

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

UNITED STATES SECURITIES )  
AND EXCHANGE COMMISSION, )

Plaintiff, )

v. )

CIVIL ACTION

JOHN E. BRINKER, JR., )  
GARY J. BENTZ, )  
CASTLEROCK CONSULTING, LLC, )  
GUARDIAN FIRST LIMITED, INC. )  
(A NEVADA CORPORATION), )  
GUARDIAN FIRST LIMITED, INC. )  
(A GRENADA CORPORATION), )  
WELLINGTON BANK AND TRUST, LTD., )  
WELLINGTON CAPITAL HOLDINGS, )  
LTD., INC., )  
WELLINGTON CAPITAL HOLDINGS, LTD., )  
WELLINGTON INTERNATIONAL )  
INVESTMENTS, INC., )  
WELLINGTON FIRST INTERNATIONAL )  
INVESTMENTS, INC., AND ALL )  
SUBSEQUENTLY NUMBERED )  
WELLINGTON INTERNATIONAL )  
INVESTMENTS, INC. ENTITIES, )

CASE NO. IP01-0259-C-H/G

Defendants, )

and )

ALPHA ADVANTAGE II, INC., )  
ELEVEN-EIGHTY-FIVE, LP AND )  
STEADFAST MINISTRIES, INC. )

Relief Defendants. )

**RECEIVER'S MOTION TO APPROVE SALE OF ESTATE PROPERTY**  
**(BAJA MODEL 272 MERCUISER BOAT)**

The Receiver herein, James A. Knauer, by counsel, for his Receiver's Motion To Approve Sale of Estate Property (Baja Model 272 Mercruiser "Boat") states as follows:

## **PROCEDURAL BACKGROUND**

1. On July 27, 2001, the Receiver and Relief Defendant Eleven Eighty-Five, L.P. filed their "Agreed Entry on Receiver's Motion for Turnover of Estate Property (Baja Model 272 Mercruiser Boat)." In relevant part, the Agreed Entry declared the Boat property of the 1185 Receivership estate, and provided that the first \$20,000 of any boat sale proceeds would be applied to satisfy the defendants' joint and several obligation to fund the Examiner's professional fees and expenses.

2. Since March, 2001, the Boat has been located and marketed at Captain's Cove Marina, 4670 Kellogg Avenue, Cincinnati, Ohio.

3. The General Manager of Captain's Cove, Mr. Rick Rosenberger, advises the Receiver's counsel that the Boat has been listed for sale both on the internet and in the local "Boat Trader" since April, 2001.

4. Mr. Rosenberger recently advised the Receiver's counsel that Captain's Cove received a \$50,000 offer for the Boat. See Exhibit "A". Due to the Boat's color (a "feminine" purple), and being late in the boating season, Mr. Rosenberger believes that "the offer should be accepted to avoid any further decline in value."

5. Mr. Rosenberger further advises that the offeror, Mr. Scott Studebaker of Richmond, Indiana, is not an employee or agent of Captain's Cove Marina, or of any of the defendants or relief defendants in this case.

6. The boat dealer purposes to charge a 10% seller's premium, and to deduct \$1,543 from the sale proceeds to cover a repair bill. Your Receiver does not object to this arrangement.

7. Your Receiver believes that time is of the essence, and that the \$50,000 purchase offer should be accepted to avoid any further decline in the value of this asset of the Receivership estate.

## **REQUEST FOR RELIEF**

Your Receiver respectfully requests that the Court approve the pending \$50,000 Boat sale offer, and that the Court provide all other necessary relief.

Respectfully submitted,

By:

  
Brett R. Fleitz  
Attorney for Receiver/Examiner,  
James A. Knauer

Kroger, Gardis & Regas  
111 Monument Circle, Suite 900  
Indianapolis, Indiana 46204-5125  
(317) 692-9000

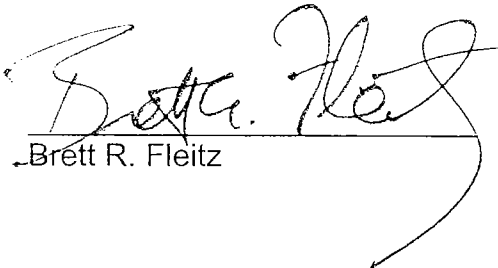
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served upon the following parties by placing a copy of the same in the United States Mail, first class postage pre-paid, on this 31st day of July, 2001:

Thomas J. Eme  
Scott Hlavacek  
United States Securities and Exchange Commission  
500 West Madison Street  
Suite 1400  
Chicago, Illinois 60661-2511

John E. Brinker, Jr.  
7577 Central Park Blvd., Ste. 213  
Mason, OH 45040

Gary J. Bentz  
11961 Fallcreek Lane  
Loveland, Ohio 45140-4809

  
Brett R. Fleitz

**Kroger, Gardis & Regas, L.L.P.**  
111 Monument Circle, Suite 900  
Indianapolis, Indiana 46204-2152  
(317) 692-9000



4670 Kellogg Avenue  
Cincinnati, Ohio 45226  
(513) 321-1111  
FAX (513) 321-1818

July 26, 2001

Mr. Bret Fleitz

RE: Juliann Brinker  
2001 Baja 272  
AGC 40004E001

Per our phone conversation yesterday, the offer of \$50,000.00 for the above mentioned boat is a fair deal and is at market value. We have listed the boat on the internet and in the local Boat Trader since April 2001 and have had limited calls.

Captain's Cove has a new Baja 272 as well as a 1999 Pre-owned model with limited inquiries also. Due to the color and being so late in the season, it is my opinion that this offer should be accepted to avoid any further decline in value.

If you have any further questions, please do not hesitate to call me at 513-321-1111 ext. 372.

Sincerely,

A handwritten signature in cursive script that reads "Rick Rosenberger".

Rick Rosenberger  
General Manager

Exhibit           A