

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

OFFICE OF THE ATTORNEY
GENERAL, DEPARTMENT OF
LEGAL AFFAIRS, STATE OF FLORIDA,
Plaintiff,

vs.

Case No.: 51-2010-CA-2912-WS/G

BOTFLY L.L.C., DAVID R. LEWALSKI,
JON J. HAMMILL, and JON J. HAMMILL, P.A.,
Defendants.

**ORDER GRANTING RECEIVER'S MOTION FOR
AUTHORIZATION TO (1) LIQUIDATE CERTAIN PERSONAL
PROPERTY, (2) LIQUIDATE PERSONAL PROPERTY
VALUED LESS THAN \$5,000 WITHOUT FURTHER ORDER, AND
(3) RELINQUISH POSSESSION OF CERTAIN PERSONAL PROPERTY**

This case came before the Court for hearing on June 15, 2011 of the of Receiver's Motion For Authorization To (1) Liquidate Certain Personal Property, (2) Liquidate Personal Property Valued Less Than \$5,000 Without Further Order, And (3) Relinquish Possession Of Certain Personal Property (the "**Motion**"). Having reviewed the Motion, heard argument, and being otherwise fully advised in the premises, the Court finds that the relief sought in the Motion is in the best interest of the Receivership Estate. It is, therefore,

ORDERED and ADJUDGED that the Motion is granted in all respects. The Court specifically authorizes the Receiver to sell, donate, or otherwise dispose of the personal property described in Exhibit A attached to the Motion and similar items recovered by the Receiver from the locations described in the Motion. This authorization includes authorization to transfer to Melinda Colbeth items of personal property which the Receiver believes to be of inconsequential benefit to the Receivership Estate. This authorization further allows the Receiver to relinquish a pair of diamond earrings in the possession of the Receivership to Melinda Colbeth upon the Receiver concluding that Ms. Colbeth's parents have adequately corroborated her claim that the earrings were a gift from them. Ms. Colbeth may only take possession of the property upon execution of a written release provided by the Receiver that releases the Receiver and the Receivership estate of all claims by or on the behalf of Ms. Colbeth to the remaining Receivership

assets including the property recovered from the locations described in the Motion, funds on deposit in Dukascopy (Suisse) SA, and the Cartier diamond ring. It is further,

ORDERED and ADJUDGED that Melinda Colbeth must surrender the Receiver the Cartier diamond ring described on the invoice attached to the Motion as Exhibit B to the Receiver. It is further,

ORDERED and ADJUDGED that the Receiver may temporarily surrender possession of items of men's apparel recovered from Unit 64C of the Mandarin Essex House in New York to Thomas H. Ostrander, criminal defense counsel for David R. Lewalski, for Mr. Lewalski's use during trial of the charges pending in the United States District Court for the Middle District of Florida styled *USA v. David Lewalski*, case no. 8:10-CR-501-T-27MAP. The clothing may be released to Mr. Ostrander only upon Mr. Ostrander's agreement to arrange for selecting and taking possession of the men's apparel to be worn at trial, to accept responsibility for the clothing until its return to the Receiver, and to return the clothing clean and in good condition to the Receiver within five (5) days of the entry of a verdict by a jury in the criminal case. Mr. Ostrander shall select and take possession of the clothing within thirty (30) days of the entry of this order. Any and all costs incurred as a result of the relief afforded in this paragraph shall be borne solely and exclusively by David R. Lewalski.

DONE AND ORDERED in chambers, New Port Richey, Pasco County, Florida on this ____ day of June, 2011.

ORIGINAL SIGNED

JUN 23 2011

The Honorable Stanley R. Mills
CIRCUIT JUDGE

STANLEY R. MILLS
CIRCUIT JUDGE

Copies to:

Office of the Attorney General, R. Scott Palmer, Esq. and Nicholas J. Weilhammer, Esq., PL-01: The Capitol, Tallahassee, Florida 32399-1050

Karen Cox, Esq., counsel for Receiver, Bush Ross, P.A., P.O. Box 3913, Tampa, FL 33601-3913

Thomas H. Ostrander, counsel for David R. Lewalski, 2701 Manatee Avenue West, Suite A, Bradenton, FL 34205

Mark Rankin, counsel for Melinda Colbeth, Shutts & Bowen LLP, 100 South Ashley Drive, Suite 1500, Tampa, FL 33602

Inmate David Lewalski, Pinellas County Jail, Cell Location/Status: CEN-6C1-UN01-08-003, 14400 49th St N, Clearwater, FL 33762

Steve D. Tran, Esq., counsel for Jon J. Hammill, 2285 First Avenue North, Suite A, St. Petersburg, FL 33713

Jon J. Hammill, 6232 Fifth Avenue North, St. Petersburg, FL 33710

Gabriel Mazzeo, Esq., counsel for certain investors, 285 Ocklawaha Circle, Quincy FL 32351