

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:15-CV-60082-DIMITROULEAS/SNOW

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

FREDERIC ELM f/k/a FREDERIC ELMMALEH,  
ELM TREE INVESTMENT ADVISORS LLC,  
ELM TREE INVESTMENT FUND LP,  
ELM TREE 'E'CONOMY FUND LP, AND  
ELM TREE MOTION OPPORTUNITY LP,

Defendants,

and

AMANDA ELM f/k/a AMANDA ELMMALEH,

Relief Defendant.

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**ORDER GRANTING RECEIVER'S MOTION TO APPROVE SALE;**

**REFERRING ISSUE OF BOFI'S ATTORNEYS' FEES**

THIS CAUSE is before the Court upon the Receiver's Motion to Approve Sale of Real Property (Elm Home) [DE 119], filed herein on September 11, 2015. The Court has carefully considered the Motion, the documents attached thereto, and is otherwise fully advised in the premises.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Receiver's Motion to Approve Sale of Real Property (Elm Home) [DE 119] is hereby **GRANTED**;
2. Pursuant to 28 U.S.C. § 2001, the sale of the real property located at 2533 NE 26th Avenue, Fort Lauderdale, Florida 33305 (the "Elm Home"),

under the terms of the "As Is" Residential Contract for Sale and Purchase [DE 119-1] is hereby **APPROVED**;

3. In accordance with 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the issue of whether BOFI Federal Bank is entitled to payment of its attorney's fees from the sale proceeds or the Receiver pursuant to the terms of the Loan Documents, and, if so, in what amount, is hereby referred to United States Magistrate Judge Lurana S. Snow for appropriate disposition or recommendation.

**DONE AND ORDERED** in Chambers in Fort Lauderdale, Broward County, Florida, this 14th day of September, 2015.

  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies provided to:

Counsel of Record

Magistrate Judge Snow