

Property (Baja Model 272 Mercruiser Boat) state as follows:

PROCEDURAL BACKGROUND

1. On February 27, 2001, the United States Securities and Exchange Commission filed its Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") against Defendant John E. Brinker, Jr., *et al.*

2. On February 27, 2001, this Court issued its Order of Permanent Injunction and other Equitable Relief. The Order froze the Defendants' and Relief Defendants' assets.

3. This Court's Order further provided that to fund their obligation to pay certain of the Examiner's professional fees, the Defendants were specifically permitted to sell a Baja Model 272 Mercruiser Boat registered in the name of Julieann Brinker, I.D. #AGC40004F001, motor identification number 0M000376, registration number 312610440H1311ZZ ("Boat").

4. On March 29, 2001, this Court appointed James A. Knauer as Receiver over Relief Defendant Eleven Eighty-Five, LP ("1185").

5. On June 29, 2001, the Receiver filed his Motion for Turnover of Estate Property (Baja Mercruiser 272 Boat) ("Motion").

6. The Court thereafter set the Motion for hearing on August 2, 2001 at 9:30 a.m.

AGREEMENT

7. Desiring to resolve the issues raised by the Receiver's Motion, the parties hereto agree as follows:

8. The Boat is property of the 1185 Receivership estate.

9. Defendant John E. Brinker, Jr.'s daughter Julieann Brinker will provide the original Boat title to the Receiver within five business days of the court's approval of this Agreed Entry.

10. John Brinker, each entity Defendant, each Relief Defendant, Julieann Brinker, and their agents, shall not take any action to interfere with the Receiver's negotiations for sale of the Boat (which sale must be approved by the Court). However, no person shall, by this Agreed Order, be precluded from objecting to any sale proposed by the Receiver for approval by the Court.

11. The proceeds of any Boat sale shall be deemed an asset of the 1185 receivership estate. Additionally, the first \$20,000.00 of such proceeds shall be applied to satisfy the Defendants' joint and several obligation to fund the Examiner's professional fees and expenses.

REQUEST FOR RELIEF

The parties request that the Court approve the terms of the foregoing Agreed Entry, and that the Court provide all other necessary relief.

Respectfully submitted,

KROGER GARDIS & REGAS

By: 

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1185 LIMITED PARTNERSHIP

By: 

Its: MANAGER

ORDER ON PARTIES' AGREED ENTRY

The Court, having reviewed the parties' foregoing Agreed Entry, and being duly advised, hereby approves same and ORDERS that its provisions are incorporated herein by reference. *The hearing set for August 2, 2001, is hereby VACATED.*

Dated: July 30, 2001.



The Hon. David F. Hamilton
Judge, U.S. District Court
Southern District of Indiana

Distribution to counsel of record and *pro se* defendants.