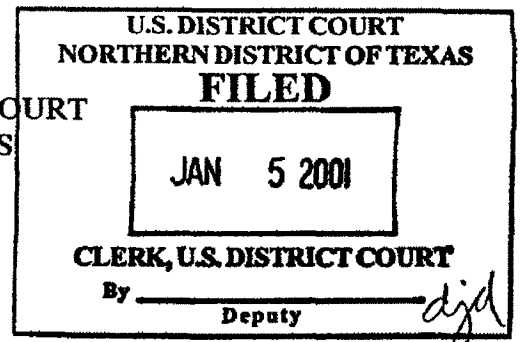


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



MICHAEL J. QUILLING, as Receiver  
for Howe Financial Trust, MVP  
Network, Inc. d/b/a MVP Trust  
and Treds Financial Trust

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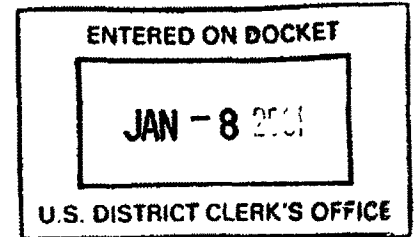
Plaintiff,

NO. 3-99-CV-2699-M

VS.

JAMES W. CONWAY, ET AL.

Defendants.



ORDER

Michael J. Quilling, as Receiver for Howe Financial Trust and related entities, has filed an application for \$890.00 in fees and \$112.64 in expenses for services performed and costs incurred in this case from September 1, 2000 through November 30, 2000. The Receiver was ordered to post a copy of this fee application on his website with instructions to all interested parties that any objections must be filed by December 27, 2000. No objections have been received by the court.

A hearing was held on January 5, 2001. The Receiver advised all interested parties of this hearing by posting notice on his website as directed by the court. No one appeared at the hearing or otherwise objected to the fee application. The Securities and Exchange Commission, through its regional counsel, previously consented to payment of the amount requested.

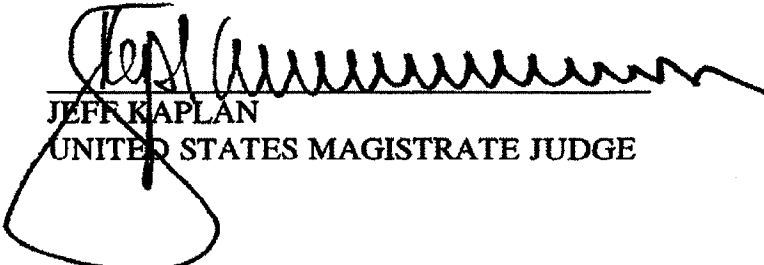
The Court has reviewed the fee application and exhibits attached thereto, and finds that none of the time spent, services performed, or expenses incurred by the Receiver would have been

necessary had he complied with the controlling jurisdictional statute.<sup>1</sup> Accordingly, the application for fees and expenses is denied in its entirety.

The Court will not entertain any further fee applications in this case.

SO ORDERED.

DATED: January 5, 2001.

  
JEFF KAPLAN  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Defendants John W. Conway and John W. Conway, P.S.C. are Kentucky citizens. The Receiver argued that personal jurisdiction over these defendants was proper under a federal statute which extends the jurisdiction of a receivership court to any district where property of the receivership estate may be located. 28 U.S.C. § 1692. In order to support the exercise of personal jurisdiction over a nonresident defendant under section 1692, a receiver must:

*[W]ithin ten days after the entry of his order of appointment, file copies of the complaint and such order of appointment in the district court for each district in which property is located. The failure to file such copies in any district shall divest the receiver of jurisdiction and control over all such property in that district.*

28 U.S.C. § 754 (emphasis added). The magistrate judge held that the Receiver failed to comply with section 754 because he did not file a copy of the complaint and his order of appointment in the Western District of Kentucky in a timely manner. As a result, he was not entitled to rely on the statute authorizing nationwide service of process. See FINDINGS & RECOMMENDATION OF MAGISTRATE JUDGE, 7/10/00 at 5-6. These findings were adopted, as modified, by the district judge. See ORDER, 9/27/00.