

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

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SECURITIES AND EXCHANGE )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TERRY L. DOWDELL, et al., )  
 )  
Defendants )  
\_\_\_\_\_ )

Civil Action No. 3:01CV00116

JAMES H. MICHAEL, JR.  
DISTRICT JUDGE

MOTION FOR ORDER REAPPOINTING RECEIVER

Roy M. Terry, Jr. and the law firm of DuretteBradshaw PLC as duly appointed Receiver for Terry L. Dowdell, Dowdell, Dutcher & Associates, Inc., Emerged Market Securities, DE-LLC, Authorized Auto Services, Inc. and Vavassuer Corporation, respectfully moves the Court to enter an Order confirming its appointment as Receiver, and in support thereof, respectfully shows the Court as follows: Roy M. Terry, Jr. and the law firm of DuretteBradshaw PLC ("Receiver") is Receiver for Terry L. Dowdell, Dowdell, Dutcher & Associates, Inc., and Emerged Market Securities, DE-LLC pursuant to this Court's order entered July 12, 2002.

2. The Receiver serves as receiver for Authorized Auto Services, Inc., pursuant to this Court's order entered September 17, 2002.

3. The Receiver serves as receiver for Vavasseur Corporation pursuant to this Court's order entered February 18, 2003.

4. 28 U.S.C. § 754 permits a receiver to file a copy of its appointment order in the district court for each district in which property is located in order to obtain “complete jurisdiction” over such property. However, the failure of the receiver to file such copies within ten (10) after the entry of the order of appointment divests the receiver of jurisdiction and control over all such property in that district.

5. The authorities are clear that the Court may reappoint the Receiver and thus reset the § 754 clock. *S.E.C. v. Heartland Group, Inc.*, 2003 U.S. District LEXIS 7478 at 15 (E.D. Ill. 2003) (“the court may correct this failure to file such a claim by merely reappointing the Receiver and thereby starting the ten-day time period under § 754 ticking once more) (citing *S.E.C. v. Vision Communications, Inc.*, 74 F.3d 287, 291 (D.C. Cir. 1996)).

6. This Court previously entered an order reappointing the Receiver on May 14, 2003.

7. The Receiver has previously filed timely § 754 Notices in Connecticut (D. Conn.), Florida (M.D. Fla.), Illinois (N.D. Ill.), Michigan (E.D. Mich.), Ohio (S.D. Ohio), Utah (D. Utah), Virginia (E.D. Va.).

8. Since that time, it has come to the attention of the Receiver that certain Receivership Property (as that phrase is used in the various orders of this Court) is located, or believed to be located in California.

9. The Receiver desires to be reappointed so that § 754 Notices may be timely filed in the district courts in California.

WHEREFORE, the Receiver prays that the Court enter an Order reappointing the Receiver, and awarding to it such other and further relief as may be just and proper.

Respectfully submitted, this the 8<sup>th</sup> day of January, 2004.

Roy M. Terry, Jr. and DuretteBradshaw, PLC,  
Receiver  
By Counsel



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