

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DISTRICT COURT  
WESTERN DISTRICT MICH  
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MICHAEL J. QUILLING, Receiver for  
Hammersmith Trust, L.L.C., Hammersmith  
Trust, Ltd., Microfund, L.L.C. and B.  
David Gilliland

Plaintiff,

v.

Case No.: 1:00-CV-826

THE WOLCOTT LIFETIME TRUST,  
JACK W. HIGGINS, TRUSTEE,  
MELODY WOLCOTT GILLILAND,  
JEFFREY D. SAXON, JR.,  
OPTION ONE MORTGAGE  
CORPORATION, NORWEST BANK  
MINNESOTA (now known as WELLS  
FARGO BANK MINNESOTA), and  
NORTHPOINTE BANK,

HON. GORDON J. QUIST

Defendants.

**ORDER**

In accordance with the Opinion filed this date,

**IT IS HEREBY ORDERED** that Plaintiff's Motion For Summary Judgment Against Defendants, The Wolcott Lifetime Trust And Melody Wolcott Gilliland (docket no. 60) is **GRANTED**. It is declared and adjudged that:

1. Plaintiff, as Receiver in Securities and Exchange Commission v. Funding Resource Group, a/k/a, FRG Trust, et al., Case No. 3:98-CV-2689-M, holds equitable title to the property located in the Township of Port Sheldon, County of Ottawa, and State of Michigan, more commonly known as 9047 Lakeshore Drive, West Olive, Michigan 49460, and legally described as:

A part of the North  $\frac{1}{2}$  of the Southwest fractional  $\frac{1}{4}$  of Section 4, Town 6 North, Range 16 West, described as commencing at a point 1100 feet West and 999 feet South of the Northeast corner of the said Southwest fractional  $\frac{1}{4}$  of said Section; running thence South 110 feet; running thence West to the margin of Lake Michigan;


running thence North along the margin of Lake Michigan 110 feet to a point directly West of place of beginning; running thence East to place of beginning. Including an unrecorded right of ingress and egress from the Public highway over the presently established roadway.


(The "Michigan Property").

2. A constructive trust in favor of Plaintiff as Receiver is imposed upon the Wolcott Lifetime Trust's interest in the Michigan Property, as set forth in the deed from John and Nancy Carlyle to the Wolcott Lifetime Trust. Any legal or equitable interest of the Wolcott Lifetime Trust or Melody Wolcott Gilliland in or to the Michigan Property is hereby extinguished.
3. The deed from the Wolcott Lifetime Trust to Plaintiff as Receiver is valid and enforceable and vests legal and equitable title in Plaintiff as Receiver.

**IT IS FURTHER ORDERED** that the claims of the Wolcott Lifetime Trust and Melody Wolcott Gilliland regarding the Michigan Property are **dismissed**.

Dated: FEE 28 2002

  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE

Certified as a True Copy  
Ronald C. Weston, Sr., Clerk  
By   
Deputy Clerk  
U. S. District Court  
Western Dist. of Michigan  
Date 31-02