

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(WEST PALM BEACH DIVISION)**

CASE NO. 08-81565-CIV-HURLEY/HOPKINS

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CREATIVE CAPITAL CONSORTIUM,
LLC, A CREATIVE CAPITAL CONCEPTS,
LLC, and GEORGE L. THEODULE,

Defendants.

**REPLY OF THE RECEIVER, JONATHAN PERLMAN, ESQ., TO DEFENDANT
GEORGE THEODULE'S RESPONSE TO RECEIVER'S MOTION TO COMPEL
THE TURNOVER, SURRENDER POSSESSION AND TRANSFER OF TITLE TO
CERTAIN REAL PROPERTY**

Jonathan Perlman, Esq., the court-appointed Receiver (the "Receiver") files this Reply to Defendant George Theodule's ("Theodule") Response to Receiver's Motion to Compel the Turnover, Surrender Possession of and Transfer of Title to Certain Real Property Located at 163806 155th Place North, Jupiter, Florida (the "Turnover Motion"). The Receiver filed the Turnover Motion on March 16, 2009, asserting that certain real property properly belongs to the Receivership Estate. Theodule filed a Response on March 27, 2009, opposing the Turnover Motion and claiming that the Receiver did not consult with Theodule's counsel before submitting the Turnover Motion as required by the local rules. The Receiver replies as follows.

1. Prior to filing the Turnover Motion, the Receiver, through his undersigned counsel, spoke with Theodule's counsel in reference to the turnover and transfer of title of the

real property. During that conversation, Theodule's counsel agreed to the turnover of the real property. Also during that conversation, Receiver's counsel advised Theodule's counsel that a formal motion filed with the Court specifically requesting turnover might be necessary for procedural purposes in the context of a receivership.

2. The Receiver felt it advisable to file the Turnover Motion as the appropriate proceeding to gain possession and acquire title to the real property for the benefit of the Receivership Estate as set forth in the Order Appointing Receiver. [DE 8]

3. In compliance with the local rules, the Receiver's counsel spoke with Theodule's counsel advising him of same.

4. The Turnover Motion was not filed in an attempt to embarrass Theodule.

5. The facts are not in dispute as Theodule admits that the real property belongs to the Receivership Estate.

6. On March 31, 2009, Receiver's counsel submitted to Theodule's counsel a proposed deed transferring title of the real property to the Receivership Estate and requesting Theodule's execution of same. A copy of the proposed deed is attached hereto as **Exhibit A**. In addition, Receiver's counsel submitted a proposed order with respect to the transfer of title. A copy of the proposed order is attached hereto as **Exhibit B**. As of the date of this filing, Theodule's counsel has not responded to this communication.

WHEREFORE, the Receiver respectfully requests that the Motion to Compel the Turnover, Surrender Possession of and Transfer of Title to Certain Real Property located at 13806 155th Place North, Jupiter, Florida be granted.

Dated: April 6, 2009

Respectfully submitted,

/s/ David C. Cimo

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Attorneys for Receiver Jonathan E. Perlman, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile, CM/ECF, and /or first-class postage prepaid U.S. Mail to all Parties on the attached service list this 6th day of April, 2009.

/s/ David C. Cimo

David C. Cimo

SERVICE LIST

**Securities and Exchange Commission v. Creative Capital Consortium, LLC et. al.
CASE NO.: 08-CIV-81565-HURLEY/HOPKINS**

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EXHIBIT A

Prepared by and Return to:

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200 E. Broward Boulevard
Suite 1101
Fort Lauderdale, FL 33301

Parcel Control No: 00-41-41-16-00-000-3720

WARRANTY DEED

Date: April ____, 2009

Grantor: George L. Theodule

Grantor's Mailing Address: 2108 New London Place
Snellville, Georgia 30078

Grantee: Jonathan E. Perlman, Court Appointed Receiver in the action styled Securities and Exchange Commission v. Creative Capital Consortium, LLC et al.
USDC SD FL Case No. 08-81565-CIV-HURLEY/HOPKINS

Grantee's Mailing Address: Bank of America Tower at International Place
100 SE 2nd Street, Suite 4400
Miami, Florida 33131

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confirmed.

Property: The following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach, State of Florida (including any improvements, buildings and fixtures located thereon, all right, title and interest of Grantor, if any, in, and to, any and all common areas, adjacent roads, streets, alleys, rights-of-way, or rights of ingress to and egress from the real property, and any land lying in or under the bed of any highway, avenue, street or alley, in, on, across or adjoining the real property described herein, and all right, title and interest of Grantor, if any, in and to all strips or gores or land, if any,

Notary Public, State of Florida
At Large

Print, Type or Stamp name of
Notary Public

Personally known _____ or
Type of identification produced _____.

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
(WEST PALM BEACH DIVISION)

CASE NO.: 08-81565-CIV-HURLEY/HOPKINS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CREATIVE CAPITAL CONSORTIUM, LLC
A CREATIVE CAPITAL CONCEPT\$, LLC,
and GEORGE L. THEODULE,

Defendants.

**ORDER GRANTING RECEIVER'S MOTION TO COMPEL GEORGE L. THEODULE
TO TURNOVER, SURRENDER POSSESSION AND TRANSFER TITLE TO CERTAIN
REAL PROPERTY LOCATED AT 13806 155th PLACE NORTH, JUPITER, FLORIDA**

This Cause came before the Court, without hearing, upon Receiver Jonathan E. Perlman's Motion to Compel George L. Theodule To Turnover, Surrender Possession and Transfer Title To Certain Real Property (the "Motion"). The Court having considered the Motion, the facts thereunder, and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED

1. The Motion is GRANTED.
2. George L. Theodule is hereby ordered to turnover, surrender possession and transfer title to the Receiver of the real property located at 13806 155th Place North located in Jupiter, Florida with the legal description of Section 16, Township 41, Range 41 the South 239 feet of the Northerly 272908 feet of the East 209.60 feet of the Westerly 1247.87 feet of the Section also known as R-221 ("Property").

3. Simultaneous with this turnover and surrender of the Property, George L. Theodule is hereby ordered to execute a deed, in the form and manner requested by the Receiver, transferring title of the Property from Theodule to the Receivership Estate.
4. George L. Theodule shall turnover, surrender possession of and transfer title to the Property to the Receiver within ten (10) days from the date of this Order.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this ____ day of _____, 2009.

DANIEL T.K. HURLEY, Judge
United State District Court, Southern District of Florida