

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

SECURITIES AND EXCHANGE)	Civil Action No. 3:01CV00116
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	
)	
TERRY L. DOWDELL, et al.,)	
)	
Defendants.)	JUDGE JAMES H. MICHAEL, JR.
_____)	

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:

1. Roy M. Terry, Jr. and the law firm of DuretteBradshaw PLC (“Receiver”) serves as 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. Title 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. The Court has previously granted the Receiver’s prior two requests for reappointment. *See* Orders entered May 14, 2003 (docket no. 420) and January 22, 2004 (docket no. 495).

7. The Receiver has learned that certain Receivership Property (as that phrase is used in the various orders of this Court) is located, or believed to be located, in jurisdictions where the Receiver has not filed appointment orders (including, but not limited to, Southern District of Florida and/or Massachusetts, Eastern District of New York, and Oregon).¹

¹ The Receiver’s job is made more difficult by the fact that most , if not all investors in the Vavasseur Program used offshore entities, making it difficult to determine exactly how much the underlying owners got and where they are located. Where owners have been located, most of the the “winners” of the Ponzi scheme are retirees who have used the windfall to move to new houses and live in multiple states depending on the season.

WHEREFORE, the Receiver prays that the Court enter an Order substantially in the form of the Order attached hereto as Exhibit A reappointing the Receiver so that § 754 Notices may be timely filed in the district courts where Receivership Property is believed to be located and awarding to it such other and further relief as may be just and proper.

Respectfully submitted, this the 22nd day of April, 2005.

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

/s/ Douglas Scott
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April, 2005, a true copy of the foregoing Motion was mailed by first class mail, postage fully prepaid, addressed to:

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