

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

Case No. 6:21-cv-694-CEM-DCI

**HARBOR CITY CAPITAL
CORP., HARBOR CITY
VENTURES, LLC, HCCF-1 LLC,
HCCF-2 LLC, HCCF-3 LLC,
HCCF-4 LLC, HCCF-5 LLC,
HARBOR CITY DIGITAL
VENTURES, INC., HCC MEDIA
FUNDING, LLC, JONATHAN P.
MARONEY, CELTIC
ENTERPRISES, LLC, and
TONYA L. MARONEY,**

Defendants.

_____ /

ORDER

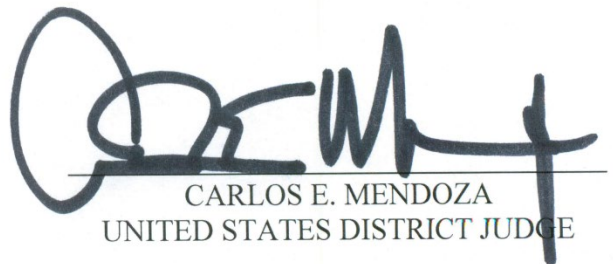
THIS CAUSE is before the Court on Receiver’s Motion for Clarification and Other Relief (“Motion,” Doc. 137) and Receiver’s Emergency Amended Motion for Clarification and Other Relief (“Amended Motion,” Doc. 145). The United States Magistrate Judge issued a Report and Recommendation (Doc. 148), recommending that the Motion be denied as moot and that the Amended Motion be granted in part and denied in part.

After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, and noting that no objections were timely filed, the Magistrate Judge's recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 148) is **ADOPTED** and made a part of this Order.
2. Receiver's Motion for Clarification and Other Relief (Doc. 137) is **DENIED as moot**.
3. Receiver's Emergency Amended Motion for Clarification and Other Relief (Doc. 145) is **GRANTED in part** and **DENIED in part**.
 - a. All liens attached to or that otherwise impact the Property are transferred from the Property to the proceeds from the sale of the Property. Specifically, the Property shall be sold free and clear of liens, claims, and encumbrances.
 - b. The Property is to be sold pursuant to the contract previously reviewed and approved by this Court. (*See generally* Oct. 25, 2022 Order, Doc. 118).
 - c. Proceeds from the sale of the Property sufficient to satisfy all liens previously existing shall be held in the trust account of Real Title.

- d. Real Title shall utilize the proceeds from the sale of the Property to satisfy those liens to which the Receiver has no objection, including those previously identified in Receiver's Motion to Approve Private Sale of Property (Doc. 111).
- e. Real Title shall release funds to Benworth that amount to the remaining principal of the mortgage note and interest on the underlying mortgage at the stated rate of the mortgage: 9.75%.
- f. Real Title shall retain in escrow the remaining proceeds from the sale of the Property.
- g. Real Title shall not disburse nor otherwise distribute these remaining sale proceeds absent further Order of this Court.
- h. The liens will attach to the proceeds of the sale of the Property with those liens, claims, and encumbrances to maintain the same force, effect, and priority against the sales proceeds as existed at the time of the closing of the sale.
- i. The Amended Motion is otherwise **DENIED**.

DONE and **ORDERED** in Orlando, Florida on April 26, 2023.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party