



Furthermore, pursuant to the Court's May 5, 2010 ORDER GRANTING MOTION FOR EXPEDITED DISCOVERY, Defendant Gray and Defendant Collins were ordered to appear for deposition on or before May 10, 2010 to testify and give evidence concerning matters relevant to the TI Hearing. However, based on previously scheduled conflicts, counsel for Defendant Gray and counsel for Defendant Collins each filed separate motions to quash the depositions due to their unavailability.

The parties are currently working to reschedule the depositions of Defendant Gray and Defendant Collins; are reviewing and sharing information to determine the best course of action in this matter; and have agreed to pass the TI Hearing previously set for Thursday, May 13, 2010. While the parties are working on resolving the issues, all parties agree there is a need to enter into an agreed order extending the FIRST AMENDED TEMPORARY RESTRAINING ORDER AND ORDER APPOINTING RECEIVER until such time as an agreement is reached or the Court issues an order following the hearing on the State's application for temporary injunction and appointment of receiver.

IT IS THEREFORE ORDERED that the FIRST AMENDED TEMPORARY RESTRAINING ORDER AND ORDER APPOINTING RECEIVER issued on May 5, 2010 shall continue in all respects, with the following supplemental provisions, until the hearing on the State's application for temporary injunction and appointment of receiver:

1. The Court hereby orders that any financial or brokerage institution, escrow agent, title company, storage facility, commodity trading company, depository, recipient, business entity or person, whether or not named herein or in the First Amended TRO, (1) holding money in the name and/or for the benefit of Retirement Value, LLC, Richard H. "Dick" Gray and/or Bruce Collins; (2) maintaining custody or control of any account or other asset derived from Defendants' fraud, or (3) maintaining custody or control of any corporation, partnership, or other entity directly or indirectly owned, managed, controlled by, or under common control with any of the Defendants; and which, received actual notice of this Order and the First

Amended TRO by personal service, facsimile, or otherwise, shall in addition to those things set forth in the First Amended TRO:

Within fifteen (15) business days of the date of service of this Order, deliver to the court-appointed Receiver, Eduardo S. Espinosa of K&L Gates, LLP, or his designated agents, by facsimile at (214) 939-5849, and the account holder a certified statement setting forth:

- A. The identification of any liabilities, assets, funds, accounts, or other property titled in the name, individually or jointly, of Defendants, held on behalf of one or more Defendants, for the benefit of one or more Defendants or under the control of one or more Defendants, in whole or in part;
  - B. The balance of or a description and appraisal of the value of each such liability, asset, fund, account, or other property, by closing time of the business day when notice of this Order was served; and if any account is closed or any asset has been removed, identify the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or asset was remitted;
  - C. The identification of any safe deposit box or storage facility that is either titled in the name individually or jointly of Defendants or otherwise subject to access or control by any of the Defendants; and
  - D. Allow the Receiver appointed herein immediate access to inspect and copy any records or other documentation pertaining to any such liability, asset, fund, account or other property including but not limited to originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs. Any such financial institution, account custodian, or other aforementioned entity may arrange for the Receiver to obtain copies of any such records which the Receiver seeks, provided that such institution or custodian may charge a reasonable fee for such copies, which fee shall be paid from the receivership estate.
2. The assets of Absolute Betah, LLC, a Delaware Limited Liability Company, and the assets of Special Acquisitions, Inc., a Texas corporation are hereby found to be derived from the operations of Retirement Value, LLC and to be under the control of Defendants and are, therefore, properly the subject of the receivership and constitute

Receivership Assets. These assets include, but are not limited to, the following:

- A. All books and records of Absolute Betah, LLC;
- B. All books and records of Special Acquisitions, Inc.; and
- C. Account No. 877410423 held at JP Morgan Chase Bank, N.A. in the name of Special Acquisitions, Inc.

The Receiver may exercise any power granted to him in the FIRST AMENDED TEMPORARY RESTRAINING ORDER AND ORDER APPOINTING RECEIVER with respect to the assets of Absolute Betah, LLC and Special Acquisitions, Inc.

IT IS FURTHER ORDERED that the State's application for temporary injunction and appointment of receiver is set for hearing on the 2<sup>nd</sup> day of June, 2010 at 2:00 p.m.

SIGNED at Austin, Travis County, Texas, this the \_\_\_\_\_ day of May, 2010, at \_\_\_\_\_: \_\_\_\_\_ .m.

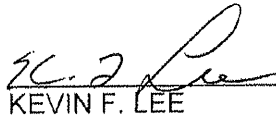
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JUDGE PRESIDING

APPROVED & ENTRY REQUESTED BY:

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The Relief Defendant has no objections  
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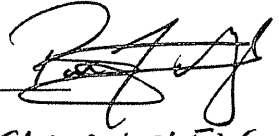
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