

DISTRICT COURT, DENVER COUNTY, STATE COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202	DATE FILED: February 13, 2023 4:05 PM FILING ID: BADB84C1ED90E CASE NUMBER: 2019CV33770
<p><b>Plaintiff:</b> TUNG CHAN, Securities Commissioner for the State of Colorado,</p> <p>v.</p> <p><b>Defendants:</b> MARK RAY; REVA STACHNIW; CUSTOM CONSULTING &amp; PRODUCT SERVICES, LLC; RM FARM &amp; LIVESTOCK, LLC; MR CATTLE PRODUCTION SERVICES, LLC; SUNSHINE ENTERPRISES; UNIVERSAL HERBS, LLC; DBC LIMITED, LLC</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Court-appointed Receiver Gary Schwartz:</i>          John A. Chanin, #20749          Katherine A. Roush, #39267          FOSTER GRAHAM MILSTEIN &amp; CALISHER, LLP          360 South Garfield Street, Suite 600          Denver, Colorado 80209          Phone: (303) 333-9810          Fax: (303) 333-9786          Email: <a href="mailto:jchanin@fostergraham.com">jchanin@fostergraham.com</a>;  <a href="mailto:kroush@fostergraham.com">kroush@fostergraham.com</a></p>	<p>Case Number: 19CV33770</p> <p>Division/Courtroom: 209</p>
<p style="text-align: center;"><b>RECEIVER’S MOTION TO APPROVE PROPOSED PLAN OF DISTRIBUTION</b></p>	

Gary Schwartz, the duly-appointed receiver “Receiver” for all of the assets of Mark Ray (“Ray”), Custom Consulting & Product Services, LLC (“Custom Consulting”), MR Cattle Production Services, LLC (“MR Cattle”), Universal Herbs, LLC (“UH”), DBC Limited, LLC (“DBC”), RM Farm & Livestock, LLC (“RM Farm”), Sunshine Enterprises (“Sunshine”) and the real property, equipment, supplies or inventory located at 12700 E. Lone Chimney Road,

Glencoe, OK 74032 that are in the name of or under the control of Reva Stachniw (“Glencoe Ranch”) (collectively “Ray and the Ray Entities” or the “Estate”), moves the Court to enter an order approving the Receiver’s Proposed Plan of Distribution (“Plan”), filed concurrently herewith.

**I. CERTIFICATION PURSUANT TO COLO.R.CIV.P. 121, § 1-15(8)**

The relief requested in this Motion seeks to benefit the victims of the Ponzi scheme perpetrated by Ray and the Ray Entities, which is the basis of this equitable receivership case. There is no discrete opposing counsel with whom to consult regarding the requested relief. As reflected on the Certificate of Service to this Motion, a separate Notice of the right to object to this motion and the Plan is being served contemporaneously on all counsel who have entered an appearance in this action and all persons who have filed claims against the Estate.

**II. MOTION**

1. The grounds and authority supporting this Motion and approval of the Plan are set forth in detail in the Plan and are incorporated herein. The Plan is fair and equitable and explains the procedures for “rising tide” distributions on allowed investor claims. The Notice that has been served with this Motion and the Plan explicitly notifies interested parties of their right to object. The objection deadline of March 15, 2023 set forth in the Notice is based on Colo. R. Civ. P. 121, § 1-15(1)(b) and provides ample time for interested parties to review and object to the Plan, and exceeds the ten-day period set forth in this Court’s Order Appointing Receiver. *See Order Appointing Receiver* at 11, ¶20 (“Receivership Order,” entered September 30, 2019).

2. Under the Receivership Order, if any objections are filed, the Court “shall promptly hold a hearing on the motion, on at least three (3) days’ notice to all objecting.” *Id.*

3. If no objection to the Plan is filed, the Receiver requests that the Court enter an order approving the Plan. If any objections to the Plan are filed, the Receiver requests that the Court set a prompt hearing to resolve them so that distributions may commence as soon as practicable.

4. The Receiver believes that the procedures set forth in the Plan are fair, equitable, and necessary to move the Receivership toward its ultimate resolution.

WHEREFORE, the Receiver asks that the Court grant this Motion and enter the proposed Order submitted herewith approving the Plan.

Dated: February 13th, 2023.

FOSTER GRAHAM MILSTEIN & CALISHER, LLP.

By: /s/ John A. Chanin

John A. Chanin, #20749

Katherine A. Roush, #39267

ATTORNEYS FOR THE COURT-APPOINTED RECEIVER,  
GARY SCHWARTZ

