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FILED - SOUTHERN DIVISION
CLERK, U.S. DISTRICT COURT
APR - 7 2006
CENTRAL DISTRICT OF CALIFORNIA
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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SALT LAKE CITY, UTAH

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NOTE CHANGES MADE BY THE COURT.

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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
14 **SOUTHERN DIVISION**

15 SECURITIES AND EXCHANGE
16 COMMISSION,

17 Plaintiff,
18 vs.

19 LAMBERT VANDER TUIG et
20 al.,

21 Defendants.
22

Case No.:
SACV06-172 AHS (ANx)

PROPOSED ORDER GRANTING
APPLICATION OF SECURITIES AND
EXCHANGE COMMISSION TO EXPAND
SCOPE OF RECEIVERSHIP AND
OTHER RELIEF

23
24 This matter came before the Court upon application
25 of the Plaintiff Securities and Exchange Commission
26 ("Commission") to clarify and expand the receivership
27 for the purpose of marshalling and preserving assets
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1 and to prevent the dissipation of assets in the above-
2 captioned action. The Court has reviewed the
3 Application for Expansion of the Scope of the
4 Receivership and Other Relief (the "Application"), the
5 Memorandum in Support of the Application and the
6 Declaration of Thomas Seaman. The Court has
7 jurisdiction over the subject matter of this action and
8 over each of the Defendants, and venue properly lies in
9 this district. There is good cause to grant the relief
10 as outlined in the Application. *No opposition thereto has been received.*

11 **NOW THEREFORE:**

12 **I.**

13 **IT IS ORDERED** that, pending the determination of
14 the Commission's action on the merits, or such other
15 time as the Court may order, Thomas Seaman is appointed
16 Receiver (the "Receiver") of the following entities:
17 Mid-Tex Survey, Inc., Component Forging Manufacturing,
18 Inc., Newport Earth Developers, Inc., JDC Development,
19 Inc., and DC Property Investment, LLC. (the "Expansion
20 Entities").

21 The Receiver shall take control of the Expansion
22 Entities' funds, assets and property, wherever
23 situated, with the same powers and authorities set
24 forth in the Order Appointing Receiver dated February
25 16, 2006 (Docket No. 13), including powers over all
26 funds, assets, premises (whether owned, leased,
27 occupied, or otherwise controlled), choses in action,
28

1 books, records, and other property belonging to or in
2 the possession of or control of the Companies.

3 **II.**

4 **IT IS FURTHER ORDERED** that, except by leave of this
5 Court, during the pendency of this receivership, all
6 clients, investors, trust beneficiaries, not holders,
7 creditors, claimants, lessors, and all other persons or
8 entities seeking relief of any kind, in law or in
9 equity, from Lambert Vander Tuig, Jonathan Carman, The
10 Carolina Company, Mid-Tex Survey, Inc., Component
11 Forging Manufacturing, Inc., Newport Earth Developers,
12 Inc., JDC Development, Inc., and DC Property
13 Investment, LLC., or their subsidiaries or affiliates,
14 including any of the other entities in receivership,
15 and all persons acting on behalf of any such investor,
16 trust beneficiary, note holder, creditor, claimant,
17 lessor, or other person, including sheriffs, marshals,
18 servants, agents, employees, and attorneys, are hereby
19 restrained and enjoined from, directly or indirectly,
20 with respect to these persons and entities:

- 21 A. commencing, prosecuting, continuing or
22 enforcing any suit or proceeding (other than
23 the present action by the Commission) against
24 any of them;
- 25 B. using self-help or executing or issuing or
26 causing the execution or issuance of any court
27 attachment, subpoena, replevin, execution, or
28 other process for the purpose of impounding or

1 taking possession of or interfering with or
2 creating or enforcing a lien upon any property
3 or property interests owned by or in the
4 possession of Vander Tuig, Carman, The Carolina
5 Company, or any of the Expansion Entities; and
6 C. doing any act or thing whatsoever to interfere
7 with taking control, possession or management
8 by the permanent receiver appointed hereunder
9 of the property and assets owned, controlled or
10 managed by or in the possession of Vander Tuig,
11 Carman, The Carolina Company, or the Expansion
12 Entities, or in any way to interfere with or
13 harass the permanent receiver or his attorneys,
14 accountants, employees or agents or to
15 interfere in any manner with the discharge of
16 the permanent receiver's duties and
17 responsibilities hereunder.

18 **III.**


19 **IT IS FURTHER ORDERED** that the Expansion Entities
20 and the officers, directors, employees, agents and
21 counsel shall transfer to the Receiver, as and when
22 directed by him, any and all funds, property, documents
23 or records of the Expansion Entities, in whatever form,
24 that may be in their possession, custody or control;
25 and that any signatories on any and all of the
26 Expansion Entities' accounts at banks, brokerage firms
27 or financial institutions which have possession,
28 custody or control of any assets or funds in the name

1 of or for the benefit of the Companies shall forthwith
2 take all steps necessary to relinquish their signatory
3 authority as to said accounts including, but not
4 limited to, accounts containing securities or other
5 assets that the Expansion Entities' customers or
6 investors have transferred, transmitted or otherwise
7 delivered to the Expansion Entities.

8 **IV.**

9 **IT IS FURTHER ORDERED** that this Order shall remain
10 in effect and shall supplement all prior Orders of this
11 Court until further Order of this Court. The Court
12 shall retain jurisdiction of this matter for all
13 purposes.

14 DATED this 7th day of April, 2006.

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17 _____
18 Honorable Alicemarie H. Stotler
19 District Court Judge
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