

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

ALEX BOYAR, *et al.*,

Plaintiffs,

v.

BLACKACRE 1031 EXCHANGE
SERVICES, LLC, *et al.*

Defendants.

CL-2019-8719

ORDER

THIS CAME upon various motions by the Movants to intervene and to disburse funds and upon the motion to vacate the order appointing a receiver; and it

APPEARING that the undersigned Movants have previously filed motions to intervene in this case for the purpose of seeking disbursement of their funds, which are currently being held in trust accounts for which a receiver has been appointed by this Court in this case; and it

APPEARING that the undersigned Movants have funds being held in those trust accounts; and it

APPEARING that Movants Adedapo Tejuoso, Surrey Development Co. LLC, Martin Omid Akhavan, Sarah Ahmadi, Eskender Sereke, Michael W. O'Sick, III, Sharon Hines, Whitfield Enterprises, Inc. have previously filed a motion to vacate the order appointing the Receiver in this case; and it

APPEARING that the undersigned Movants have filed a Motions to Intervene and For The Release of Traceable Escrow Funds; and it

APPEARING that this Order is agreed to by the Movants, the Receiver, and Defendants; it is hereby

ORDERED that the motion to vacate the order appointing the Receiver is overruled based upon compliance with the applicable statute, and the Court finds the appointment of the Receiver to have been proper; it is further

ORDERED that the motions to intervene filed by the undersigned Movants are hereby granted, for the purpose of the Movants seeking disbursement of funds deposited into the trust accounts for which the Receiver is responsible, and the undersigned Movants are hereby subject to the jurisdiction of this Court; it is further

ORDERED that the Receiver may disburse funds to the Movants, and to any other claimants who have had funds deposited into the trust accounts for which the Receiver is responsible, upon the following conditions:

1. The Receiver will disburse to any claimant who (a) has been granted the right to intervene in this case and (b) has agreed to be subject to the jurisdiction of this Court.
2. Initially, the Receiver will disburse to any Movant or other claimant no more than 80% of the funds deposited into the trust account on behalf of such Movants or claimant. Defendants are expressly excluded from disbursement. At this time, Plaintiffs' claims are still pending before this Court and subject to investigation by the Receiver.
3. Any disbursement to a Movant or other claimant shall be without prejudice to that Movant or claimant asserting claims for disbursement of the balance of their funds once the Receiver reaches a conclusion regarding the accounts of Blackacre or the Receiver makes a

report to the Court recommending further distributions. Neither Plaintiffs nor the Movants nor other claimants are waiving any rights or arguments in connection with their receipt of funds pursuant to this Order. It is expressly acknowledged and agreed that this order does not constitute an admission or concession by Movants or claimants that Plaintiffs are entitled to any payments from Movants' or claimants' traceable funds.

4. If the Court ultimately decides that the amount disbursed to any Movant or claimant exceeds the amount to which that Movant or claimant was entitled, the Movant or claimant shall be required to tender any excess amount back to the Receiver.

5. The Receiver shall process requests for disbursement giving due regard for any upcoming tax exchange or other relevant deadlines.

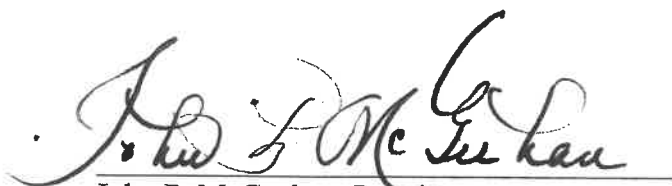
6. The Receiver may disburse, allocate, or use \$10,000 from any funds traceable to Defendants for the purpose of retaining and engaging a forensic accountant.

ENTERED this 18th day of December, 2019.



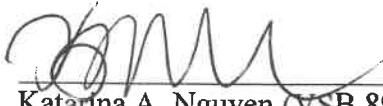
Daniel E. Ortiz, Circuit Court Judge

WE ASK FOR THIS:



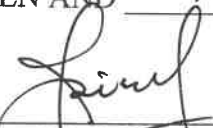
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SEEN AND Agreed



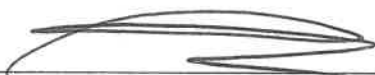
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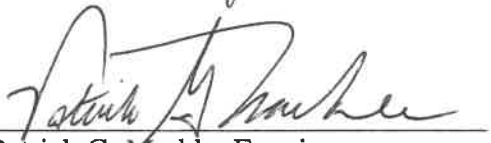
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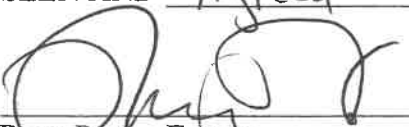
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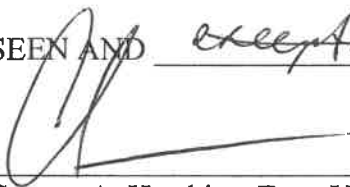
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~~Plaintiff's right to be
equitably treated and
be able to receive
interim distribution as
any other claimant.~~