

PLEASE TAKE FURTHER NOTICE THAT, in support of this Motion, the undersigned will rely upon the accompanying Memorandum of Law, which is incorporated herein by reference.

PLEASE TAKE FURTHER NOTICE that the undersigned requests that the proposed form of Order submitted herewith be entered by the Court.

Respectfully submitted,

s/ Robin S. Weiss

Dated: 7/19/2021

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*Attorneys for Receiver, Kevin D.
Kent, Esq.*

Pursuant to the Court’s Order Appointing Receiver dated June 29, 2020 and 28 U.S.C. § 2001, Kevin D. Kent, Esq., Receiver, hereby moves for this Court for an order appointing replacement appraisers to ascertain the market value of Receivership real property located in Tangipahoa Parish, Louisiana. In support of this Motion, the Receiver states as follows:

I. STATEMENT OF FACTS

The Receiver, Kent D. Kent, Esq., was appointed by Order of this Court dated June 29, 2020 (“Receivership Order”), to assume control of, marshal, pursue and preserve the Receivership Assets. The Receivership Assets include, *inter alia*, assets of Defendant, Brenda Smith (“Smith”) and Receivership Party BD of Louisiana, LLC (“BD of Louisiana”), including, *inter alia* “certain real property at David[sic] Road and Adams Road, Parish of Tangipahoa, Louisiana.” Receivership Order, ¶ 2.

As previously indicated in the Receiver’s Motion for Appointment of Real Property Appraisers and Approval to Retain Realtor (Dkt. No. 45), the Receiver located four (4) parcels in Tangipahoa Parish, Louisiana, which are part of the Receivership Estate, as follows:

- Assessment No. 3418405, Davis Road
- Assessment No. 4104900, Adams Road
- Assessment No. 5615305, 17091 Highway 1064 East
- Assessment No. 6157491

One property, made up of two contiguous parcels, is owned by BD of Louisiana (Assessment Nos. 3418405 & 4104900) (“BD of Louisiana Property”), and another property, owned by Brenda Smith, is made up of the other two contiguous parcels (Assessment Nos. 5615305 & 6157491) (“Smith Property”) (collectively, “Louisiana Properties”).

The Receiver previously moved this court for an order appointing real property appraisers and for approval to retain a realtor, in order to begin the process of selling the Louisiana Properties. The Receiver’s Motion for Appointment of Real Property Appraisers and Approval to Retain Realtor was filed on December 2, 2020 (Dkt. No. 45), and granted on April 5, 2021 (Dkt. No. 71). In its Order granting the Receiver’s Motion, the Court appointed Bryan Wilder, Joseph Mier and Ricky Juban to appraise both of the Louisiana Properties, pursuant to 28 U.S.C. § 2001 (Dkt. No. 71).

Only one of the three (3) Court-appointed appraisers, Ricky Juban, a certified general appraiser, has completed the appraisal of the Louisiana Properties. Bryan Wilder and Joseph Mier, who are certified residential appraisers, determined during the course of their review of the properties that they were unable and

unwilling to appraise the Louisiana Properties, despite having previously agreed to accept the assignment.¹

Accordingly, the Receiver was forced to locate two (2) replacement appraisers for each of the Louisiana Properties, a process made difficult due to the presence of only a limited number of certified general appraisers in the area, a lack of interest among numerous appraisers—primarily due to the size of the properties and/or scheduling constraints, and significant variations in quotes received from other prospective appraisers. Ultimately, the Receiver located two additional appraisers for each of the Louisiana Properties, whose rates were the most competitive among those interested. The Receiver thus hereby moves this Court for the appointment of Buckley Maurin and Keith Richard to appraise the BD of Louisiana Property, and Buckley Maurin and Greg Allen to appraise the Smith Property.

¹ Certified residential real estate appraisers are permitted to appraise one to four residential units, without regard to transactional value or complexity, and to perform appraisals of other types of real estate having a transaction value of \$250,000 or less. This includes the appraisal of vacant or unimproved land that is utilized for one to four family residential units.

<http://www.reab.state.la.us/CRA.html>. By contrast, general certified real estate appraisers can appraise all types of real estate, regardless of complexity or transaction value. <http://www.reab.state.la.us/CGA.html>. After further review of the BD of Louisiana Property, given its size and expected best use, these previously appointed residential appraisers determined that they were not well suited to appraise it, and also declined to proceed with the appraisal of the Smith Property.

II. ARGUMENT

This Court has already granted the Receiver's unopposed Motion for Appointment of Real Property Appraisers and Approval to Retain Realtor, thereby giving the Receiver the authority to begin the process of marketing and selling the Louisiana Properties through private sale in accordance with 28 U.S.C. § 2001.

(Dkt. No. 71). Section 2001 provides, in relevant part, as follows:

After a hearing, of which notice to all interested parties shall be given by publication or otherwise as the court directs, the court may order the sale of such realty or interest or any part thereof at private sale for cash or other consideration and upon such terms and conditions as the court approves, if it finds that the best interests of the estate will be conserved thereby. **Before confirmation of any private sale, the court shall appoint three disinterested persons to appraise such property or different groups of three appraisers each to appraise properties of different classes or situated in different localities.** No private sale shall be confirmed at a price less than two-thirds of the appraised value. Before confirmation of any private sale, the terms thereof shall be published in such newspaper or newspapers of general circulation as the court directs at least ten days before confirmation. The private sale shall not be confirmed if a bona fide offer is made, under conditions prescribed by the court, which guarantees at least a 10 per centum increase over the price offered in the private sale.

28 U.S.C. § 2001 (b) (emphasis added). To comply with the requirements of 28 U.S.C. § 2001 (b) and to ascertain current market value, and since two of the previously appointed appraisers have now declined the assignment, the Receiver is respectfully requesting that replacement appraisers be appointed for the Louisiana Properties.

A. BD of Louisiana Property

The BD of Louisiana Property consists of approximately 104 acres of vacant or unimproved land. Since certified residential appraisers cannot appraise vacant land to be utilized for more than four (4) residential units, and the previously appointed residential appraisers, Bryan Wilder and Joseph Mier, determined that the best use for the property is for more than four (4) residential units, they concluded that they were unable to fulfill their obligations due to their licensing limitations, and recommended that the Receiver utilize general appraisers instead. The Receiver has located two (2) replacement appraisers for the BD of Louisiana Property, as follows:

1. **Buckley Maurin:** Mr. Maurin is a certified Louisiana general appraiser with Maurin Appraisal Service and has been actively appraising properties since 2003. Mr. Maurin estimates that it will cost \$900 to appraise the BD of Louisiana Property. Attached hereto at Exhibit A is Mr. Maurin's Louisiana licensure information and his professional education listing with the Louisiana Real Estate Commission.
2. **Keith Richard:** Mr. Richard is a certified Louisiana general appraiser and has been actively appraising properties since 2006. He is a senior-level appraiser at CBRE, Inc. in Valuation & Advisory Services. Mr. Richard estimates it will cost \$2,500 to appraise the BD of Louisiana Property. Attached hereto at Exhibit B is Mr. Richard's Louisiana licensure information and his professional education listing with the Louisiana Real Estate Commission.

Mr. Maurin and Mr. Richard provided the most competitive prices of the certified general appraisers the Receiver was able to locate who were willing and available to appraise the BD of Louisiana Property.

B. Smith Property

The Smith Property consists of a home and other improvements on approximately forty (40) acres of land. The previously appointed residential appraisers, Bryan Wilder and Joseph Mier, determined that they were no longer willing to appraise the Smith Property. The Receiver suspects that the size of the property and time constraints played a role in their decision. The Receiver has located two (2) replacement appraisers for the Smith Property, as follows:

1. **Buckley Maurin:** Mr. Maurin is a certified Louisiana general appraiser with Maurin Appraisal Service and has been actively appraising properties since 2003. Mr. Maurin estimates that it will cost \$1,200 to appraise the Smith Property. For Mr. Maurin's licensure and professional education information, *see* Exhibit A.
2. **Greg Allen:** Mr. Allen is a certified Louisiana residential appraiser and owner of Allen & Associates. He has been actively appraising properties since 1990. Mr. Allen estimates it will cost \$575 to appraise the Smith Property. Attached hereto at Exhibit C is Mr. Allen's Louisiana licensure information and his professional education listing with the Louisiana Real Estate Commission.

Mr. Maurin and Mr. Allen provided the most competitive prices of the appraisers the Receiver was able to locate who were willing and available to appraise the Smith Property.

III. CONCLUSION

In light of the foregoing, and given that the Receiver's Motion for Appointment of Real Property Appraisers and Approval to Retain Realtor was previously granted without objection, the Receiver respectfully requests that the

Court grant the Receiver's Motion for Appointment of Replacement Real Property Appraisers, and enter an Order in the form proposed.

Date: 7/19/2021

Respectfully Submitted,

s/ Robin S. Weiss

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Exhibit A

Louisiana Real Estate Commission

Verify License Search

Contact

Name

Buckley W. Maurin

License

License #

APR.01214-CGA

Account Type

Certified General Appraiser License

First Issued Date

01/01/2010

Effective Date

01/01/2020

Expiration Date

12/31/2021

Status

ACTIVE

Education

[View Education History \(/Public/LRECEducationListing/82612\)](/Public/LRECEducationListing/82612)

Close Details

LOUISIANA REAL ESTATE COMMISSION

9071 Interline Avenue
Baton Rouge, LA 70809

Phone: (225) 925-1923
Toll Free: (In Louisiana Only) 1-800-821-4529
Fax: 225-925-4501

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Louisiana Real Estate Commission

Education Listing for Buckley W. Maurin, APR.01214-CGA

Date	Year Applied	Hours	Course Number	Course / Provider
12/30/2019	2019	4	A0185	VC - Divorce & Estate Appraisals: Elements of Non-Lender Work McKissock LP
12/19/2019	2019	7	A0499	VC - The Basics of Expert Witness for Commercial Appraisers McKissock LP
02/25/2019	2019	4	A0001	UNDERSTANDING RIGHT-OF-WAY & CONSTRUCTION PLANS Irwa Chapter 43
04/28/2016	2016	8	0189	2016-2017 USPAP LREC / REAB
10/24/2013	2013	8	0181	2012-2013 USPAP LREC / REAB

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Exhibit B

Louisiana Real Estate Commission

Verify License Search

Contact

Name

Keith J. Richard

License

License #

APR.03684-CGA

Account Type

Certified General Appraiser License

First Issued Date

01/08/2015

Effective Date

01/01/2021

Expiration Date

12/31/2022

Status

ACTIVE

Education

[View Education History \(/Public/LRECEducationListing/97216\)](/Public/LRECEducationListing/97216)

Supervision

Name	License	Effective Date	Expiration Date	Status	Education
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Louisiana Real Estate Commission

Education Listing for Keith J. Richard, APR.03684-CGA

Date	Year Applied	Hours	Course Number	Course / Provider
05/02/2019	2019	4	134-0011	2019 TRENDS IN REAL ESTATE Greater Baton Rouge Association Of Realtors, Inc.
02/18/2019	2019	14	A0512	VC - Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book) Course McKissock LP
07/02/2018	2018	7	A0290	2018-2019 7-Hour Equivalent USPAP Update Course Appraisal Institute
10/25/2017	2017	5	A0058	Online Business Practices & Ethics Appraisal Institute
09/25/2017	2017	4	A0285	Supervisory Appraiser-Trainee Course Appraisal Institute
10/12/2016	2016	8	0189	2016-2017 USPAP LREC / REAB

Date	Year Applied	Hours	Course Number	Course / Provider
04/07/2016	2016	4	A0003	ANNUAL ACADIANA COMMERCIAL OUTLOOK Realtor Association Of Acadiana

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Exhibit C

Louisiana Real Estate Commission

Verify License Search

Contact

Name

Greg Allen

License

License #

APR.00228-CRA

Account Type

Certified Residential Appraiser License

First Issued Date

12/03/1990

Effective Date

01/01/2020

Expiration Date

12/31/2021

Status

ACTIVE

Education

[View Education History \(/Public/LRECEducationListing/61834\)](/Public/LRECEducationListing/61834)

Supervision

Name	License	Effective Date	Expiration Date	Status	Education
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Education Listing for Greg Allen, APR.00228-CRA

Date	Year Applied	Hours	Course Number	Course / Provider
09/14/2018	2018	7	A0017	APPRAISING UNIQUE PROPERTIES Melissa Bond - Real Estate Appraisals, LLC
04/23/2018	2018	8	0192	2018-2019 USPAP LREC / REAB
12/31/2017	2017	7	A0175	VC - 2016-2017 7-Hour National USPAP Update Course McKissock LP
09/07/2017	2017	4	134-0010	LIVINGSTON REAL ESTATE FORECAST CONFERENCE Greater Baton Rouge Association Of Realtors, Inc.
09/05/2017	2017	4	0191	LREAB - GROW WITH THE FLOW LREC / REAB
09/17/2015	2015	8	0185	2014-2015 USPAP LREC / REAB

Date	Year Applied	Hours	Course Number	Course / Provider
04/12/2012	2012	8	0181	2012-2013 USPAP LREC / REAB
12/31/2011	2011	2	A0109	VC - Mold, Pollution and the Appraiser McKissock LP
10/18/2011	2011	8	0179	2011 USPAP LREC / REAB
06/22/2011	2011	4	A0001	CAN WE TALK? Louisiana Bankers Association
10/07/2009	2009	2	0196	METH LABS IN HOMES Greater Baton Rouge Association of REALTORS, Inc.
03/24/2009	2009	3	A0132	SPOTLIGHT: THE NEW RESIDENTIAL MARKET CONDITIONS FORM Louisiana Chapter Of The Appraisal Institute
12/12/2008	2008	4	0165	REALTOR CODE OF ETHICS - QUADRENNIAL TRAINING Greater Baton Rouge Association of REALTORS, Inc.
11/24/2008	2008	4	0195	AGENCY RELATIONS IN REAL ESTATE TRANSACTIONS - 2008 MANDATORY TOPIC Greater Baton Rouge Association of REALTORS, Inc.
08/19/2008	2008	8	0173	2008 USPAP LREC / REAB
12/10/2007	2007	2	0006	THE LAW OF REDHIBITION (EXP) UNITED TITLE OF LOUISIANA, INC.
12/10/2007	2007	2	0008	CREATIVE FINANCING (EXP) UNITED TITLE OF LOUISIANA, INC.
12/05/2007	2007	4	0011	RESIDENTIAL AGREEMENT TO BUY OR SELL - 2007 MANDATORY TOPIC (EXP) UNITED TITLE OF LOUISIANA, INC.
10/23/2007	2007	8	0169	2007 USPAP LREC / REAB
10/23/2007	2007	8	0173	2008 USPAP LREC / REAB
08/16/2006	2006	4	0162	2006 REAL ESTATE CONTRACTS - 2005 MANDATORY TOPIC LREC / REAB

Date	Year Applied	Hours	Course Number	Course / Provider
08/16/2006	2006	4	0163	2006 BUSINESS ETHICS & LEGAL LIABILITIES - 2006 MANDATORY TOPIC LREC / REAB
05/02/2006	2006	4	0229	P/L(S) CATEGORY 2/(M)PURCHASING, LISTING & SALES AGREEMENTS Louisiana REALTORS
05/02/2006	2006	8	0299	UNDERSTANDING FANNIE MAE'S UPDATED PROPERTY & APPRAISAL STANDARDS Louisiana REALTORS
10/27/2005	2005	8	0286	FANNIE MAE & THE APPRAISAL PROCESS Louisiana REALTORS

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FURTHER ORDERED that Buckley Maurin and Keith Richard are hereby each appointed, pursuant to 28 U.S.C. § 2001, to appraise Receivership real property owned by BD of Louisiana, LLC in Tangipahoa Parish, Louisiana, as follows:

- Assessment No. 3418405, Davis Road
- Assessment No. 4104900, Adams Road; and it is

FURTHER ORDERED that Buckley Maurin and Greg Allen are hereby each appointed, pursuant to 28 U.S.C. § 2001, to appraise Receivership real property owned by Brenda Smith in Tangipahoa Parish, Louisiana, as follows:

- Assessment No. 5615305, 17091 Highway 1064 East
- Assessment No. 6157491.

BY THE COURT:

HONORABLE MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE

354 Doremus Avenue
Newark, NJ 07105

s/ Robin S. Weiss _____
Robin S. Weiss, Esq.
Attorney for Receiver, Kevin D. Kent, Esq.