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 8 RECEIVER

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

11
 12 SECURITIES AND EXCHANGE
 COMMISSION,

13 Plaintiff,

14 v.

15 LAMBERT VANDER TUIG (a/k/a/
 16 LAMBERT VANDER TAG a/k/a/
 DEAN I. VANDER TAG), THE
 17 CAROLINA DEVELOPMENT
 COMPANY, INC. (a/k/a THE
 18 CAROLINA COMPANY AT
 PINEHURST, INC.), AND
 19 JONATHAN CARMAN,

20 Defendants.

Case No. SACV06-172 AHS(ANx)

**NOTICE OF MOTION TO
 APPROVE DISTRIBUTION OF
 FUNDS**

*[Motion To Approve Distribution of
 Funds, Investment Analysis,
 Declaration of Thomas A. Seaman and
 Declaration of Thomas M. Melton filed
 concurrently herewith]*

Hearing:

Date: April 20, 2009

Time: 10:00 a.m.

Place: Courtroom 10A
 411 W. Fourth Street
 Santa Ana, California

Complaint Filed: February 16, 2006

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1 PLEASE TAKE NOTICE that on April 20, 2009 at 10:00 a.m. in
2 Courtroom 10A of the United States District Court for the Central District of
3 California, Southern Division, located at 411 West Fourth Street, Santa Ana,
4 California 92701 (the "Court"), the Motion To Approve Distribution Of Funds (the
5 "Motion") will be heard seeking approval to distribute \$7,750,000 to certain
6 investor-victims of The Carolina Development Company, Inc. and related entities,
7 such distributions to be made in accordance with the Receiver's Investment Analysis
8 (a copy of which is attached to the Motion).

9
10 Investors are advised to review the Motion and the Receiver's
11 Investment Analysis. If any investor objects to the Motion or Investment Analysis,
12 such investor is encouraged to file an objection with the Court and contact the
13 Receiver's office to discuss. The Receiver can be reached by telephone at
14 949-222-0551.

15
16 PLEASE TAKE FURTHER NOTICE that in accordance with Local
17 Rule 7-9, any objections to the Motion must be filed with the Court not later than
18 fourteen (14) days before the date designated for the hearing of the motion as well
19 as served on Sheppard, Mullin, Richter & Hampton, 650 Town Center Drive, Fourth
20 Floor, Costa Mesa, California 92626, Attention: Michael A. Wallin.

21
22 Dated: March 24, 2009

23 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

24 */s/ Michael A. Wallin*

25 By _____

26 MICHAEL A. WALLIN

27 Attorneys for

28 THOMAS A. SEAMAN, RECEIVER

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PROOF OF SERVICE

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, employed in the County of Orange; over the age of eighteen years and not a party to the within entitled action or proceeding. My business address is 650 Town Center Drive, 4th Floor, Costa Mesa, California 92626-1993.

On **March 24, 2009**, I served the following document described as **NOTICE OF MOTION TO APPROVE DISTRIBUTION OF FUNDS** on the interested party(ies) in this action by placing true copies/ originals thereof enclosed in sealed envelopes and/or packages addressed as follows:

SEE ATTACHED SERVICE LIST

- BY MAIL:** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 714-513-5130. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error. Pursuant to Rule 2.306(g)(4), a copy of that report is attached to this declaration.
- BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **March 24, 2009**, at Costa Mesa, California.

/s/ Margaret N. Manns
Margaret N. Manns

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SERVICE LIST

SACV06-172AHS(MLGx)

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