 3:11-cv-00882-O Receivership will be deemed terminated; and Michael Uhl and his agents and employees shall be fully released and discharged from any and all claims and causes of action which might be brought against them for matters arising from their administration of the assets turned over to the Receiver, and shall have no liability to any person or entity for any action taken in good faith in connection with carrying out the procedures set forth in this Order, the Receivership Order, and any other duties or obligations incident to this Order or the Order Appointing Receiver.

12. The Court shall retain jurisdiction over any and all matters relating to this receivership and the Receivership Estate.

**SO ORDERED** on this **18th day** of **June, 2018**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE