

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

<hr/>)	
UNITED STATES SECURITIES)	
AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 18-cv-5587
)	
v.)	Judge John Z. Lee
)	
EQUITYBUILD, INC., EQUITYBUILD)	
FINANCE, LLC, JEROME H. COHEN, and)	
SHAUN D. COHEN,)	
)	
Defendants.)	
<hr/>)	

**ORDER GRANTING RECEIVER’S FOURTEENTH MOTION TO CONFIRM
THE SALE OF CERTAIN REAL ESTATE AND FOR THE AVOIDANCE
OF CERTAIN MORTGAGES, LIENS, CLAIMS, AND ENCUMBRANCES**

WHEREAS, by Order Appointing Receiver, dated August 17, 2018 (Dkt. 16) this Court took exclusive jurisdiction and possession of the assets of all Receivership Defendants;

WHEREAS, the Order Appointing Receiver identified EquityBuild, Inc. ("EquityBuild") as a Receivership Defendant;

WHEREAS, EquityBuild is the owner of record of the real estate located at 1102 Bingham Street, Houston, Texas 77007 ("1102 Bingham"), whose legal description is reflected on Tab A hereto;

WHEREAS, the Court finds that the sales price reflected in the Purchase And Sale Agreement that the Receiver accepted for the conveyance of 1102 Bingham is consistent with the fair market value of the property;

WHEREAS, Kevin B. Duff, as receiver (“Receiver”) for EquityBuild, filed a Fourteenth Motion To Confirm The Sale Of Certain Real Estate And For The Avoidance Of Certain Mortgages, Liens, Claims, And Encumbrances (the “Motion”); and

WHEREAS, the Court finds that the Receiver has given fair, adequate, and sufficient notice to all interested parties, including all mortgagees and other encumbrancers affected by the Motion;

NOW, THEREFORE, it is hereby ORDERED that:

1. The Motion is GRANTED.
2. The publication of notice of the proposed sale in the Houston Chronicle on June 23, 2021 is approved.
3. The Receiver is authorized to sell the real property and improvements at 1102 Bingham free and clear of:
 - a. that certain Deed of Trust dated April 1, 2014 and recorded April 3, 2014 in Harris County Clerk File No. 20140134453 granted by EquityBuild, Inc., a Florida corporation d/b/a EB EquityBuild Capital, Inc. in favor of Shaun Cohen, Trustee, for those specific parties reflected in the Note c/o Hard Money Company, LLC, a Delaware limited liability company d/b/a Venture Hard Money Capital, LLC; and
 - b. that certain Deed of Trust dated August 16, 2018 and recorded August 27, 2018 in Harris County Clerk File No. RP-2018-392596 granted by EquityBuild, Inc., a Florida corporation d/b/a EB EquityBuild Capital, Inc. in favor of Shaun Cohen, Trustee, for Tikkun Holdings, LLC;
 - c. that certain Notice of Lis Pendens recorded March 1, 2018 in Harris County Clerk File No. RP-2018-87604 in connection with the lawsuit captioned *Anson Markwell*,

as Trustee for the Amark Investment Trust v. EquityBuild, Inc. d/b/a EB EquityBuild Capital, Inc., et al., 165th State District Court of Harris County Texas, Case No. 2018-13722; and

d. that certain Notice of Lis Pendens recorded June 28, 2018 in Harris County Clerk File No. RP-2018-289229 in connection with the lawsuit captioned *Anson Markwell, as Trustee for the Amark Investment Trust v. EquityBuild, Inc. d/b/a EB EquityBuild Capital, Inc., et al.*, United States District Court for the Southern District of Texas, Houston Division, Civil Action No. 4:18-cv-01274.

3. The Receiver is hereby vested with full power and authority to execute any and all closing documents associated with the conveyance of 1102 Bingham, including, but not limited to, the deeds, bill of sale, affidavit of title, and settlement statement.

4. The proceeds from the sales of 1102 Bingham shall be held by the Receiver in a separate subaccount for which the Receiver shall maintain an accounting as to all sums deposited therein, and shall not be available to pay operating expenses of the Receivership nor for any other expense or distribution, absent further order of Court.

Entered: 8/13/21



John Z. Lee

United States District Court Judge

TAB A

**1102 Bingham Street
Houston, Texas 77007**

TRACT 1: LOT ONE (1) IN BLOCK TWO HUNDRED FORTY-TWO (242) OF W.R. BAKER, N.S.B.B., AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 44, DEED RECORDS OF HARRIS COUNTY, TEXAS.

TRACT 2: LOTS EIGHT (8), NINE (9), TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK TWO HUNDRED FORTY-TWO (242) OF W.R. BAKER, N.S.B.B., AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 44, DEED RECORDS OF HARRIS COUNTY, TEXAS.