

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 09-23507-CIV-GOLD/MCALILEY

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

KIRKLAND YOUNG, LLC, a limited liability
company, and DAVID BOTTOM, individually and as
manager of Kirkland Young, LLC,

Defendants.

ORDER GRANTING RECEIVER'S MOTION FOR INSTRUCTIONS CONCERNING
THE WINDING DOWN OF KIRKLAND YOUNG, LLC [DE 117]

THIS CAUSE is before the Court upon the Receiver's Emergency Motion for Instructions Concerning the Winding Down of Kirkland Young, LLC (the "Motion") [DE 117], and the Notice by Plaintiff Federal Trade Commission ("FTC") Regarding the Receiver's Motion [DE 135]. Oral Argument on the Motion was held on May 20, 2010. Following Oral Argument, the FTC filed a Notice indicating that in light of the Court's direction to the Receiver to continue efforts to obtain loan modifications on behalf of the 391 non-Florida Kirkland Young consumers, the Office of the Attorney General of Florida would not oppose that process. Accordingly, having been informed that the Office of the Attorney General and the FTC defer to the Court's discretion on the matters outlined in the Receiver's Motion, it is hereby


ORDERED AND ADJUDGED that

1. As set forth of record, the Receiver shall continue assisting the 391 Kirkland Young consumers, whose applications for mortgage modifications are either

in the "modification in review" processing stage or in the processing stage prior to reaching the "modification in review stage," with their mortgage modifications.

2. The remaining consumers, more than 450, whose files are at an earlier processing stage shall be contacted and their files returned to them so that they may continue the mortgage modification on their own.
3. The Receiver is permitted to collect the back-end fees that were generated as a result of the 123 loan modifications that were obtained through the efforts of the Receiver's counsel and staff. These funds shall be used to pay the operating expenses associated with these efforts, and the balance shall be available for distribution to the Estate's creditors.
4. The Receiver is also permitted to collect any back-end fees generated by the Receivership in connection with the above-mentioned 391 consumer files that the Receiver has been instructed to continue servicing.

DONE AND ORDERED in chambers at Miami, Florida, this 9 day of June,
2010.



THE HONORABLE ALAN S. GOLD
UNITED STATES DISTRICT JUDGE

cc:

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Magistrate Judge Chris M. McAliley
All counsel of record