

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 21-61644-CIV-SINGHAL

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,
MJ TAXES AND MORE, INC., and
JOHANNA M. GARCIA,

Defendants.

**ORDER GRANTING RECEIVER'S MOTION TO APPROVE EMPLOYMENT OF
AUCTIONEER AND AUCTION SALE OF PERSONAL PROPERTY**

THIS CAUSE is before the Court on the Receiver's Motion to Approve Employment of Auctioneer and Auction Sale of Personal Property (Expedited Relief Requested) (DE [60]) and the Receiver's Motion for Expedited Ruling on Motion to Approve Employment of Auctioneer and Auction Sale of Personal Property (Expedited Relief Requested) (DE [62]) filed by Corali Lopez-Castro, as Receiver ("Receiver") over Defendants MJ Capital Funding, LLC ("MJ Capital") and MJ Taxes and More Inc ("MJ Taxes"). Having considered the motions and finding that good cause exists, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Receiver's Motion to Approve Employment of Auctioneer and Auction Sale of Personal Property (Expedited Relief Requested) (DE [60]) is **GRANTED as follows.**

- a. The Receiver is authorized to employ Martin Claire & Co. LLC (“Martin Claire”) as auctioneer pursuant to the Proposal attached to the instant Motion (DE [62]) and to compensate Martin Claire in accordance with the terms set forth therein.
- b. The Receiver is further authorized to conduct an auction sale of the Personal Property, as defined in the Auction Motion, on September 28, 2021, or at such other time and on such terms as the Receiver, in consultation with Martin Claire, determines are reasonable and appropriate. Any buyer at the auction sale will be required to remove the purchased property within 48 hours after completion of the auction.
- c. Any person or entity claiming an interest in any of the Personal Property must, at least 24 hours prior to the auction, (1) advise the Receiver of their asserted interest in the Personal Property and provide proof of its acquisition with funds that are not attributable to funds derived from investors or clients of Defendants MJ Capital Funding, LLC, MJ Taxes and More, Inc. or Johanna Garcia (“Defendants”), held in constructive trust for the Defendants, fraudulently transferred by the Defendants, or otherwise be includable as assets of the estates of the Defendants; and (2) file and serve an objection to the proposed sale of the Personal Property with the Court setting forth the basis for the objection.
- d. Any purchaser of the Personal Property at auction shall acquire title free and clear of the claim or interest of any other person or entity. To the extent any party can demonstrate the existence of a valid, perfected lien against

any of the Personal Property, any such valid, perfected lien will attach to the proceeds of the sale.

2. Furthermore, the Receiver's Motion for Expedited Ruling on Motion to Approve Employment of Auctioneer and Auction Sale of Personal Property (Expedited Relief Requested) (DE [62]) is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 1st day of October 2021.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF