

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 16-cv-21301-GAYLES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS,  
WILLIAM STENGER,  
JAY PEAK, INC.,  
Q RESORTS, INC.,  
JAY PEAK HOTEL SUITES L.P.,  
JAY PEAK HOTEL SUITES PHASE II. L.P.,  
JAY PEAK MANAGEMENT, INC.,  
JAY PEAK PENTHOUSE SUITES, L.P.,  
JAY PEAK GP SERVICES, INC.,  
JAY PEAK GOLF AND MOUNTAIN SUITES L.P.,  
JAY PEAK GP SERVICES GOLF, INC.,  
JAY PEAK LODGE AND TOWNHOUSES L.P.,  
JAY PEAK GP SERVICES LODGE, INC.,  
JAY PEAK HOTEL SUITES STATESIDE L.P.,  
JAY PEAK GP SERVICES STATESIDE, INC.,  
JAY PEAK BIOMEDICAL RESEARCH PARK L.P.,  
AnC BIO VERMONT GP SERVICES, LLC,

Defendants, and

JAY CONSTRUCTION MANAGEMENT, INC.,  
GSI OF DADE COUNTY, INC.,  
NORTH EAST CONTRACT SERVICES, INC.,  
Q BURKE MOUNTAIN RESORT, LLC,

Relief Defendants.

Q BURKE MOUNTAIN RESORT, HOTEL  
AND CONFERENCE CENTER, L.P.  
Q BURKE MOUNTAIN RESORT GP SERVICES, LLC,

Additional Receivership Defendants<sup>1</sup>

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**ORDER GRANTING RECEIVER'S MOTION FOR  
AUTHORIZATION TO SELL A 71-ACRE TRACT OF LAND  
(DIVIDED INTO FOUR LOTS) OWNED BY BURKE 2000 LLC**

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<sup>1</sup> See Order Granting Receiver's Motion to Expand Receivership dated April 22, 2016 [ECF No. 60].

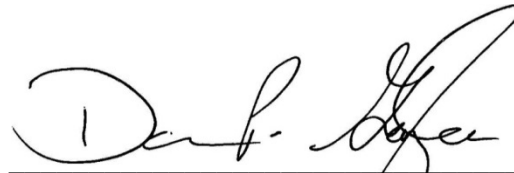
**THIS MATTER** comes before the Court without hearing upon the Motion for Authority to Sell a 71-Acre Tract of Land (Divided into Four Lots) Owned by Burke 2000 LLC (the “Motion”) [ECF No. 532] filed by the Court-appointed receiver, Michael I. Goldberg (the “Receiver”). The Court, having reviewed the Motion, being advised that counsel for the Securities and Exchange Commission has no objection to the relief requested in the Motion, and finding that the Receiver has made a sufficient and proper showing in support of the relief requested,

**IT IS ORDERED, ADJUDGED AND DECREED**, as follows:

1. The Motion is **GRANTED**.
2. The Receiver is authorized to sell a 71-acre tract of land owned by Burke 2000 LLC as four separate lots, “As-Is”, under the terms set forth in the Motion and in the four Purchase and Sale Contracts attached to the Motion as Exhibits “1” – “4”.
3. As more fully described in the Survey attached hereto as **Exhibit “A”**, the property shall be sold as follows:
  - (a) Lot No. 1 (2466 VT Route 114): Brian R. Boydon/Boyden Aleph LLC;
  - (b) Lot No. 2 (Pinkham Road Parcel): Susannah Young and Patrick W. Ely;
  - (c) Lot No. 3 (Victory Road Parcel): Jeffrey Hale and Amy Hale; and
  - (d) Lot No. n/a, (000 VT Route 114): Charles Santos Jr.
4. The Receiver is further authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated therein.

4. Upon receipt of the consideration set forth in the Purchase and Sale Contracts, and delivery of the deeds and other documents called for in the Purchase and Sale Contracts, each sale shall stand as confirmed, without further Order of the Court.

**DONE AND ORDERED in Chambers at Miami, Florida, this Friday, February 01, 2019.**



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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE

## **EXHIBIT 1**

### **LEGAL DESCRIPTION**

Property located in Orleans County, VT

Being all and the same lands and premises conveyed to Ariel Quiros and Okcha Quiros by Warranty Deed of Jay Peak, Inc., dated December 20, 2013 and recorded in Book 69 at Pages 774-776 of the Jay Land Records.

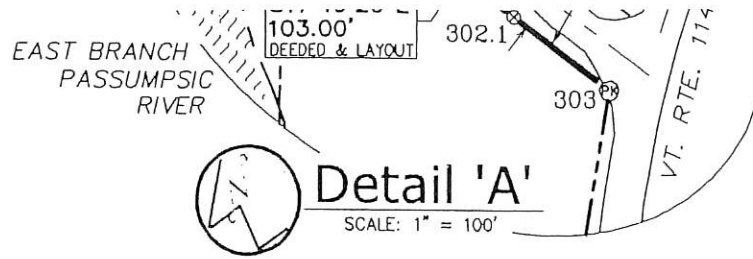
Being two Condominium Units VC-417A and VC-417B (also identified as Unit 417 in Condominium Building 11) in Jay Peak Village - Phase III, a Planned Unit Development subject to all of the terms and conditions of the Declaration of Jay Peak Village, a Planned Unit Development dated January 22, 1993 and recorded in Book 33 at Pages 213-270 of the Jay Land Records and all amendments and Supplementary Declarations of said Planned Unit Development of record in the Jay Land Records all as set out in a Warranty Deed of Jay Peak, Inc. to the Grantors herein, Ariel Quiros and Okcha Quiros, dated December 20, 2013 and recorded in Book 69 at Pages 774-776 of the Jay Land Records.

AND BEING the same property conveyed to Ariel Quiros and Okcha Quiros, husband and wife as joint tenants with rights of survivorship from Jay Peak, Inc., a Vermont corporation by Warranty Deed dated December 20, 2013 and recorded March 26, 2014 in Deed Book 69, Page 774; AND FURTHER CONVEYED to AOQ, LLC from Ariel Quiros and Okcha Quiros by Quitclaim Deed dated October 31, 2014 and recorded November 17, 2014 in Deed Book 70, Page 499.

Tax Parcel No. 22.517C417

**EXHIBIT A**

**LEGAL DESCRIPTION**



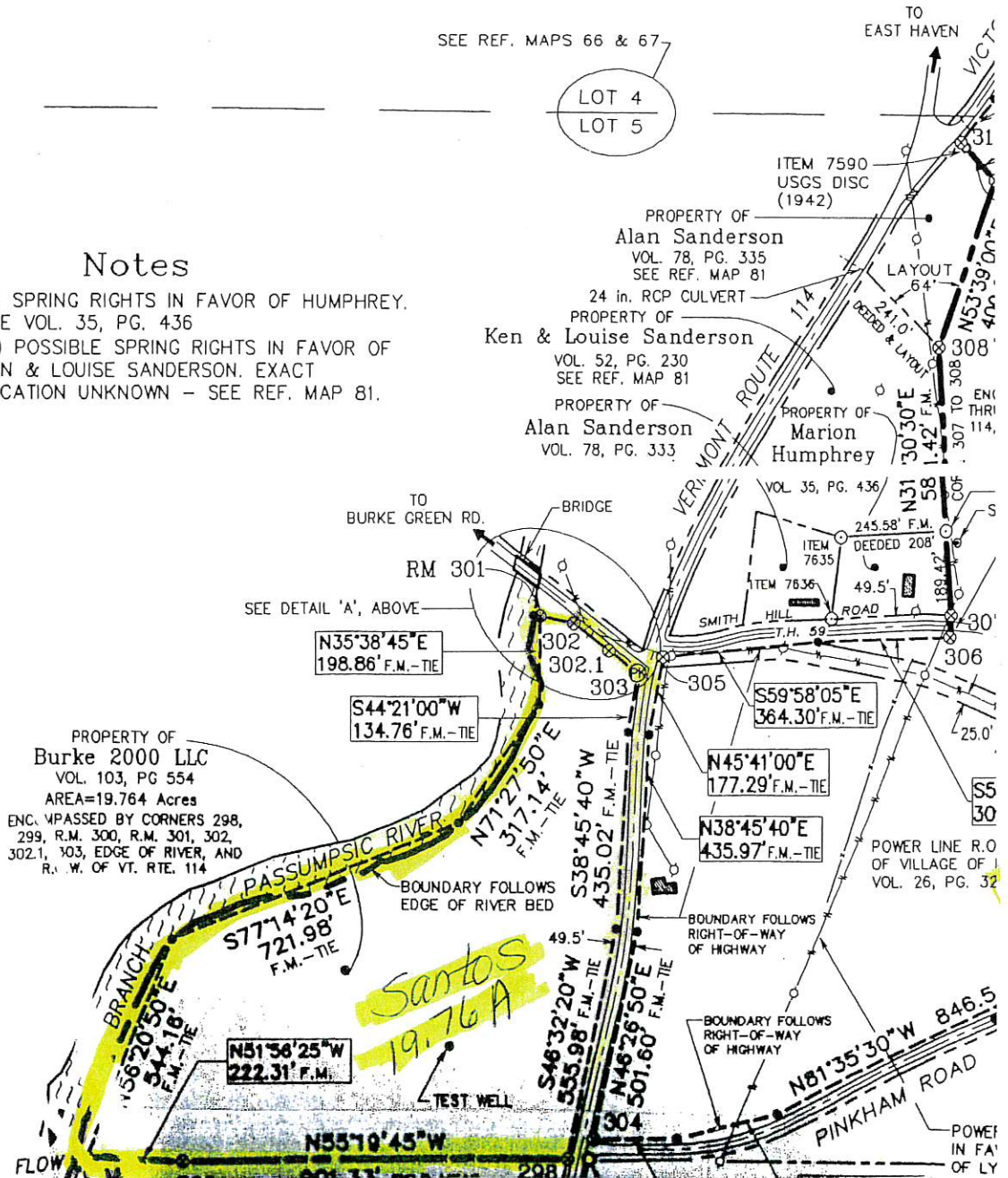
Sanderso  
VOL. 61, PG. .  
SPRING RIGHTS IN F.  
SANDERSON IN VOL.

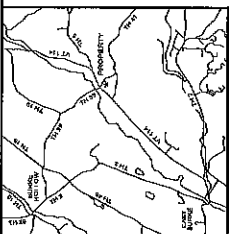
SEE REF. MAPS 66 & 67

LOT 4  
LOT 5

**Notes**

- 1.) SPRING RIGHTS IN FAVOR OF HUMPHREY. SEE VOL. 35, PG. 436
- 2.) POSSIBLE SPRING RIGHTS IN FAVOR OF KEN & LOUISE SANDERSON. EXACT LOCATION UNKNOWN - SEE REF. MAP 81.

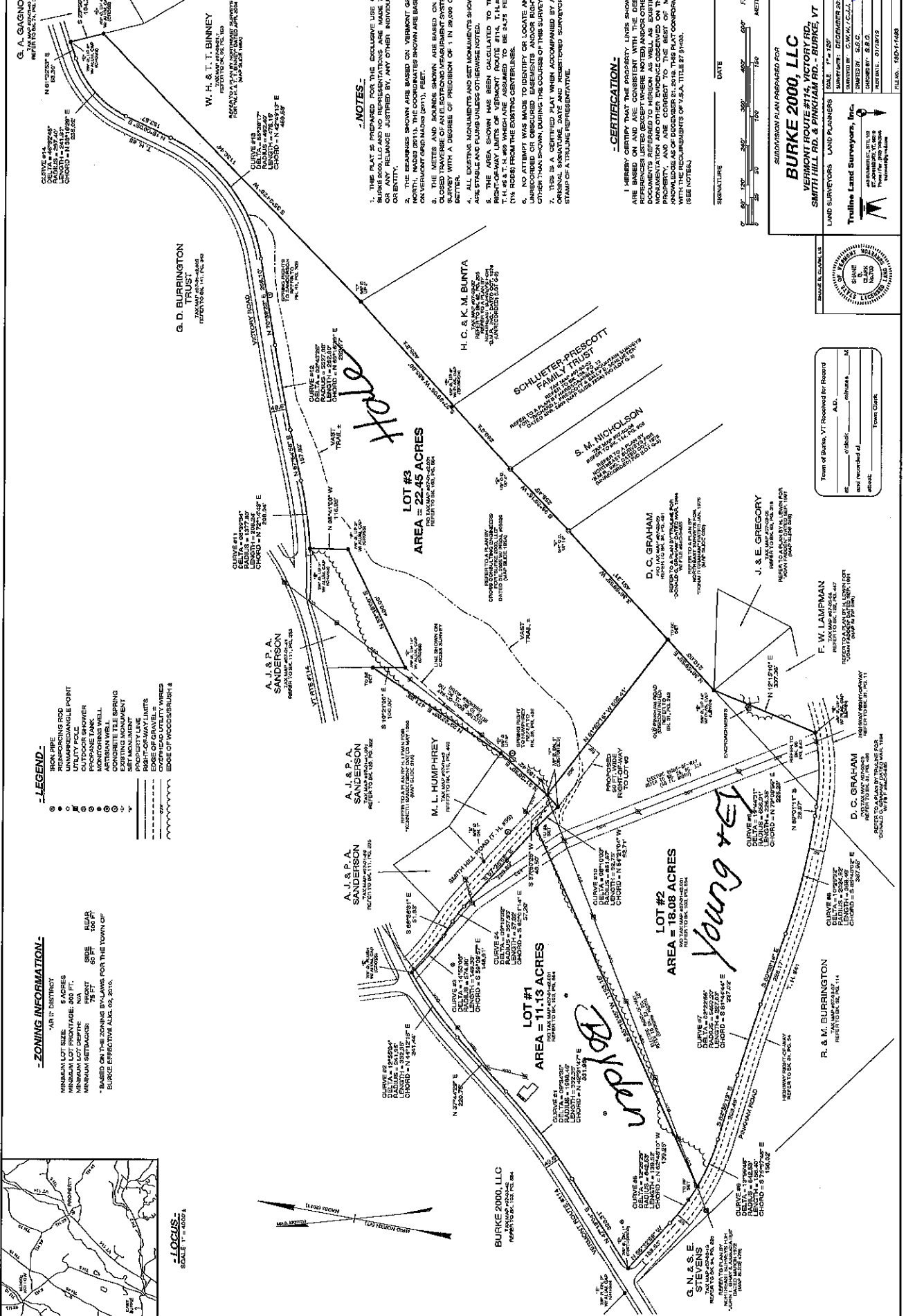




**-ZONING INFORMATION-**  
"A" R1 DISTRICT  
MINIMUM LOT SIZE: 5 ACRES  
MINIMUM SETBACK: 10 FT.  
MINIMUM LOT DEPTH: N/A  
MINIMUM SETBACK: 10 FT.  
SIDE SETBACK: 10 FT.  
REAR SETBACK: 10 FT.  
\*BASED ON THE ZONING BYLAWS FOR THE TOWN OF BURKE EFFECTIVE AUG. 05, 2010.

**-LEGEND-**  
IRON PIPE  
UNMARKED ANGLE POINT  
UTILITY POLE  
POSSIBLE SHOWER  
MONITORING WELL  
ARTISAN WELL  
EXISTING MONUMENT  
SET MONUMENT  
RIGHT-OF-WAY LIMITS  
EDGE OF GRAVEL  
CURB OR CONCRETIZED WHEELS  
EDGE OF WOODCUTTING

**-LOCUS-**  
SCALE 1" = 4000'



**-NOTES-**

- 1. THIS PLAT IS PREPARED FOR THE EXCLUSIVE USE OF BURKE 2000, LLC. NO OTHER PERSONS ARE TO RELY ON ANY INFORMATION CONTAINED HEREIN OR ANY RELIANCE JURISDICTION BY ANY OTHER INDIVIDUAL OR ENTITY.
- 2. THE BOUNDARIES SHOWN ARE BASED ON VERMONT ADJUTANT GENERAL'S PLAT BOOK 100, P. 100, AND THE BOUNDARIES SHOWN ARE BASED ON VERMONT ADJUTANT GENERAL'S PLAT BOOK 100, P. 100.
- 3. THE METERS AND BOUNDS SHOWN ARE BASED ON A CLOSED TRAVERSE OF AN ELECTRONIC MEASUREMENT SYSTEM WITH A DEGREE OF PRECISION OF 1 IN 25,000 ON SETTING.
- 4. ALL EXISTING MONUMENTS AND SET MONUMENTS SHOWN ARE STABLE AND FIRM UNLESS OTHERWISE NOTED.
- 5. THE AREA SHOWN HAS BEEN CALCULATED TO THE RIGHT-OF-WAY LIMITS OF VERMONT ROUTE #14. THE RIGHT-OF-WAY LIMITS OF VERMONT ROUTE #14 ARE SHOWN BY THE SOLID LINE ON THE EXISTING CENTERLINE.
- 6. NO ATTEMPT WAS MADE TO LOCATE OR LOCATE ANY UNRECORDED OR UNRECORDED EASEMENTS AND/OR RIGHTS OTHER THAN SHOWN, DURING THE COURSE OF THIS SURVEY.
- 7. THIS IS A CERTIFIED PLAT WHEN ACCOMPANIED BY AN ORIGINAL COPY OF THE VERMONT REGISTERED SURVEYOR'S STAMP OF A TRULINE REPRESENTATIVE.

**-CERTIFICATION-**

I HEREBY CERTIFY THAT THE BOUNDARIES SHOWN ARE BASED ON AND ARE CONSISTENT WITH THE OTHER DOCUMENTS REFERRED TO EXCEPT WHERE NOTED AND/OR OTHER DOCUMENTS REFERRED TO HEREIN AS WELL AS EXISTING PROPERTY, AND ARE CORRECT TO THE BEST OF MY KNOWLEDGE AS OF DECEMBER 21, 2018. THIS PLAT CONFORMS TO THE REQUIREMENTS OF 12 V.S.A. TITLE 27, CHAPTER 101 (SEE NOTICES)

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
0 50' 100' 150' 200' 250' 300' 350' 400' 450' 500' 550' 600' 650' 700' 750' 800' 850' 900' 950' 1000' FEET  
0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 1000 FEET

**BURKE 2000, LLC**  
VERMONT ROUTE #14, VICTORY RD., SMITH HILL RD. & PINGHAM RD., BURKE, VT  
LAND SURVEYORS LAND PLANNERS  
Truline Land Surveyors, Inc.  
44 SARGENTVILLE ST. SUITE 200  
BURKE, VT 05743  
PHONE: 802/875-1818  
FAX: 802/875-1819  
E-MAIL: info@trulinesurveyors.com  
WEBSITE: www.trulinesurveyors.com



Town of Burke, VT Received for Record  
PLAT NO. \_\_\_\_\_ A.D. \_\_\_\_\_  
Book recorded at \_\_\_\_\_ Volume \_\_\_\_\_  
Date recorded at \_\_\_\_\_  
Town Clerk