

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>SECURITIES EXCHANGE COMMISSION</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>DAVID TANNER, et al.,</b>	)	<b>Civil Action No.: 05-4057-RDR</b>
	)	
<b>Defendants,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>MARGARET F. SPENCER, et al.,</b>	)	
	)	
<b>Relief Defendants.</b>	)	

**MEMORANDUM AND ORDER**

This matter is presently before the court upon the Receiver's Final Status Report, Final Application for Approval of Fees and Expenses, and Motion to Terminate Receivership Estate (the "Motion"). The Receiver seeks to pay Larry E. Cook expenses in the amount \$0 and fees in the amount of \$19,952.50 for a total amount of \$19,952.50. The Receiver also seeks to pay Lathrop & Gage LLP, attorneys for the Receiver, expenses in the amount of \$0.61 and fees in the amount of \$9,421 for a total amount of \$9,421.61.

The Receiver further seeks authority to holdback fees from final distribution to cover expenses of final distribution, final tax returns, and termination of this Receivership Estate as follows: \$12,500 for the Receiver and \$19,500 for Lathrop & Gage LLP.

The Receiver further requests an order discharging the Receiver and his agents from further liability in this action effectively only after the Receiver files a Certificate of Compliance in this Case confirming the final distribution to allowed claim holders has been made and the distribution checks have cleared the Receiver's Distribution Account,

or, in the event one or more claimants cannot be located, after the Receiver has reported the amount of unclaimed funds paid into the US Treasury.

Finally, the Receiver requests a waiver of Local Rule 7.1(d) to allow him to make the final distribution in 2010.

For good cause shown, the Motion shall be granted.

**IT IS THEREFORE ORDERED** the Receiver's Motion (Doc. # 456) be and hereby is granted.

**IT IS FURTHER ORDERED** that Local Rule 7.1(d) is waived for the Motion and this Order is effective immediately upon entry on the Court's CM/ECF system.

**IT IS FURTHER ORDERED** that the Receiver is authorized to pay Larry E. Cook the sum of \$19,952.50 for fees and expenses incurred through December 22, 2010. The Receiver is further authorized to pay Lathrop & Gage LLP the sum of \$9,421.61 for fees and expenses incurred through December 22, 2010.

**IT IS FURTHER ORDERED** that the Receiver is authorized and directed to withhold the sum of \$12,500 for the Receiver and \$19,500 for Lathrop & Gage LLP to cover final estate termination administration and tax preparation and filing.

**IT IS FURTHER ORDERED** that the Receiver shall make the final distribution to allowed claim holders in this case as set forth in Exhibit C to the Motion.

**IT IS FURTHER ORDERED** that the Receiver's, and his attorneys' and agents', actions to date in this case are approved and that upon the filing of a Certificate of Compliance by the Receiver confirming to the Court that all final distribution checks have been delivered to the claim holders and the checks have cleared the Receiver's

Distribution Account, or, in the event one or more claim holders cannot be located, that the Receiver has paid such unclaimed funds to the US Treasury, the Receiver and his attorneys and agents are thereby discharged from this case and all liability and claims, unknown or unknown against the Receiver, his attorneys, and his staff are thereby discharged.

**IT IS SO ORDERED.**

Dated this 28<sup>th</sup> day of December, 2010 at Topeka, Kansas.

s/Richard D. Rogers

United States District Judge