

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART III

LESLIE NEWMAN, Commissioner of)
the Tennessee Department of)
Commerce and Insurance,)

Petitioner,)

VS.)

NO. 10-507-III)

SMART DATA SOLUTIONS, LLC, a)
Tennessee limited liability company,)
AMERICAN TRADE ASSOCIATION,)
INC., an Indiana nonprofit corporation)
with its principal place of business in)
Tennessee, AMERICAN TRADE)
ASSOCIATION, LLC, an Arkansas)
limited liability company, SERVE)
AMERICA ASSURANCE, a corporation)
with an unknown location, BART S.)
POSEY, SR., ANGIE POSEY, OBED W.)
KIRKPATRICK, SR., LINDA)
KIRKPATRICK, RICHARD H.)
BACHMAN, KRISTY WRIGHT,)
WILLIAM M. WORTHY, II, and)
COLIN YOEELL,)

Respondents.)

FILED
2010 JUL 14 PM 3:47
CLERK OF CHANCERY CT.
DAVIDSON COUNTY, TENN.
9.0.2010

ORDER

This matter is before the Court on the motion of those respondents represented by Baydoun and Knight to stay certain aspects of the May 20, 2010 Final Order of Liquidation. The stay is sought by the respondents pending completion of an appeal of the Final Order. As well, this matter is before the Court on the petitioner's Motion for Direction and

Confirmation on the sale of certain assets of the respondents and pursuing legal actions to recover assets.

After considering the motions and arguments of counsel, the Court denies the motion to stay the liquidation, adopting the reasoning stated in the June 30, 2010 petitioner's opposition to the motion to stay.

With respect to the petitioner's Motion for Direction and Confirmation, the Court grants the motion as follows:

SDS Vehicles

1. On or before August 6, 2010, respondents shall pay \$43,800.00 to the Liquidator for the Sierra Truck and \$26,750.00 for the Yukon Denali. Failing such payment, the Liquidator is authorized to proceed with the sale of the vehicles.

2. The Court grants the Liquidator's application to recover from the respondents \$1,416.73 for the June loan payment on two of the vehicles.

3. The Liquidator is authorized to immediately proceed with the sale of the 2007 Maxima and the 2007 GMC 1500. Respondents shall arrange a mutually convenient date and time to provide the Liquidator access to the 2007 GMC 1500 for towing.

Lease

4. The Liquidator is authorized to disavow the lease for office space located at 4676 Highway 41 North in Springfield, Tennessee, on July 31, 2010, at 11:59 p.m.

Office Furniture

5. On or before Friday, July 23, 2010, the respondents shall list the office furniture they claim is owned by Fleetcare and provide any documentation they have to support the list. If the Liquidator disputes such ownership, it shall file a motion with the Court for resolution of the office furniture issue. The Liquidator is authorized to immediately sell all furniture not designated by respondents.


Desktop Computer and Two Hard Drives

6. On or before July 23, 2010, the Liquidator shall notify counsel for the respondents of the fair market value of the desktop computer and two hard drives, and shall make them available for purchase by the respondents through Friday, August 6, 2010. Failing purchase by the respondents, the Liquidator is authorized by the Court to proceed with a sale of the desktop computer and the two hard drives.

Asset Recovery

7. The Liquidator is authorized to continue to pursue asset recovery actions against third party entities and other persons.

It is so ORDERED.



ELLEN HOBBS LYUE
CHANCELLOR

cc: Sarah Hiestand
Lyndsay Sanders
Attorneys for the Petitioner

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