

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS
DIVISION

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

v.

CHRISTOPHER A. FAULKNER;
HOMES INC.; HOMESINC
RENAISSANCE, LLC; MATTHEW
RAPOPORT; AND EARL NELSON
DAVENPORT;

Defendants.

CIVIL ACTION NO. 3:17-cv-2405-B

ORDER

The Court, having reviewed the Plaintiff Securities and Exchange Commission (the "SEC")'s Motion for an Order Establishing a Fair Fund (Doc. 68) finds there to be good cause shown.

IT IS HEREBY ORDERED:

1. The Motion is **GRANTED**.

Fair Fund

2. A Fair Fund is established pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, 15 U.S.C. § 7246, for the penalty funds collected in the captioned matter (the "Fair Fund"). Any interest or earnings on the Fair Fund, and any additional timely collections or receipt of funds directed to the Fair Fund will be added to and become a part of the Fair Fund to be used for the benefit of harmed investors.

Tax Administrator and Payment of Tax Related Obligations

3. Miller Kaplan is appointed Tax Administrator to execute all income tax reporting requirements, including the preparation and filing of tax returns, for the Fair Fund.

4. Miller Kaplan shall be designated the Tax Administrator of the Fair Fund pursuant to Section 468B(g) of the Internal Revenue Code (IRC) 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 federal, state, and local tax returns and paying taxes reported thereon out of the Fair Fund, and (c) satisfying any information, reporting, or withholding requirements imposed on distributions from the Fair Fund. Upon request, the Tax Administrator shall provide copies of any filings to the SEC's counsel of record.

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

6. The Tax Administrator shall 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 Fair Fund.


7. The SEC is authorized to approve and arrange payment of all tax obligations owed by the Fair Fund as well as the fees and expenses of the Tax Administrator directly from the Fair 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.

Limited Discovery

8. The SEC is authorized to conduct limited discovery in the form of a subpoena to PNC Bank, N.A. to obtain the last known contact information of the purchaser of PNC Bank, N.A. Cashier's Check No. 2702852 dated June 19, 2017.

SO ORDERED.

SIGNED: February 14, 2024.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE