

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

**CASE NO. 20-14342-CIV-CANNON/Maynard**

**SECURITIES AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**THOMAS GITY, SR., THOMAS GITY, JR., and  
TREASURE COAST PROPERTY ENTERPRISES, LLC.,**

Defendants.

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**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION REQUESTING  
APPOINTMENT OF LIQUIDATION AGENT**

**THIS CAUSE** comes before Court upon Plaintiff's Unopposed Motion Requesting Order Appointing a Liquidation Agent [ECF No. 56]. The Court, having reviewed the full record, including Defendant Thomas Gity Sr.'s consent and agreement, hereby **GRANTS** Plaintiff's Unopposed Motion Requesting Order Appointing a Liquidation Agent [ECF No. 56] as follows:

**IT IS ORDERED** that the Commission's request to appoint a Liquidation Agent is **GRANTED**. Michael Dunn is hereby appointed as the authorized Liquidation Agent ("Liquidation Agent" or "Liquidating Agent") to sell 1250 Coral Reef Street, Port St. Lucie, Floroida 34983, Port St. Lucie-Section 03-Blk 432 Lots 40 and 41; Parcel ID 3420-510-1254 ("the Subject Property").

**IT IS ORDERED** that the Liquidation Agent shall have the authority to arrange for the sale of the Subject Property, subject to confirmation by this Court, in any manner approved by the Commission. The terms of any purchase agreement shall include the balance of the purchase price paid at closing and may include an earnest money deposit, in an amount to be approved by the Commission, forfeitable upon the purchaser's failure to perform. The closing shall not occur until

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after the sale has been confirmed by further order of this Court. At closing, the purchaser or purchasers shall receive a quitclaim deed to the Subject Property executed by the Liquidating Agent. In the event a closing takes place prior to an order of this Court regarding the distribution of proceeds, the Liquidating Agent shall hold all of the proceeds of any sale of the Subject Property, net of any closing costs, including any earnest money deposits, in an interest-bearing account until such time as this Court shall make a further order regarding distribution of those proceeds.

**IT IS ORDERED** that the Liquidation Agent shall have all the rights and powers necessary to fulfill its obligations under this order, specifically including, but not necessarily limited to, the power to enter onto the Subject Property, to manage the Subject Property, to advertise the sale of the Subject Property, and to take any actions reasonably necessary to protect and preserve the value of the Subject Property prior to sale, and to put them into saleable condition, including making expenditures of funds that are first approved by the Commission for reasonable and necessary maintenance and improvements. The Liquidating Agent shall specifically have the rights and powers to retain real estate agent Jason A. Welt to market and sell the Subject Property with his compensation paid exclusively by the purchasers in the form of a six (6) percent buyer's premium, inclusive of marketing expenses. The Liquidating Agent shall specifically have the rights and powers to counsel and handle any legal issues that may arise and handle the closing of title on the Subject Property.

**IT IS ORDERED** that the Liquidating Agent shall be compensated from the proceeds of the sale a) in an amount equal to three (3) percent of the gross sale proceeds, and b) for its reasonable and necessary expenditures to protect and preserve the value of the Subject Property, and c) legal fees that may arise to administer the sale of the Subject Property.

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**IT IS ORDERED** that defendant Thomas Gity Sr. shall promptly and fully accommodate any request by the Liquidating Agent for any items the Liquidating Agent deems necessary in fulfilling the scope of its appointment over the Subject Property, including, but not limited to: keys, deeds, site plan approvals, architectural drawings and/or tax records of the Subject Property and, in the meantime, preserving any and all such items.

**IT IS ORDERED** that defendant Thomas Gity Sr. shall promptly and fully accommodate any request by the Liquidating Agent for access to the Subject Properties by or on behalf of Liquidating Agent, Michael Dunn, professionals retained by or working with Liquidating Agent or any potential buyers and their representatives.

**IT IS FURTHER ORDERED** that defendant Thomas Gity Sr., and all persons acting in concert with or on his behalf, are hereby restrained and enjoined from interfering in any way with the Subject Property, or with the Liquidating Agent, or with the Liquidating Agent's efforts to comply with its obligations under this Order, and any violation of this order may result in a fine, or incarceration, or both.

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 8th day of July 2021.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record