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FILED
APR - 7 2003
KENNETH S. LEVY, J.S.C.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
CHANCERY DIVISION
DOCKET NO. C-88-03

PETER C. HARVEY
ACTING ATTORNEY GENERAL OF
NEW JERSEY
on behalf of
FRANKLIN L. WIDMANN, CHIEF OF THE
NEW JERSEY BUREAU OF SECURITIES,

Plaintiffs,

v.

MICHAEL R. CASEY,

Defendant

Civil Action

CONSENT ORDER

This matter was brought before the Court on the application of Peter C. Harvey, Acting Attorney General of New Jersey, (Jonathan D. Rudolph, Deputy Attorney General appearing), on notice to Walder, Hayden & Brogan, attorneys for the defendant (Shalom Stone, Esq., appearing). Defendant has not filed opposition to the application; instead, Defendant desires to enter into this Consent Order. The Court has read and considered the submitted papers and this consent order and is satisfied that good cause exists for the entry of this Order; therefore,:

IT IS on this 7th Day of April, 2003,

ORDERED:

1. Defendant shall appear at the Bureau of Securities, 153 Halsey Street, 6th floor, Newark, New Jersey 07101 on Thursday, April 17, 2003, at 10:00 A.M., and at that time and place, and as continued thereafter, be examined and testify concerning matters relating to the business practices and his ownership of, employment by, or association with, the following business entities: Midas Financial Planners; Midas Financial Planning Services Group; Touch of Gold; Midas Realty Corporation of America, Inc.; Midas Working Capital Fund, G.P.; Midas Trading; JFC Ltd.; DMC Properties Ltd.; Midas Wantage Township L.P.; Midas Investment Fund; Midas No-Load Funds, Inc.; Michael Casey Enterprises Investment Club; Security Investors of New Jersey; Michael R. Casey Associates Tax Consultants; or any other business entity with which he is or has been associated. If the deposition is not completed on Thursday, April 17, 2003, Defendant shall next appear on Monday, April 28, 2003, and on successive days thereafter, as well as such other days upon which the parties might agree, until his examination is fully completed;

2. Defendant shall, at the date and time of his appearance(s), fully and completely comply with Bureau of Securities subpoena #2977, and provide to the Bureau of Securities any and all items previously requested in Schedule "A" attached to that subpoena, a copy of which is attached to this Order;

3. Defendant is enjoined from destroying or otherwise disposing of or making unavailable any and all corporate records or other records or documents, which are in defendant's possession, custody, or control, which relate in any manner to defendant's ownership of, employment by, or association with the following business entities: Midas Financial Planners; Midas Financial Planning Services Group; Touch of Gold; Midas Realty Corporation of America, Inc.; Midas Working Capital Fund, G.P.; Midas Trading; JFC Ltd.; DMC Properties Ltd.; Midas Wantage Township L.P.; Midas Investment Fund; Midas No-Load Funds, Inc.; Michael Casey Enterprises

Investment Club; Security Investors of New Jersey; Michael R. Casey Associates Tax Consultants; or any other business entity with which Michael Casey is or has been associated;

4. Until Defendant has fully complied with the subpoena and the bureau has completed its investigation, Defendant Michael R. Casey and any of his agents, employees, brokers, partners, officers, directors, investment advisers, investment adviser representatives or issuers who are given notice of the Order are enjoined from issuing, selling, offering to sell, purchasing or offering to purchase, promoting, negotiating, advertising, or distributing from or within New Jersey any securities or investment advisory advice concerning securities; and

5. If Defendant fails to appear for any deposition as required by this Order, Plaintiffs may apply on an *ex parte* basis for an order for Defendant's arrest; provided, however, than any such application must be supported with appropriately verified certification(s).

Hon. Kenneth S. Levy, J.S.C.

The undersigned consent to the form and entry of the within Order:

WALDER, HAYDEN & BROGAN
Attorneys for Defendant

By: _____

PETER C. HARVEY
Acting Attorney General of New Jersey

By: Jonathan D. Rudolph
Deputy Attorney General

Investment Club; Security Investors of New Jersey; Michael R. Casey Associates Tax Consultants; or any other business entity with which Michael Casey is or has been associated;

4. Until Defendant has fully complied with the subpoena and the bureau has completed its investigation, Defendant Michael R. Casey and any of his agents, employees, brokers, partners, officers, directors, investment advisers, investment adviser representatives or issuers who are given notice of the Order are enjoined from issuing, selling, offering to sell, purchasing or offering to purchase, promoting, negotiating, advertising, or distributing from or within New Jersey any securities or investment advisory advice concerning securities; and

5. If Defendant fails to appear for any deposition as required by this Order, Plaintiffs may apply on an *ex parte* basis for an order for Defendant's arrest; provided, however, than any such application must be supported with appropriately verified certification(s).

Hon. Kenneth S. Levy, J.S.C.

The undersigned consent to the form and entry of the within Order:

WALDER, HAYDEN & BROGAN
Attorneys for Defendant

By: Shalom Stone

PETER C. HARVEY
Acting Attorney General of New Jersey

By: Jonathan D. Rudolph
Deputy Attorney General

SCHEDULE A

Subpoena # 2977

1. A list of any and all entities currently or previously owned, operated and/or controlled by Michael Casey ("Casey") such as, **but not limited to,** Midas Financial Services Group, Midas No-Load Funds, Security Investors of New Jersey and Midas Security Investors of New Jersey.

2. Copies of any and all documents that have been made available to any individual which contain information pertaining to the entities which fall under the purview of paragraph 1. These documents include, **but are not limited to,** Prospectuses, Offering Memorandums, Partnership Agreements, Notes Payable, Subscription Agreements and Co-Ownership Agreements.

3. Copies of any and all correspondence sent to and/or received from any individual who was solicited to or has given/loaned money ("investors") to Casey and/or any of the entities that fall under the purview of paragraph 1.

4. A list showing the names, addresses, and phone numbers of all former and current investors in the entities which fall under the purview of paragraph 1. This list should include the dates and the amounts invested by each individual.

5. A list establishing where the money received from investors was deposited and/or invested by Casey and/or the entities which fall under the purview of paragraph 1 including, **but not limited to,** real estate entities and brokerage accounts.

6. Copies of any and all documents establishing and/or confirming the investments made by individuals in the entities which fall under the purview of paragraph 1 including, **but not limited to,** confirmations, notes payable, subscription agreements, co-ownership agreements and 1031 exchanges.

7. Copies of any and all monthly, quarterly, semiannually and yearly statements provided to each investor in any of the entities which fall under the purview of paragraph 1.

8. Copies of any and all documents showing distributions made to each investor including, **but not limited to,** checks (fronts and backs) and/or wires. This is to include, **but is not limited to,** distributions made due to sales of any property managed by Casey and/or J. Ballas Management Company for the benefit of Casey and/or any of the entities which fall under the purview of paragraph 1.

9. Copies of any and all documents showing an accounting for distributions made to each investor by Casey and/or the entities which fall under the purview of paragraph 1. Distributions for sales of any property managed by Casey and/or J

Ballas Management Company for the benefit of Casey and/or any of the entities which fall under the purview of paragraph 1 should include when the proceeds from the sales were received and when they were distributed.

10. Copies of any and all documents provided to each investor for income tax purposes, including, **but not limited to,** 1099s and K-1s.

11. Copies of any and all documents showing an accounting for the figures provided to each individual investor for income tax purposes.

12. A list of any and all banks, past and present, who have provided banking services to the entities which fall under the purview of paragraph 1. This is to include the account number for each entity.

13. Copies of any and all accounting records to include, **but not limited** to, journals, ledgers and financial statements for the entities that fall under the purview of paragraph 1.

14. Copies of any and all documents pertaining to current mortgages held on the entities that falls under the purview of paragraph 1.

15. Copies of any and all documents showing the refinancing of mortgages for the entities that fall under the purview of paragraph 1.

16. Copies of any and all documents concerning all investors where their individual investment in an entity which falls under the purview of paragraph 1 which includes cash invested and/or 1031 exchanges plus the responsibility of a mortgage.

17. Copies of any and all records pertaining to past and current brokerage accounts where investors' funds are/were deposited or being used. These records include, **but are not limited to,** account numbers, applications that opened the accounts, any documents which gives a firm and/or individual discretionary power and/or limited power of attorney, over accounts. Also copies of any and all agreements for options trading, margin accounts, short sales and checking and saving accounts.

18. Copies of any and all monthly and quarterly statements from the opening of the account to the present time and for all brokerage accounts where investors' money is/was deposited or being used.

19. Copies of any and all documents showing where the funds were transferred to when the brokerage accounts were closed.

20. Copies of any and all documents showing all payments made to C[illegible]

managing and/or services rendered to the entities which fall under the purview of paragraph 1.

21. Copies of any and all records pertaining to past and current brokerage accounts which were held jointly and/or individually by Casey and Frances Casey. These records include, **but are not limited to,** applications that opened the accounts and applications for options trading, margin account, short sales and checking and saving accounts.

22. Copies of any and all monthly and quarterly statements for these brokerage accounts of Casey and Frances Casey.

23. Copies of any and all records pertaining to all bank accounts held jointly or individually by Casey and Frances Casey. This is to include account numbers.

24. The names, addressed and phone numbers of all individuals who had or have Individual Retirement Accounts ("IRA") with Retirement Accounts, Inc. ("RAI") and had or have their IRA funds managed by Michael Casey.

25. Copies of any and all documents showing IRA funds managed by Casey exclusive of RAI.

26. Copies of any and all documents showing where the IRAs of individuals described paragraph 24 and 25 are/were invested.

27. Copies of any and all documents showing distribution of IRA funds managed and/or controlled by Casey. This is to include, **but not limited to,** checks (fronts and backs) the RAI received from Michael Casey and/or the entities that fall under the purview of paragraph 1 to fund these distributions as well as checks issued by RAI to individual IRA account holders.

28. Copies and/or documentation of any and all complaints received from potential and/or actual investors and the steps taken to resolve them. This is to include, **but is not limited to,** complaints received from individuals, complaints filed in courts of law, and complaints handled by attorneys out of court.