

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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.)	
)	

STIPULATION AND ORDER PARTIALLY GRANTING MOTION TO INTERVENE

WHEREAS, Equity Trust Company Custodian FBO Joseph Kennedy IRA, Alison Schankman, Horizon Trust Company, Custodian FBO Melvin Shurtz IRA Account #599991402, Horizon Trust Company, Custodian FBO Russell Shurtz IRA Account #599991402, Arthur L and Dinah Bertrand, Michael Alden Schankman, Edge Investments, LLC – Janet Turco, Alan Schankman, and PlanGroup Agent for Custodian FBO Jacqueline Rowe IRA, as mortgagees and "investor lenders" in connection with the real property and improvements located at 107-111 North Laramie Avenue, Chicago, IL 60644; Zin Investments, LLC, R.D. Meredith General Contractors, and Adam Epstein, as mortgagees and "investor lenders" in connection with the real property and improvements located at 7107-29 South Bennett Avenue, Chicago, IL 60649; RE Solutions MD Employee Profit Sharing Plan 401K, as mortgagee and "investor-lender" in connection with the real property and improvements located at 400-02 South Kilbourn Avenue, Chicago, IL 60624; and Arthur L and Dinah Bertrand as mortgagee and "investor-lender," and

5201 Washington Investors LLC as nominee for the remaining mortgagees and “investor-lenders” in connection with the real property and improvements located at 5201-07 West Washington Boulevard, Chicago, IL 60644; as prospective intervenors (the “Intervenors”) seek relief from the automatic stay imposed under Article VIII of the Order Appointing Receiver (Dkt. 16) (the “Appointing Order”) for the purpose of naming EquityBuild, Inc. (“EquityBuild”) and EquityBuild Finance, LLC (“EquityBuild Finance”) as necessary parties in to-be-filed state court foreclosure actions;

NOW, THEREFORE, the Intervenors and Kevin B. Duff, as Receiver for the Estate of EquityBuild and EquityBuild Finance, hereby stipulate and agree, and the Court does hereby ORDER that:

1. the Motion To Intervene (Dkt. 1065) is GRANTED IN PART;
2. the Intervenors are granted leave to name and obtain service of process as to EquityBuild and EquityBuild Finance (collectively, “EquityBuild”) as necessary parties in state court foreclosure actions, provided, however, that the Intervenors (a) neither seek nor accept a deficiency judgment against EquityBuild in any such action and (b) agree not to seek any discovery from the Receiver; and
3. the litigation stay imposed under Article VIII of the Appointing Order remains in effect as against any other claims or actions and as to any discovery requests that might be propounded to EquityBuild. Any party seeking to pursue a claim against EquityBuild or discovery from EquityBuild in connection with any of the potential foreclosure actions referenced herein, however, may petition the District Court for leave to lift the stay for such purposes.



Michael Rachlis
Counsel for Kevin B. Duff, Receiver
Rachlis Duff & Peel LLC
542 South Dearborn, Suite 900
Chicago, IL 60605
(312) 733-3955



Arnold H. Landis
Counsel for Intervenors
Law Offices of Arnold H. Landis, P.C.
444 North Wabash, 5th Floor, Suite E-8
Chicago, IL 60611
(312) 236-6268

SO ORDERED:



The Honorable John Z. Lee

Date:

2/9/22