

**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.

**ORDER APPOINTING TAX ADMINISTRATOR AND AUTHORIZING
PAYMENT OF TAX RELATED FEES, EXPENSES, AND OBLIGATIONS**

THIS CAUSE comes before the Court upon Plaintiff Securities and Exchange Commission's ("SEC") Motion to appoint Miller Kaplan Arase LLP ("Miller Kaplan") as Tax Administrator and to authorize payment of tax obligations and administrative fees and expenses from the Distribution Fund without further Court Order (the "Motion") [ECF No. 121]. The Court has reviewed the Motion and is otherwise fully advised. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Motion [ECF No. 121] is **GRANTED**.
2. Miller Kaplan is appointed as Tax Administrator to execute all income tax reporting requirements, including the preparation and filing of tax returns, for all funds under the Court's jurisdiction in this case (the "Distribution Fund").
3. Miller Kaplan shall be designated the Tax Administrator of the Distribution Fund, pursuant to Section 468B(g) of the Internal Revenue Code (IRC), 26 U.S.C. § 468B(g), and related regulations, and shall satisfy the administrative requirements imposed by those regulations, including but not limited to (a) obtaining a taxpayer identification number, (b) filing applicable

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federal, state, and local tax returns and paying taxes reported thereon out of the Distribution Fund, and (c) satisfying any information, reporting, or withholding requirements imposed on distributions from the Distribution Fund. Upon request, the Tax Administrator shall provide copies of any filings to the SEC's counsel of record.

4. The Tax Administrator shall, at such times as the Tax Administrator deems necessary to fulfill the tax obligations of the Distribution Fund, submit a request to the SEC's counsel of record for payment from the Distribution Fund of any tax obligations of the Distribution Fund.

5. The Tax Administrator shall perform services and be entitled to charge reasonable fees for tax compliance services and related expenses, in accordance with its agreement with the SEC for the Tax Years 2022 through 2024. The Tax Administrator shall, at such times as the Tax Administrator deems appropriate, submit a request to the SEC's counsel of record for payment of fees and expenses from the Distribution Fund.

6. The SEC is authorized to approve and arrange payment of all tax obligations owed by the Distribution Fund and the fees and expenses of the Tax Administrator directly from the Distribution Fund without further approval of this Court. All payments for taxes and the fees and expenses of the Tax Administrator shall be reported to the Court in a final accounting.

7. Upon completing its duties as set forth herein, the Tax Administrator will provide to the SEC's counsel of record a final accounting in a form provided by the SEC's counsel of record.

8. The Court will retain exclusive jurisdiction over the distribution, including, but not limited to, claims against the Tax Administrator asserting liability for violation of any duty imposed by a Court-approved distribution plan or other Court Order.

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DONE AND ORDERED in Chambers at Fort Pierce, Florida this 18th day of May 2022.

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