

**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<sup>1</sup>,  
AnC BIO VT, LLC,<sup>2</sup>

Additional Receivership Defendants

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

<sup>2</sup>See Order Granting Receiver's Motion for Entry of an Order Clarifying that AnC Bio VT, LLC is included in the Receivership or in the Alternative to Expand the Receivership to include AnC Bio VT, LLC, *Nunc Pro Tunc* dated September 7, 2018 [ECF No. 493].

**ORDER GRANTING RECEIVER'S MOTION FOR AUTHORIZATION TO SELL BUILDING AND 25.1 ACRE PARCEL OF LAND (LOCATED AT 172 BOGNER DRIVE, NEWPORT, VT) AND SUPPORTING MEMORANDUM OF LAW**

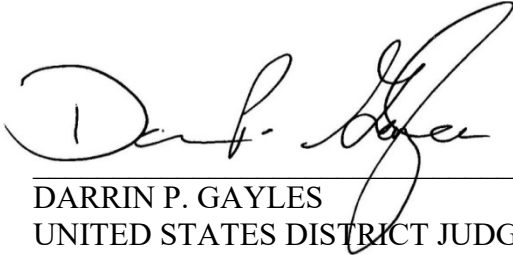
This matter came before the Court upon the Motion for Authorization to Sell Building and 25.1 Acre Parcel of Land (Located at 172 Bogner Drive, Newport, VT) *and supporting Memorandum of Law* (the "Motion") [ECF No. 717] filed by the Court-appointed receiver, Michael I. Goldberg (the "Receiver"). The Court has reviewed the Motion and the record, been advised that counsel for the Securities and Exchange Commission and counsel for PeakCM, LLC have no objection to the relief requested in the Motion, and finds that the Receiver has made a sufficient and proper showing in support of the relief sought. Accordingly, it is

**ORDERED AND ADJUDGED** as follows:

1. The Motion is **GRANTED**.
2. The Receiver is authorized to sell the receivership estate's rights, title, and interest in and to the 46,000 sq ft +/- industrial building located at 172 Bogner Drive, Newport, Vermont and situated on 25.1 acres (the "Property") by private sale to Northeast Kingdom Development Corporation "As Is" for \$950,000 pursuant to the Purchase and Sale Contract and Rider to Purchase and Sale Contract (the "Contract"). A copy of the Contract is attached to the Motion as **Exhibit A**. A legal description of the Property is attached hereto as **Exhibit 1**.
3. 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 Contract, and delivery of any documents called for in the Contract by the Receiver, the sale shall stand as confirmed, without further Order of the Court.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 9th day of May, 2022.



DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE

**EXHIBIT 1**

Being a parcel of land which is supposed to contain 25.1 acres, more or less, together with all buildings and improvements thereon having a 911 address of 172 Bogner Drive which are all and the same lands and premises conveyed in a Warranty Deed from Bogner of America, Inc. to James Mulkin and Mary Ann Mulkin, husband and wife and Fredric Oeschger dated November 30, 2007 and recorded in Book 189 at Pages 54-55 of the City of Newport Land Records.

Being all and the same lands and premises conveyed to G.S.I. of Dade County, Inc. by James Mulkin, Mary Ann Mulkin and Fredric Oeschger by Warranty Deed dated September 15, 2011 and recorded in Book 209 at Pages 132-134 of the City of Newport Land Records.

Reference is here made to the above mentioned deeds and their records and to all prior deeds and the records thereof for a further description of the within conveyed lands and premises