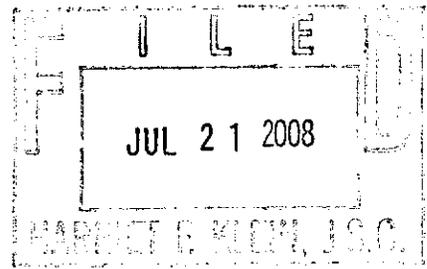


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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, ESSEX COUNTY  
Docket No. ESX C-389-03

\_\_\_\_\_  
PETER C. HARVEY, Attorney General :  
of the State of New Jersey, and :  
FRANKLIN L. WIDMANN, Chief of the : Civil Action  
New Jersey Bureau of Securities, :  
: :  
Plaintiffs, :  
: :  
v. : FINAL JUDGMENT AND  
: CONSENT ORDER  
: :  
MICHAEL R. CASEY, et al., :  
: :  
Defendants. :  
\_\_\_\_\_

WHEREAS this action was commenced on December 2, 2003 by the Attorney General of New Jersey and the Chief of the New Jersey Bureau of Securities (the "Bureau Chief"), currently represented by Deputy Attorneys General Joshua T. Rabinowitz and Toral Makani Joshi, alleging violations of the New Jersey Uniform Securities Law (1997), N.J.S.A. 49:3-47 et seq., ("New Jersey Uniform Securities Law") and seeking the appointment of a Receiver;

*Handwritten initials: JTA, KM*

WHEREAS the Court appointed Zulima V. Farber, Esq., subsequently succeeded by Bruce D. Shoulson, Esq. (represented by Lowenstein Sandler P.C.) as Receiver for defendant Michael R. Casey ("Casey"), represented by Kevin P. Meehan, Esq, Casey's wife, defendant Francis Primiano Casey ("Mrs. Casey"), represented by Patrick Egan, Esq., (Casey and Mrs. Casey are collectively referred to as the "Caseys") and for various entities, as set forth in the Court's February 19, 2004 Order, that were owned or controlled by Casey;

WHEREAS the parties, in order to prevent further depletion of the Receivership Estate and to avoid the further burdens and costs of litigation, have chosen to settle the above-captioned matter in accordance with the terms of this Final Judgment and Consent Order;

WHEREAS Casey represents that the statements he made to the Receiver and the New Jersey Bureau of Securities (the "Bureau") about the source and location of his assets are correct in all material respects;

WHEREAS the Bureau represents that it does not allege, and is not aware of any evidence, that Mrs. Casey has engaged in any of the violations of the New Jersey Uniform Securities Law that the Bureau has alleged against Casey;

WHEREAS Mrs. Casey represents that: (a) she is not aware of any material misstatement in Casey's account of his assets in the voluntary petition that he filed for the protection of the United

States Bankruptcy Court under Chapter 11 on August 5, 2005 or in the voluntary petition that he filed for the protection of the United States Bankruptcy Court under Chapter 7 on April 25, 2006 (the "Chapter 7 Petition"); (b) she is not aware that any of the assets that she or Casey has identified to the Receiver, the Bureau or this Court as her separate assets were purchased with funds that investors gave to Casey as investments in any entity that Casey managed or controlled; and (c) she is not aware of any money or other assets that Casey transferred to avoid paying investors or other creditors;

WHEREAS solely for the purpose of settling this proceeding and without Casey admitting or denying any findings of fact or conclusions of law contained below, Vincent J. Oliva, the Bureau Chief, makes the following findings of fact and conclusions of law with respect to the allegations in the verified complaint that relate to the period from December 3, 1993 through February 19, 2004:

A. Casey violated N.J.S.A. 49:3-60 by offering or selling ownership interests in the following companies from New Jersey, or to New Jersey investors, that were securities under N.J.S.A. 49:3-49(m), were not registered with the Bureau and were not exempt from the Bureau's registration requirements: (a) interests in Midas Park Ridge Associates (a/k/a 295 Spring Valley Road Associates) Tenants In Common; (b) interests in

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126 Franklin Avenue Apartments Tenants In Common; (c) interests in 140 West Englewood Avenue Associates Tenants In Common; (d) interests in 300 East Homestead Avenue Associates Tenants In Common; (e) interests in 329 Essex Street Tenants In Common; (f) interests in 1266 Teaneck Road Associates Tenants In Common; (g) notes of, or other interests in, Midas Securities Investors of New Jersey, G.P.; (h) notes of, or other interests in, Midas Investment Fund, Inc.; (i) notes of, or other interests in, Midas No-Load Funds, Inc.; and (j) notes of, or other interests in, Midas Working Capital Fund, G.P.;

B. Casey violated N.J.S.A. 49:3-56(a) by (a) selling the interests or notes referred to in paragraph A during a period when he was not registered as an agent of a broker-dealer or the agent of an issuer and did not qualify for an exemption from the Bureau's registration requirements, and (b) acting as an investment adviser after his registration had expired;

C. Casey violated N.J.S.A. 49:3-56(h) because he was the issuer of the interests and notes referred to in paragraph A and he offered or sold those notes and interests through agents who were not registered with the Bureau and did not qualify for an exemption from the Bureau's registration requirements;

D. Casey violated N.J.S.A. 49:3-52(b) by offering and

selling the notes referred to in paragraph A without disclosing all of the risks associated with the purchase of those notes. Although Casey disclosed that the proceeds of the notes for each company would be used to make loans to other companies that Casey managed, he failed to disclose the financial condition of the companies that received the loans or the risk that those companies would not be able to repay their loans. Casey also told investors that certain notes were guaranteed as to their principal and interest even though he did not have the resources to make those guarantees;

E. Casey violated N.J.S.A. 49:3-52(b) by offering and selling the interests and notes referred to in paragraph A without disclosing all of the purposes for which he used the invested funds, including using money invested in notes to make advances or loans to himself and using money invested in the real estate interests he sold to make advances or loans to himself and other companies that he managed;

F. The Bureau Chief has found and determined that Casey violated N.J.S.A. 49:3-60, N.J.S.A. 49:3-56(a), N.J.S.A. 49:3-56(h), and N.J.S.A. 49:3-52(b) without making any findings as to Casey's intent.

WHEREAS this Final Judgment and Consent Order has been reviewed and approved by the Honorable Harriet F. Klein, J.S.C., who, without adopting the Bureau Chief's findings of fact and

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conclusions of law or making any findings of fact or conclusions of law with respect to any allegation in the verified complaint filed in this action on December 2, 2003, other than the allegations relating to the Court's jurisdiction over the case, enters this Final Judgment and Consent Order (the "Order");

It is hereby Ordered and Adjudged on this 21<sup>st</sup> Day of

July 2008, that:

1. Defendant Michael R. Casey is enjoined from violating N.J.S.A. 49:3-52, N.J.S.A. 49:3-56(a), N.J.S.A. 49:3-56(h), and N.J.S.A. 49:3-60;
2. Defendant Michael R. Casey agrees that he will not engage in the securities business in New Jersey in any capacity, including, but not limited to, acting as a broker-dealer, agent, investment adviser, investment adviser representative or otherwise and any violation of this agreement shall be deemed to be a violation of this Order;
3. Defendant Michael R. Casey shall make a payment pursuant to N.J.S.A. 49:3-70.1 in the amount of \$100,000. The payment shall be made in accordance with the payment schedule set forth in paragraphs 21 through 27, *infra*, of this Order;
4. Defendant Michael R. Casey shall make payments to investors pursuant to N.J.S.A. 49:3-69(a)(2) in the amount determined by paragraphs 6 through 20, *infra*, and Casey shall make these payments in accordance with the payment schedule set forth in

paragraphs 21 through 27, *infra*;

5. Casey represents that he will not argue, submit, propose, seek to establish or otherwise contend before any court or tribunal that any payment made pursuant to this Order is a dischargeable debt under the United State Bankruptcy Code or any other Federal or State law for the relief of debtors and acknowledges that if any court of competent jurisdiction shall determine that any payment made pursuant to this Order is, in whole or in part, a dischargeable debt, then the Bureau shall have the right to bring an action to establish that Casey violated the New Jersey Uniform Securities Law and to seek any and all remedies available to it for violations of that law, and, to that end, Casey waives the provisions of any statute of limitations;

The Amount of the Payment to Investors

6. Except as otherwise provided in this Order, Casey shall make a payment to each investor who purchased an ownership interest, a note, or any interest in a note, in or from any company Casey managed or controlled on or after December 3, 1993 including, but not limited to, each investor, other than his wife and daughter, listed as a creditor of one of the following companies identified in his Chapter 7 Petition: (a) Midas Park Ridge Associates (a/k/a 295 Spring Valley Road Associates) Tenants In Common; (b) 126 Franklin Avenue Apartments Tenants In Common; (c) 140 West Englewood Avenue Associates Tenants In Common; (d) 300

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East Homestead Avenue Associates Tenants In Common; (e) 329 Essex Street Tenants In Common; (f) 1266 Teaneck Road Associates Tenants In Common; (g) Midas Securities Investors of New Jersey, G.P.; (h) Midas Investment Fund, Inc.; (i) Midas No-Load Funds, Inc.; (j) Midas Working Capital Fund, G.P. (including the investors who will be deemed to have purchased a note in this company pursuant to paragraph 10, infra); (k) Midas Securities I, L.P.; and (l) Midas Wantage Township, L.P. (the foregoing entities are herein referred to collectively as "Companies" and individually as "Company"). Casey shall make a payment to each such investor regardless of whether the investor's purchase of the interest in the Company, note of the Company, or interest in a note of the Company was the investor's initial investment with Casey, a rollover of a prior investment with Casey or a re-investment of the interest that the investor had earned on a pre-December 3, 1993 investment in the Company. However, notwithstanding anything to the contrary in this Order, Casey shall not have to pay: (a) an investor in a tenants in common association for an interest in a property purchased as a tenant in common if the investor's interest in the property was, by Court order or otherwise, transferred from the Receivership Estate to the investor, or (b) a limited partner of a Casey real estate limited partnership for an investment in the limited partnership if the Receiver sold the limited partnership's property and the net proceeds from the sale were, by Court order or otherwise,

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transferred from the Receivership Estate to the limited partnership;

7. The amount Casey shall pay an investor in connection with his or her investment in a note of a Company shall be the following amount plus 10%: (a) for an investor who purchased a note of a Company prior to December 3, 1993, the amount of interest that was deemed paid and then re-invested in the note on or after December 3, 1993, less any amounts that Casey can establish, to the satisfaction of the Bureau Chief, were paid to the investor with respect to the note after December 3, 1993, up to 100% of the face amount of the original note; (b) for an investor who purchased one or more notes of a Company on or after December 3, 1993, the face amount of each note, less any amounts that Casey can establish, to the satisfaction of the Bureau Chief, were paid to the investor with respect to any such note; and (c) for an investor who purchased one or more notes of a Company on or after December 3, 1993 through a rollover of another Casey investment, the purchase price of the investment made prior to December 3, 1993, less any amounts that Casey can establish, to the satisfaction of the Bureau Chief, were paid to the investor with respect to the original investment and that were not rolled over and any amounts that Casey can establish, to the satisfaction of the Bureau Chief, were repaid to the investor with respect to any such note;

8. Casey shall be required to pay each investor who invested

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in a tenants in common association whose property was sold by the Receiver, an amount equal to the investor's pro rata share, based on the investor's percentage interest in the property on February 19, 2004, of the net proceeds from the sale of the property as reported by the Receiver;

9. Casey shall be required to pay each limited partner in Midas Wantage L.P., whose property was sold by the Receiver, an amount equal to the limited partner's pro rata share, based on the limited partner's percentage ownership of the partnership, of the net proceeds from the sale of the property as reported by the Receiver;

10. Every limited partner in a Casey real estate limited partnership who was given the option on or about January 8, 2004 to convert his or her limited partnership interest into a Midas Working Capital Fund, G.P. note shall be deemed to have converted his or her limited partnership interest into a note whose face amount is equal to the limited partner's capital account, as reflected in the last K-1 that was sent to the limited partner after the partnership's property was sold. Casey shall be required to pay each limited partner 110% of the face amount of the notes the limited partner is deemed to have purchased;

11. The Receiver shall provide Casey with working copies of the three hard drives that it obtained in connection with the February 19, 2004 Order and access to the bank and business records

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(the "Records") that it obtained in connection with that order. The Receiver will make the Records available to Casey in the same format that the Receiver has kept the Records since taking the Records from Casey's office and will provide Casey with one (1) copy of the Records Casey needs to perform his duties under this Order.<sup>1</sup> Within seventy five (75) days of receipt of those hard drives and Records, Casey shall submit to the Bureau Chief, a list of the investors to whom he agrees to make payments pursuant to paragraphs 6 through 10 of this Order and documentation to support the payment to each investor on the list or, if there are any investors for whom Casey does not have complete documentation, a list of the records, including additional bank records, he needs to complete the documentation. The Bureau Chief shall presume that Casey's business records are accurate and, after taking account of Casey's submission, business records in the Bureau's or the Receiver's possession, and additional bank records that Casey shall cooperate in securing, prepare a revised list (the "List") for distribution to the investors on the List. Casey shall cooperate in securing additional bank records by executing any documentation

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<sup>1</sup> As of March 20, 2008, the Receiver was able to locate a check register for a Frances Casey account at Fleet Bank but was not able to locate other check registers that Casey maintained in connection with his businesses among the Records it obtained pursuant to the February 19, 2004 Order.

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required by a bank for the release of the additional records<sup>2</sup>;

12. If Casey fails to produce the list and other information to the Bureau Chief within the required seventy five (75) days, then Casey shall be required to pay each investor referred to in paragraphs 7 through 10, other than an investor in a tenants in common association whose property was, by Court order or otherwise, transferred from the Receivership Estate to the investor, 110% of the amount Casey listed as owed to that investor in his Chapter 7 Petition. (The relevant pages of Casey's Chapter Petition are attached hereto as Exhibit A.) An investor in a tenants in common association whose property was, by Court order or otherwise, transferred from the Receivership Estate to the investor, shall have no right to any further payment for that property under this Order;

13. The Bureau shall file the List with the Court and send a copy of the List to each investor to whom the Receiver sends its reports;

14. Each investor has sixty (60) days from the date the List was sent and postmarked to send the Bureau Chief evidence that the List misstates what Casey has agreed to pay that investor pursuant

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<sup>2</sup> The charges for obtaining the additional bank records shall be paid as follows: (a) the Bureau will pay all of the charges up to \$2,000; and (b) the Bureau will pay 50% of the charges in excess of \$2,000 and the remaining 50% shall be paid by the Receivership Estate or, in the event that the Receivership Estate has closed, by the Administrator, as that term is defined in paragraph 30, *infra*, as an additional administrative expense.

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to this Order. The Bureau Chief shall, based on the records the investor presents, determine whether the evidence the investor submitted is sufficient to justify a change to the List;

15. By December 31, 2008, or as soon thereafter as is reasonable, the Bureau shall file a new list (the "Revised List") with the Court that identifies what Casey shall pay each investor (the "Individual Investor Payment"). The sum of the Individual Investor Payments shall be referred to as "the Total Investor Payment." Casey agrees to accept the Revised List as filed by the Bureau which, except to the extent modified by the Court, shall be deemed to be final, unappealable and binding upon Casey for the purpose of determining what Casey shall pay each investor pursuant to this Order;

16. By December 31, 2008, or as soon thereafter as is reasonable, the Bureau shall also send a copy of the Revised List to each investor to whom the Receiver sends its reports and a cover letter that advises the investor that if he or she wants to receive payments pursuant to this settlement, then he or she must give Casey, Mrs. Casey, the Bureau and the Receiver the releases set forth in paragraphs 28 and 29, *infra*, that are pre-conditions for receipt of payments pursuant to the Order;

17. Each investor who wants to participate in this settlement must give the Bureau Chief written notice within forty five (45) days from the date the Revised List was sent and postmarked that he

or she wants to participate in the settlement and agrees that by accepting any payment made pursuant to the Order, he or she will have granted the releases to Casey, Mrs. Casey, the Bureau and the Receiver set forth in paragraphs 28 and 29, *infra*, that are pre-conditions for receipt of payments pursuant to the Order;

18. Casey's Individual Investor Payment to each investor on the Revised List for an investment shall be reduced by the amount, if any, that the investor otherwise receives from the Receivership Estate for that investment. The Receiver shall provide to Casey and the Bureau a list of all payments it made directly to any investor in connection with its administration of the Receivership Estate. The Receiver shall pay any funds that remain in the Receivership Estate upon the closing of that estate in accordance with the order of this Court;

19. Casey's Individual Investor Payment to each investor shall be reduced by the amount, if any, of any voluntary payment Casey makes to that investor, with proof of payment, to reduce Casey's payment to that investor under this Order;

20. Casey's Individual Investor Payment to each investor with respect to an investment that is covered by this Order shall also be reduced by any payment Casey makes to an investor, with proof of payment, to settle a judgment against Casey that relates to that investment;

The Payment Plan and the Payment Schedule

21. Casey shall not be required to make any payment pursuant to this Order prior to June 30, 2009, at which time he shall make a \$5,000 payment to the Administrator, as that term is defined in paragraph 30, *infra*. If Casey's income (as defined in paragraph 24, *infra*) for calendar year 2008 is greater than \$50,000, then Casey shall make an additional payment to the administrator on December 15, 2009 of the difference between the following sum and \$5,000: (i) 10% of the first \$100,000 of Casey's income for 2008; (ii) 25% of the next \$100,000 of Casey's income for 2008; and (iii) 35% of Casey's income in excess of \$200,000 for 2008;

22. In 2010 and thereafter, Casey shall make the \$100,000 payment pursuant to N.J.S.A. 49:3-70.1 and the payment to investors pursuant to N.J.S.A. 49:3-69(a)(2) according to the following payment plan:

- (a) Casey shall pay the greater of \$10,000 or the sum of
  - (i) 10% of the first \$100,000 of Casey's income for the previous year, (ii) 25% of the next \$100,000 of Casey's income for the previous year, and (iii) 35% of Casey's income in excess of \$200,000 for the previous year; and
- (b) Casey shall make the minimum payment of \$10,000 by June 30 of that year and the additional payment, if any, by December 15 of that year;

23. Until Casey's \$100,000 payment pursuant to N.J.S.A. 49:3-

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70.1 is paid, Casey's payments shall be used to pay the costs of administering the plan and then split equally between Casey's payment pursuant to N.J.S.A. 49:3-70.1 and Casey's Individual Investment Payments;

24. For purposes of this Order, Casey's income is defined as his adjusted gross income ("AGI"), or his and Mrs. Casey's adjusted gross income if they file a joint return (minus the payments permitted to Mrs. Casey pursuant to this paragraph), irrespective of the form of business used to earn the income reported on his federal, state or other income tax returns (including but not limited to any individual, partnership or corporate returns filed for entities in which Casey or Mrs. Casey has either an ownership interest or receives compensation). Casey's AGI shall be without regard to any deductions or other adjustments for payments Casey made pursuant to this plan. Casey's AGI shall be increased by payments to family members that are in excess of the fair market value of the services rendered to any business entity in which Casey or Mrs. Casey has an ownership interest, unless such compensation or other benefit amount is already included in Casey's AGI. For the purpose of this Order, the Bureau will not dispute that payments from Casey to Mrs. Casey or Jennifer Casey of \$40,000 per year (in 2008 dollars) for a full-time position, plus reasonable and necessary expenses for benefits that are provided to all workers, or \$20,000 per year (in 2008 dollars) for a half-time

position is fair market value.<sup>3</sup> Casey's AGI shall be reduced by any compensation, or other income included in a joint tax return by Casey and Mrs. Casey, that Casey can establish Mrs. Casey received from an independent source, i.e., a source in which Casey had no direct or indirect interest;

25. Casey shall make all payments due pursuant to this Order by December 15, 2017;

26. If Casey complies with the payment schedule in this Order and, in addition, makes payments to the Administrator by December 15, 2010 that are sufficient for the Administrator to pay each investor 51% of the Individual Investor Payment to that investor, then Casey shall not have to make any further payments to investors under this Order;

27. If Casey complies with the payment schedule in this Order and, in addition, makes payments to the Administrator by December 15 of any of the following years that are sufficient for the Administrator to pay each investor the designated percentage of Casey's Individual Investor Payment to that investor, then Casey shall not have to make any further payments to investors under this Order: (a) December 15, 2011 - 58%; (b) December 15, 2012 - 65%;

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<sup>3</sup> For the purpose of this agreement, a full-time position is one that requires at least 35 hours of work per week and the same vacation, sick day and days off policy that applies to similarly situated employees and a half-time position is a position that requires at least 18 hours of work per week and the same vacation, sick day and days off policy that applies to similarly situated employees.

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(c) December 15, 2013 - 72%; (d) December 15, 2014 - 79%; (e) December 15, 2015 - 86%; (f) December 15, 2016 - 93%; or (g) December 15, 2017 - 100%;

Each Investor's Right To Opt Out of the Payment Plan and the Preconditions of an Investor's Right to Payment Under the Order

28. Each investor on the List or the Revised List shall have the right to: (a) accept a right to payment from Casey pursuant to this Order and grant each of Casey and Mrs. Casey a release from any action against him or her that relates to any investment with Casey that is covered by this Order; or (b) reject a right to payment from Casey pursuant to this Order and reserve his or her right to sue Casey for any claims he or she may have against Casey;

29. Each investor who accepts a right to payment from Casey under this Order shall also fully and completely release the State of New Jersey, the Bureau, each person who has served as the Receiver in this matter, and each person who has served as an attorney or agent for the State of New Jersey, the Bureau or the Receiver from any and all claims, liabilities, damages, costs and expenses that the investor may have against any such person in connection with this matter;

Administration of the Settlement

30. The Bureau, or its designee (the "Administrator"), will collect the payments from Casey and make payments to the investors on the Revised List who choose to accept payments pursuant to the payment plan;

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31. If no Administrator other than the Bureau is appointed, then all payments from Casey shall be sent to the Bureau Chief at the following address:

Chief of the New Jersey Bureau of Securities  
State of New Jersey, Department of Law and Public Safety  
Division of Consumer Affairs  
Bureau of Securities  
153 Halsey Street, 6<sup>th</sup> Floor  
Newark, New Jersey 07102

If an Administrator other than the Bureau is appointed, then this Order shall be amended to direct Casey to send his payments to the Administrator at the address specified in the amended order;

32. The expenses associated with the administration of the settlement shall be paid from the payments received from Casey. If the Bureau serves as the Administrator, then it may pay itself \$2,000 per year for the costs of administration without providing an accounting of its expenses to the Court. Each year when the Administrator receives payments from Casey, it shall, after taking its administrative fee, if any, and paying the Bureau the amount it is due (in accordance with paragraphs 3 and 23), use the remaining funds to make pro rata payments of the amounts still due to the investors on the Revised List;

33. Casey shall provide the Administrator with a copy of his income tax return, or his joint income tax return, and the income tax return of any entity that he controls for each year that he is required to make payments pursuant to the payment plan by August 15 of the following year. The income tax returns and the non-public

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information in them shall be used solely for the purpose of administering and enforcing this Order and shall be kept confidential and, therefore, shall not be a government record under N.J.S.A. 47:1A-1 to 13;

34. At the same time that Casey provides the Administrator with a copy of his tax return for a given year, Casey shall also provide the Administrator with a report of any gifts to Mrs. Casey or Jennifer Casey in that year in excess of \$1,000 each. The report shall be entitled to the same confidential treatment as Casey's tax returns;

35. During each year that Casey has to make payments under this Order, he shall be precluded from giving either Mrs. Casey or Jennifer Casey a gift in excess 10% of his AGI for that year.

#### Final Judgment

36. Final Judgment is entered against defendant Michael R. Casey in (a) the amount of \$100,000, which represents a payment pursuant to N.J.S.A. 49:3-70.1 as set forth in paragraph 3 above, and (b) in the additional amount of \$[Casey's total payment to investors<sup>4</sup>], which represents the amount Casey shall repay investors as set forth in paragraph 4 above, for a total final

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<sup>4</sup> If Casey fails to provide the Bureau Chief with the list and other information as required by paragraph 11, above, then Casey shall be required to pay each investor in accordance with paragraph 12, above. If Casey provides the list as required by paragraph 11, above, then his total payment to investors shall be his Total Investor Payment as defined in paragraph 15, above.

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judgment of [\$100,000 plus Casey's total payment to investors];

Remedies For Violation

37. If Casey fails to make any payment due under this Order and fails to cure his failure to pay within sixty (60) days of receiving written notice of his default, then the Bureau Chief may, in his sole discretion, bring an action against Casey for violation of this Order;

38. The remedies for failure to make a payment due under this Order shall include, but not be limited to, a finding that Casey is in default, a late payment charge (which shall be \$1,000 for each late payment), and acceleration of all amounts still due and owing under this Order. If the Bureau Chief chooses, in his sole discretion, not to exercise his right to declare Casey in default or to otherwise seek to accelerate payments herein, the Bureau Chief's choice shall not be deemed a waiver of such rights. If the Bureau Chief exercises his right to bring an action against Casey, including a right to accelerate the payments due to investors under this Order, and the Court determines that the Bureau Chief's right to the requested remedy, including the right to accelerate payments, is in the best interests of investors, then the Bureau shall be entitled to the costs of collection and attorney's fees;

The Caseys' Relinquishment of their Interest In the Receivership Estate and the Exceptions Thereto

39. Casey and Mrs. Casey are hereby deemed to relinquish any claims they may have to any money or property that is or should be

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under the control of the Receiver pursuant to the orders of the Superior Court of New Jersey issued in this matter, whether now known or subsequently discovered, except (a) the property listed on Exhibit B, which the Receiver shall return to Casey in "As Is" condition, and (b) the property at 53 Grist Mill Lane in Upper Saddle River, New Jersey, which the Receiver shall assign to Casey and Mrs. Casey, as joint tenants, in "As Is" condition and subject to all of the liens and other legal claims on the property as of the date of transfer;

40. The property at 53 Grist Mill Lane in Upper Saddle River, New Jersey shall be subject to the Court's February 19, 2004 Order until the earlier of: (a) seventy five (75) days from the date the Court signs this Order; or (b) Casey has submitted the list of the investors to whom he agrees to make the payments referred to in paragraph 11;

41. Casey and Mrs. Casey, and their respective heirs and assigns shall, from and after the date hereof, execute all documents including, but not limited, to instruments of transfer and assignment, that may be requested by the Receiver or ordered by the Court from time to time to effectuate this Final Judgment and Consent Order and all other documents that are requested by the Receiver and in the reasonable judgment of the Receiver are required for the Receiver to fulfill his obligations as Receiver. In the event that Casey, Mrs. Casey, their heirs and assigns, or

any of them fails to execute any document or instrument as required under the terms of this Order, the execution of the document or instrument by the Court shall be deemed to be the equivalent of the otherwise required signature for all purposes;

42. Casey and Mrs. Casey shall be entitled to the payments the Receiver was required to make to them, or on their behalf, pursuant to the latest existing Orders of this Court, up to and including the later of (a) the last day of the month in which the Court signs the Order or (b) the last month that falls in the seventy five (75) day period during which Casey is required to provide the Bureau with a list of the investors to whom he has to make payments pursuant to paragraphs 6 through 10 of the Order, with supporting documentation for the amounts owed under the Order;

43. Casey and Mrs. Casey shall also be entitled to retain any payments, or the benefits thereof, that the Receiver made to them, or on their behalf, for any subsequent month;

44. Nothing in this Order shall be deemed to preclude Casey's counsel or Mrs. Casey's counsel from receiving payment for services rendered on behalf of their client for the period up to the date the Court signs the Order and in accordance with the prior orders of the Court;

#### The Releases

45. Casey and Mrs. Casey, for themselves, any entity in which either or both had any direct or indirect interest (all of the

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foregoing are herein referred to as "Releasors") shall, and by executing this Order do, hereby fully and completely release the State of New Jersey, the Bureau, each person who has served as the Receiver in this matter, and each person who has served as an attorney or agent for the State of New Jersey, the Bureau or the Receiver in connection with this matter (all of the foregoing are herein collectively referred to as "Releasees") from any and all claims, liabilities, damages, costs and expenses that any Releasor may have against any Releasee and the release shall be binding upon the heirs and assigns of the Releasors;

46. The Bureau shall, and by signing this Order does, release Casey and Mrs. Casey, from the claims alleged against each of them in the verified complaint filed in this action, except that nothing in this Order does, or shall be deemed to, release either defendant Casey or Mrs. Casey, from complying with the terms of this Order;

47. Notwithstanding anything to the contrary in this Order, nothing in this Order shall be deemed to protect Casey or Mrs Casey from prosecution under laws that prohibit making false or misleading statements to the Bureau, the Receiver, or the Court;

Grounds For Nullifying This Order

48. If the Bureau or the Receiver determines that any representation that Casey or Mrs. Casey made as part of this Order was false in any material respect, then the Bureau or the Receiver may, upon seven (7) business days written notice to Casey and Mrs.

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Casey (which notice shall constitute good and sufficient notice if given by facsimile or electronic mail to Kevin Meehan, Esq. and Patrick Egan, Esq. or, if either attorney is no longer involved, by overnight mail to his client at that client's last known address), move for an order vacating this Order with respect to Casey (the "Vacating Order"). If the Court enters a Vacating Order, then (a) the Bureau shall have one year from entry of the Vacating Order to pursue any previously filed cause of action against Casey, (b) the Bureau's action shall relate back to its original filing date, and (c) Casey shall be precluded from asserting the statute of limitations with respect to any action that accrued on or after December 3, 1993;

49. Notwithstanding anything to the contrary in this Order, the Vacating Order shall apply to Mrs. Casey only if the Bureau or the Receiver proves that Mrs. Casey was aware, at the time she signed this Order, that any representation she made as part of this Order was false in some material respect. In that case: (a) the Bureau shall have one year from entry of the Vacating Order to pursue any previously filed cause of action against Mrs. Casey, (b) the Bureau's action shall relate back to its original filing date, and (c) Mrs. Casey shall be precluded from asserting the statute of limitations with respect to any action that accrued on or after December 3, 1993;

Notice of Change of Address

50. Casey shall have a continuing obligation to advise the Bureau of his current street address and telephone number and to advise the Bureau of Mrs. Casey's current street address and telephone number until all elements of this Order are fully satisfied;

General Provisions

51. This Order constitutes the entire agreement among the parties with respect to its subject matter. Any addition, deletion or change to this Order must be in writing, signed by all parties and approved and signed by the Court;

52. No employee or official of, or investor representing, the Bureau or the State of New Jersey has made any additional promise or representation to Casey or Mrs. Casey regarding this Order;

53. This Order is entered into by the Parties as their own free and voluntary act and with full knowledge and understanding of the terms of the Order;

54. Nothing in this Order shall be construed to limit or affect the rights of any investor who may have a claim against Casey but who does not qualify for any payments from Casey pursuant to the terms of this Order or who refuses to grant Casey a release in order to receive payments from Casey pursuant to the terms of this Order;

55. The Parties have negotiated, jointly drafted and fully

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reviewed the terms of this Order and the rule that uncertainty or ambiguity is to be construed against the drafter shall not apply to the construction or interpretation of this Order;

56. As used in this Order, the plural shall include the singular, the singular shall include the plural and both "or" and "and" shall be interpreted conjunctively;

57. Unless explicitly provided in this Order, nothing in the Order shall be construed to limit the authority of the Attorney General to protect the interests of the State or the people of the State;

58. Casey shall neither represent nor imply that any business practice or other act or practice hereinafter used or engaged in by him has been required or approved, in whole or part, by the Attorney General, the Bureau, the State of New Jersey or any of the State's agencies, agents or subdivisions;

59. If any portion of this Order is held invalid or unenforceable by operation of law, the remaining terms of this Order shall not be affected;

60. Unless otherwise prohibited by law, any signatures by the parties required for entry of this Order may be executed in counterparts, each of which shall be deemed an original, but all of which shall together be one and the same Order;

#### Retention of Jurisdiction

61. The Superior Court, Chancery Division, Essex County

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shall, in the absence of a superseding order, retain jurisdiction of this action for the purpose of enforcing the terms of this Order..

The Honorable Harriet F. Klein, J.S.C.

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:  
Law Offices of Kevin P. Meehan  
Attorney for defendant Michael R. Casey

By:   
Kevin P. Meehan, Esq.

Date: March 20, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:

By: \_\_\_\_\_  
Defendant Michael R. Casey

Date: March \_\_, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:  
Fox Rothschild P.C.  
Attorney for Frances Primiano Casey

By: \_\_\_\_\_  
Patrick J. Egan, Esq.

Date: March \_\_, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:

By: \_\_\_\_\_  
Frances Primiano Casey

Date: March \_\_, 2008

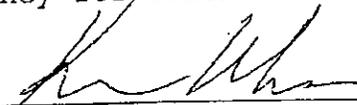


shall, in the absence of a superseding order, retain jurisdiction of this action for the purpose of enforcing the terms of this Order.



The Honorable Harriet F. Klein, J.S.C.

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:  
Law Offices of Kevin P. Meehan  
Attorney for defendant Michael R. Casey

By:   
Kevin P. Meehan, Esq.

Date: March 20, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:

By: \_\_\_\_\_  
Defendant Michael R. Casey

Date: March \_\_, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:  
Fox Rothschild P.C.  
Attorney for Frances Primiano Casey

By:   
Patrick J. Egan, Esq.

Date: March 25, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:

By: \_\_\_\_\_  
Frances Primiano Casey

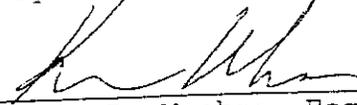
Date: March \_\_, 2008



shall, in the absence of a superseding order, retain jurisdiction of this action for the purpose of enforcing the terms of this Order.

The Honorable Harriet F. Klein, J.S.C.

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:  
Law Offices of Kevin P. Meehan  
Attorney for defendant Michael R. Casey

By:   
Kevin P. Meehan, Esq.

Date: March 20, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:

By:   
Defendant Michael R. Casey

Date: March \_\_, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:  
Fox Rothschild P.C.  
Attorney for Frances Primiano Casey

By: \_\_\_\_\_  
Patrick J. Egan, Esq.

Date: March \_\_, 2008

Consent to the Form, Content and Entry of this Final Judgment and Consent Order:

By: \_\_\_\_\_  
Frances Primiano Casey

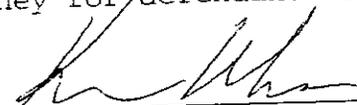
Date: March \_\_, 2008



shall, in the absence of a superseding order, retain jurisdiction of this action for the purpose of enforcing the terms of this Order.

The Honorable Harriet F. Klein, J.S.C.

Consent to the Form, Content and Entry  
of this Final Judgment and Consent Order:  
Law Offices of Kevin P. Meehan  
Attorney for defendant Michael R. Casey

By:   
Kevin P. Meehan, Esq.

Date: March 20, 2008

Consent to the Form, Content and Entry  
of this Final Judgment and Consent Order:

By: \_\_\_\_\_  
Defendant Michael R. Casey

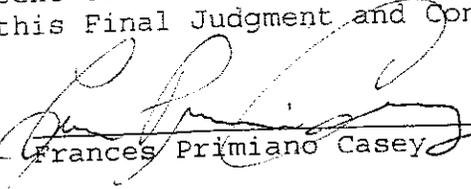
Date: March \_\_, 2008

Consent to the Form, Content and Entry  
of this Final Judgment and Consent Order:  
Fox Rothschild P.C.  
Attorney for Frances Primiano Casey

By: \_\_\_\_\_  
Patrick J. Egan, Esq.

Date: March \_\_, 2008

Consent to the Form, Content and Entry  
of this Final Judgment and Consent Order:

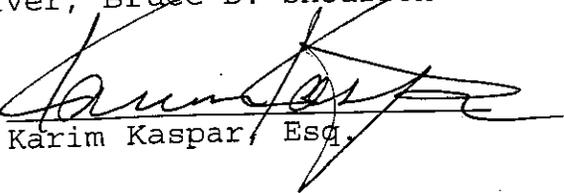
By:   
Frances Primiano Casey

Date: March \_\_, 2008



Consent to the Form, Content and Entry  
of this Final Judgment and Consent Order:  
Lowenstein Sandler P.C.  
Attorney for the Court Appointed  
Receiver, Bruce D. Shoulson

By:

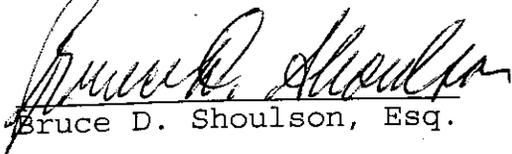
  
Karim Kaspar, Esq.

Date:

7-18-08

Consent to the Form, Content and Entry  
of this Final Judgment and Consent Order:  
Court Appointed Receiver for D.C. Properties, Ltd., JFK. Ltd.,  
Midas Financial Planners of America, Inc., Midas Investment Fund,  
Midas No-Load Funds, Inc., Midas Park Ridge Tenants In Common  
(a/k/a 295 Spring Valley Road Associates), Midas Securities I.  
L.P., Midas Security Investors of New Jersey (f/k/a Security  
Investors of New Jersey (f/k/a Michael Casey Enterprises)), Midas  
Trading, Midas Wantage Township L.P., Midas Working Capital Fund,  
G.P., 53 Grist Mill Lane, 126 Franklin Avenue Associates, 126  
Franklin Avenue Associates Tenants In Common, 140 West Englewood  
Avenue Tenants In Common, 300 East Homestead Avenue Associates  
Tenants In Common, 329 Tenants In Common, 1266 Teaneck Road  
Associates, and 1266 Teaneck Road Associates Tenants In Common

By:

  
Bruce D. Shoulson, Esq.

Date: July 17, 2008

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY

By:

  
Joshua T. Rabinowitz  
Deputy Attorney General

Date: March 20, 2008

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EXHIBIT A

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MICHAEL R. CASEY                      CASE NO. 06-13504 (DHS)                      04-25-2006

1266 TEANECK ROAD ASSOCIATED, LIMITED, N.J., L.P. (23)

|   |                  |
|---|------------------|
| Affleck, Millard<br>4135 Longshore Ave<br>Philadelphia, PA 19135    | \$ 16,961        |
| Chin, Thomas<br>46 Lord Sterling Dr.<br>Parsippany, NJ 07054        | \$ 5,582         |
| Difiore, Julius<br>1948 Pilgrim Ave<br>Bronx, NY 10461              | \$ 22,161        |
| Fitzgerald, James<br>5 Seneca Trail<br>Randolph, NJ 07869           | \$ 28,025        |
| Fives, Mary (IRA)<br>Oak Park Dr.<br>Douglaston, NY 11362           | \$ <u>4,345</u>  |
| Hill, John (IRA)<br>6403 Red Cedar Dr.<br>Wilmington, NC 28405      | \$ 6,201         |
| Jahn, Anne<br>15-20 202 <sup>nd</sup> St.<br>Baydise, NY 11360      | \$ 9,284         |
| Jahn, Charles<br>15-20 202 <sup>nd</sup> St.<br>Baydise, NY 11360   | \$ 4,631         |
| Link, Joan (IRA)<br>1059 Oradell Ave<br>Oradell, NJ 07649           | \$ 6,420         |
| Link, Richard (IRA)<br>1059 Oradell Ave<br>Oradell, NJ 07649        | \$ 5,821         |
| Mahoney, Patricia (IRA)<br>Oak Grove Rd.<br>South Hampton, NY 11968 | \$ <u>5,418</u>  |
| <u>Page 1 sub -total</u>  | <u>\$114,849</u> |

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|   |                        |
|---|------------------------|
| Mahoney, Thomas<br>Oak Grove, Rd.<br>South Hampton, NY 11968              | \$ 18,202              |
| Mahoney, Thomas (IRA)<br>Oak Grove, Rd.<br>South Hampton, NY 11968        | \$ 7,544               |
| Meerendonk, Robert<br>54 Van Winkle Ave<br>Garfield, NJ 07026             | \$ 2,125               |
| Pratt, Rebecca (IRA)<br>126 Riverside Dr. 4A<br>NY, NY 10024              | \$ 5,046               |
| Primiano, Joseph (IRA)<br>30 Cove Point Rd.<br>Toms River, NJ 08753       | \$ 15,438              |
| Scheidt, Roxanne<br>70 Strawberry Hill Ave 2E<br>Stamford, CT 06902       | \$ 4,432               |
| Scheidt, Roxanne (IRA)<br>70 Strawberry Hill Ave 2E<br>Stamford, CT 06902 | \$ 3,894               |
| Stewart, Kathleen (IRA)<br>6 Hurley Ct.<br>Wyckoff, NJ 07481              | \$ 2,982               |
| Yee, Allison (IRA)<br>12 A Valentine Ave. 1A<br>Glen Cove, NY 11542       | \$ 4,107               |
| Yee, Marilyn (IRA)<br>12A Valentine Ave. 1A<br>Glen Cove, NY 11542        | \$ 3,889               |
| Ynostrosa, Judith (IRA)<br>134 Legion Pl.<br>Hillsdale, NJ 07642          | \$ 5,248               |
| <b><u>Page 2 sub -total</u></b>   | <b><u>\$72,967</u></b> |

Ynostrosa, Roger (IRA)  
134 Legion PL  
Hillsdale, NJ 07642

\$ 5,718

Page 3 sub -total

\$ 5,718

Pages 1-3 Grand Total

\$ 193,534

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**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**  
**126 FRANKLIN AVENUE APARTMENTS, TENANTS IN COMMON (07)**

|  |                           |
|--|---------------------------|
| Charles Barton<br>28 Prospect Ave.<br>Haworth, NJ 07641                        | \$ 97,510                 |
| Janet Fairbanks<br>28 Prospect Ave<br>Haworth, NJ 07641                        | \$ 97,511                 |
| Roy McGeady<br>249 Vista View Dr.<br>Mahwah, NJ 07430                          | \$302,500                 |
| Joseph Morrone<br>42 Patmore Rd.<br>Brick, NJ 08724                            | \$160,309                 |
| Gerard & Norma Shaw<br>105 Cobb Rd.<br>Milford, PA 18337                       | \$262,500                 |
| Benjamin & Martha Carosella<br>279 West Place<br>Washington Township, NJ 07675 | \$175,000                 |
| Andre & Gwen & Ouellette<br>3565 Round Hill Rd.<br>Somerville, NJ 08876        | <u>\$360,000</u>          |
| <b><u>Page 1 Grand Total</u></b>   | <b><u>\$1,455,330</u></b> |

MICHAEL R. CASEY

CASE NO. 06-13504 (DHS)

04-25-2006

1266 TEANECK ROAD, TENANTS IN COMMON, (06)

|  |      |                  |
|--|------|------------------|
| Donald Bunda<br>170 Walthery Ave.<br>Ridgewood, NJ 07450                       | 1977 | \$ 31,844        |
| Benjamin & Martha Carosella<br>279 West Place<br>Washington Township, NJ 07675 | 1977 | \$ 29,462        |
| Frances Casey<br>53 Grist Mill Lane<br>Upper Saddle River, NJ 07458            | 1977 | \$157,800        |
| Jennifer Casey<br>53 Grist Mill Lane<br>Upper Saddle River, NJ 07458           |      | \$ 33,315        |
| Andre & Gwen Ouellette<br>3365 Round Hill Rd.<br>Somerville, NJ 08876          |      | \$ 42,750        |
| Robert Zurlo<br>1029 Via De La Paz # 223<br>Pacific Palisades, CA 90272        |      | \$ <u>42,833</u> |

Page 1 Grand Total

\$338,004

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**MICHAEL R. CASEY**                      **CASE NO. 06-13504 (DHS)**                      **04-25-2006**  
**126 FRANKLIN AVENUE ASSOCIATES, LIMITED, N.J.L.P. (25)**

|   |      |                         |
|---|------|-------------------------|
| Anzano, Octavius<br>151 Prospect St. 8F<br>Hackensack, NJ 07601   | 1986 | \$ 6,845                |
| Borsy, George<br>230-15 58 <sup>th</sup> Rd.<br>Bayside, NY 11364 | 1986 | \$ 13,770               |
| Casey, Dennis<br>43 Howard St.<br>White Plains, NY 10605          | 1986 | \$ 69,782               |
| Chin, Thomas<br>29 Bush Rd.<br>Denville, NJ 07834                 | 1986 | \$ 15,118               |
| Dean, Thelma<br>48 Crossway Rd.<br>Nassau, NY 12123               | 1986 | \$ 24,105               |
| Fitzgerald, James<br>5 Seneca Trail<br>Randolph, NJ 07869         | 1986 | \$ 30,714               |
| Fitzpatrick, Daniel<br>5 Appletree Way<br>Long Valley, NJ 07853   | 1986 | \$7,196                 |
| Glostein, John<br>110 Phyllis Dr.<br>Old Tappan, NJ 07675         | 1986 | \$13,767                |
| Gurney, Kathy<br>231 Youngs Rd..<br>Mahwah, NJ 07430              | 1986 | \$42,056                |
| Pamela Collins Gurney<br>231 Youngs Rd.<br>Mahwah, NJ 07430       | 1986 | \$ 7,194                |
| Healy, Carolyn<br>13290 Mustang Trail<br>Ft. Lauderdale, FI 33330 | 1986 | \$ 13,768               |
| <b><u>Page 1 sub -total</u></b>                                   |      | <b><u>\$244,315</u></b> |

|   |      |                         |
|---|------|-------------------------|
| Killeen, Michael<br>206 N. Lincoln St.<br>Pearl River, NY 10965                   | 1986 | \$ <u>6,829</u>         |
| Mahoney, Thomas<br>20 Oak Grove Rd.<br>Hampton, NY 11968                          | 1986 | \$51,496                |
| Malouf, Richard<br>102 Wybel Ln.<br>Cary, NC 27513                                | 1986 | \$41,319                |
| Masters, Vera<br>C/O Frank W. Masters<br>19 Tennis Club Dr.<br>Danville, CA 94506 | 1986 | \$8,183                 |
| Petrocelli, James<br>51 Chaffer Circle<br>Norwood, NJ 07648                       | 1986 | \$6,830                 |
| Polito, Joanne<br>2311 Kelso<br>San Antonio, TX 78248                             | 1986 | \$20,675                |
| Robustellini, Rose<br>26 Linden St.<br>Lodi, NJ 07644                             | 1986 | \$8,215                 |
| Scirri, Stefani<br>126 Franklin Ave 6A<br>New Rochelle, NY 10805                  | 1986 | \$6,888                 |
| Slocum, Randall<br>13705 Longs Landing Rd.<br>Jacksonville, FL 32225              | 1986 | \$14,427                |
| Soccodato, Yolanda<br>160 Berrian Rd.<br>New Rochelle, NY 10801                   | 1986 | \$6,829                 |
| Straub, Dorothy<br>113 Shortwoods Rd.<br>New Fairfield, CT 06812                  | 1986 | \$6,831                 |
| <b><u>Page 2 sub -total</u></b>   |      | <b><u>\$178,522</u></b> |

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Trifari, MaryAnn  
100 Pelham Rd  
New Rochelle, NY 10805

1986

\$6,829

Villanella, Joseph  
16 Spruce St.  
Ridgefield Pk, NJ 07660

1986

\$ 8,183

Ynostroza, Roger.  
134 Legion Pl  
Hillsdale, NJ 07642

1986

\$ 6,083

Page 3 sub-total

\$21,095

Pages 1-3 Grand-Total

\$443,932

**MICHAEL R. CASEY      CASE NO, 06-13504 (DHS)      04-25-2006  
140 WEST ENGLEWOOD AVENUE, TENANTS IN COMMON (06)**

|  |      |                  |
|--|------|------------------|
| Donald Bunda<br>170 Walthery Ave.<br>Ridgewood, NJ 07450                       | 1997 | \$ 24,167        |
| Benjamin & Martha Carosella<br>279 West Place<br>Washington Township, NJ 07675 | 1997 | \$ 19,641        |
| Frances M. Casey<br>53 Grist Mill Lane<br>Upper Saddle River<br>NJ 07458       | 1997 | \$105,200        |
| Jennifer Casey<br>53 Grist Mill Lane<br>Upper Saddle River, NJ 07458           | 1997 | \$ 24,167        |
| Andre & Gwen Ouellette<br>3365 Round Hill Rd.<br>Somerville, NJ 08876          | 1997 | \$ 28,500        |
| Robert Zurlo<br>1029 Via De La Paz #223<br>Pacific Palisades, CA 90272         | 1997 | \$ <u>28,556</u> |

**Page 1 Grand Total      \$230,231**

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**MICHAEL R. CASEY**      **CASE NO, 06-13504 (DHS)**      **04-25-2006**  
**295 SPRING VALLEY ROAD, TENANTS IN COMMON (09)**

|   |                         |
|---|-------------------------|
| Frances Casey<br>53 Grist Mill Lane<br>Upper Saddle River, NJ 07458 | \$ 73,725               |
| Irving Gerber<br>20 Cottage PL<br>Upper Saddle River, NJ 07458      | \$ 21,128               |
| Maureen Gerber<br>20 Cottage PL<br>Upper Saddle River, NJ 07458     | \$ 21,128               |
| Alan Marcus<br>113 Orchard Park<br>Allendale, NJ 07401              | \$ 38,653               |
| Roy McGeady<br>249 Vista View Dr.<br>Mahwah, NJ 07430               | \$ 77,307               |
| Blase Sacus<br>689 Alexander Ct.<br>Rivervale, NJ 07675             | \$ 36,607               |
| Patricia Sacus<br>689 Alexander Ct.<br>Rivervale, NJ 07675          | \$ 36,606               |
| Samuel Sacus<br>614 South Oakwood<br>Beckley, WV 25801              | \$ 36,607               |
| Donald Sartor<br>11 Roberts Rd.<br>Montvale, NJ 07645               | \$ <u>38,654</u>        |
| <b><u>Page 1 Grand Total</u></b>                                    | <b><u>\$380,415</u></b> |

Building is being sold for \$775,000 with a mortgage of about \$600,000. If net proceeds do not cover the initial investment or if the net proceeds are distributed to more than the owners of this building the shortage could be a potential liability for me.



**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**  
**300 EAST HOMESTEAD AVE., TENANTS IN COMMON (06)**

|  |      |                         |
|--|------|-------------------------|
| Donald Bunda<br>170 Walthery Ave.<br>Ridgewood, NJ 07450                     | 1997 | \$ 51,664               |
| Benjamin & Martha Carosella<br>279 W. Place<br>Washington Township, NJ 07675 | 1997 | \$ 45,718               |
| Frances M. Casey<br>53 Grist Mill Lane<br>Upper Saddle River, NJ 07458       | 1997 | \$263,000               |
| Jennifer Casey<br>53 Grist Mill Lane<br>Upper Saddle River, NJ 07458         | 1997 | \$ 54,241               |
| Andre & Gwen Ouellette<br>3365 Round Hill Rd.<br>Somerville, NJ 08876        | 1997 | \$ 71,250               |
| Robert Zurlo<br>1029 Via De La Paz #223<br>Pacific Palisades, CA 90272       | 1997 | \$ <u>71,062</u>        |
| <b><u>Page 1 Grand Total</u></b>   |      | <b><u>\$556,935</u></b> |

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**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**  
**DMC PROPERTIES, LIMITED, N.J.L.P. (21)**

Affleck, Millard & Roseann                      \$ 12,860  
4135 Long Shore Ave.  
Philadeplphia, PA 19135

Bateman, Russell (IRA)                      \$ 2,551  
RR2 Box 241A  
Waymart, PA 18472

Casey, Dennis (IRA)                      \$ 2,580  
43 Howard Ave.  
White Plains, NY 10605

Cicali, Barbara (IRA)                      \$ 809  
4014 Cedar Lane  
Drexell Hill, PA 19026

Cicali, Nicholas (IRA)                      \$ 807  
4014 Cedar Lane  
Drexell Hill, PA 19026

Fitzgerald, Adele (IRA)                      \$ 1,036  
5 Seneca Trail  
Randolph, NJ 07869

Fitzgerald, James                      \$ 7,895  
5 Seneca Trail  
Randolph, NJ 07869

Fitzgerald, James (IRA)                      \$ 1,035  
5 Seneca Trail  
Randolph, NJ 07869

Fitzpatrick, James                      \$ 2,052  
252 Bearfort Rd.  
West Milford, NJ 07480

Fitzpatrick, James                      \$ 1,073  
252 Bearfort Rd.  
West Milford, NJ 07480

Hill, John                      \$ 8,797  
6403 Red Cedar Dr.  
Wilmington, NC 28405

**Page 1 sub -total**                      **\$41,495**

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|   |                 |
|---|-----------------|
| Hill, Mary (IRA)<br>6403 Red Cedar Dr.<br>Wilmington, NC 28405                  | \$ 18,374       |
| Lazzari, Steven (IRA)<br>8 Brentwood Dr.<br>Morris Plains, NJ 07950             | \$ 1,413        |
| Mahoney, Thomas<br>20 Oak Grove Rd.<br>South Hampton, NY 11968                  | \$ 40,591       |
| Moroney, Thomas<br>1240 E. Century Ave<br>Gilbert, AZ 85296                     | \$ 2,864        |
| Scirri, Stefani<br>126 Franklin Ave 6A<br>New Rochelle, NY 10805                | \$ 6,976        |
| Shaw, Gerard (IRA)<br>Rd #2, Box 8841<br>Raymond Skill Rd.<br>Milford, NJ 18337 | \$ 20,709       |
| Watson, Keith<br>1580 Metropolitan Ave<br>Bronx, NY 10462                       | \$ 5,743        |
| Wendling, Frank<br>17 Stanley St.<br>Dumont, NJ 07628                           | \$ 5,136        |
| Wylie, Dorothy (IRA)<br>265 Main St. #315<br>Ridgefield Pk., NJ 07660           | \$ <u>2,052</u> |
| Yee, Marilyn<br>12A Valentine Ave 1A<br>Glen Cove, NY 11542                     | \$ 5,159        |

**Page 2 sub -total**  
**Pages 1-2 Grand-Total**

**\$109,017**  
**\$150,512**

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**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**

**JFC LIMITED, N.J.L.P.**                      **(11)**

|   |      |                         |
|---|------|-------------------------|
| Anzano, Octavius<br>73 Morrison St.<br>Teaneck, NJ 07666            | 1986 | \$ 19,700               |
| Borsy, George<br>230-15 58 <sup>th</sup> Rd.<br>Bayside, NY 11364   | 1986 | \$ 39,618               |
| Casey, Dennis<br>43 Howard Ave.<br>White Plains, NY 10605           |      | \$ 28,158               |
| Feldman, Robert<br>880 Cold Harbor Dr.<br>Roswell, GA 30074         |      | \$ 11,567               |
| Fitzgerald, James<br>5 Seneca Trail<br>Randolph, NJ 08769           |      | \$ 16,510               |
| Fitzpatrick, Daniel<br>5 Appletree Way<br>Long Valley, NJ 07853     |      | \$ 11,896               |
| Gurney, Kathlyn<br>231 Youngs Rd.<br>Mahwah, NJ 07430               |      | \$ 31,663               |
| Mahoney, Thomas<br>20 Oak Grove Rd.<br>S. Hampton, NY 11968         |      | \$ 63,094               |
| Scheidt, Roxanne<br>70 Strawberry Hill Ave 2E<br>Stamford, CT 06902 |      | \$ <u>7,920</u>         |
| Van Dyk, George<br>102 Graham Ave<br>North Haledon, NJ 07508        |      | \$ 73,190               |
| Ynostroza, Roger<br>134 Legion Pl.<br>Hillsdale, NJ 07642           |      | \$ 7,923                |
| <b><u>Page 1 Grand Total</u></b>                                    |      | <b><u>\$311,239</u></b> |

*JRC  
Km*

**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**  
**MIDAS WORKING CAPITAL FUND, G.P.**                      **(35)**

|  |                           |
|--|---------------------------|
| Ray & Nancy McGeady<br>249 Vista View Drive<br>Mahwah, NJ 07430      | \$ 770,642                |
| Millard Affleck<br>4135 Longshore Ave.<br>Philadelphia, PA 19135     | \$ 30,000                 |
| Mary Ansbro<br>720 Beaver Dam Rd.<br>East Berne, NY 12059            | \$ 50,958                 |
| Charles M. Barton<br>25 Prospect Ave.<br>Haworth, NJ 07641           | \$ 29,646                 |
| Charles M. Barton<br>25 Prospect Ave.<br>Haworth, NJ 07641           | \$ 38,678                 |
| Leo & Gladys Bennett<br>10 West Crescent Ave.<br>Allendale, NJ 07401 | \$ 2,683                  |
| Barbara DonLeavy<br>617 Stanley Place<br>Rivervale, NJ 07675         | \$ 52,425                 |
| Margaret DonLeavy<br>617 Stanley Place<br>Rivervale, NJ 07675        | \$ 85,129                 |
| Thomas P. & Mariann E. Durkin<br>1 Olney Rd.<br>Mahwah, NJ 07430     | \$ 131,599                |
| Mariann E. Durkin<br>1 Olney Rd.<br>Mahwah, NJ 07430                 | \$ 39,677                 |
| Thomas Durkin<br>1 Olney Rd.<br>Mahwah, NJ 07430                     | \$ 148,416                |
| <b><u>Page 1 sub-total</u></b>                                       | <b><u>\$1,379,853</u></b> |

*MR  
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|  |                           |
|--|---------------------------|
| Donald M. Frangipane<br>124 Sylvan St.<br>Rutherford, NJ 07071                 | \$ 5,757                  |
| Maria Frangipane<br>339 Skyline Drive<br>Ringwood, NJ 07456                    | \$ 28,691                 |
| Michael & Ida Frangipane<br>1807 Beacon Lane<br>Point Pleasant Beach, NJ 08742 | \$ 102,519                |
| Anthony & Valerie Jannicelli<br>245 Cambridge Rd.<br>Hillsdale, NJ 07642       | \$ 105,446                |
| Donna A. Lampe<br>218 Broughton Ave.<br>Bloomfield, NJ 07003                   | \$ 118,852                |
| James & Rose Lyons<br>234 Everdale Ave<br>Hillsdale, NJ 07642                  | \$ 56,448                 |
| Roy McGeady<br>249 Vista View Drive<br>Mahwah, NJ 07430                        | \$ 869,275                |
| Joseph & Marie Morrone<br>42 Patmore Rd.<br>Brick, NJ 08724                    | \$ 23,346                 |
| Anna Murray<br>54 Sunset Court<br>Mahwah, NJ 07430                             | \$ 144,141                |
| Donald Sartor<br>11 Roberts Rd.<br>Montvale, NJ 07645                          | \$ 197,929                |
| Gerard Shaw<br>105 Cobb Rd.<br>Milford, PA 18337                               | \$ <u>83,725</u>          |
| <b><u>Page 2 sub-total</u></b>   | <b><u>\$1,736,129</u></b> |

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km*

|  |                          |
|--|--------------------------|
| Donald Smith<br>43611 Tirano Dr.<br>Temecula, CA. 92592                            | \$ 2,787                 |
| Ruth A. Smith<br>43611 Tirano Dr.<br>Temecula, CA. 92592                           | \$ 2,798                 |
| Samara A. Smith<br>43611 Tirano Dr.<br>Temecula, CA. 92592                         | \$ 19,613                |
| Carol J. Stecewicz<br>11 Highfield Lane<br>Nutley, NJ 07110                        | \$ 37,233                |
| Susan T. Stecewicz<br>244 Buene Vista Dr.<br>Ringwood, NJ 07456                    | \$ 77,975                |
| Susan T. Stecewicz<br>244 Buene Vista Dr.<br>Ringwood, NJ 07456                    | \$ 16,239                |
| Joseph T. Villanella / Frances Fucci<br>16 Spruce St.<br>Ridgefield Park, NJ 07660 | \$ 4,345                 |
| Charles & Maryann Hannemann<br>50 Old Pascack Rd.<br>Pearl River, NY 10965         | \$ 26,392                |
| Ryan Trust F/B/O Teresa Hannemann<br>59 Old Pascack Rd.<br>Pearl River, NJ 10965   | \$ 28,565                |
| Ryan Trust F/B/O Teresa Hannemann<br>59 Old Pascack Rd.<br>Pearl River, NJ 10965   | \$ 28,565                |
| Joan Richardson<br>265 Washington Ave.<br>Hillsdale, NJ 07642                      | \$ <u>19,167</u>         |
| <b><u>Page 3 sub-total</u></b>   | <b>\$ <u>263,679</u></b> |

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km*

Gerard & Norma Shaw  
105 Cobb Rd.  
Milford, PA 18337

\$ 49,835

George Van Dyke Jr.  
29 Copley Ct.  
North Haledon, NJ07508

\$ 39,947

Page 4 sub-total

\$ 89,782

Pages 1-4 Grand Total

\$3,469,443

*GTR  
km*

**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**  
**MIDAS NO LOAD FUNDS, INC (38)**

|  |                         |
|--|-------------------------|
| Millard Affleck<br>4135 Longshore Ave.<br>Philadelphia, PA 19135         | \$ 36,676               |
| Gladys Bennett<br>10 West Crescent Ave<br>Allendale, NJ 07401            | \$ 21,781               |
| Leo Bennett<br>10 West Crescent Ave<br>Allendale, NJ 07401               | \$ 74,037               |
| Frances M. Casey<br>53 Grist Mill Lane<br>Upper Saddle River<br>NJ 07458 | \$ 3,121                |
| Mary Casey<br>4570 Zion St. Apt. C12<br>San Diego, CA 92120              | \$ 34,950               |
| Michael R. Casey<br>53 Grist Mill Lane<br>Upper Saddle River<br>NJ 07458 | \$ 3,144                |
| Peter Conlon<br>520 Baygall Rd.<br>Halley Springs, NC                    | \$ 1,776                |
| Celia Deegan<br>10308 Summer River Ave.<br>Las Vegas, NV<br>89144        | \$ 38,974               |
| Frances Deegan<br>732 Beaver Dam Rd.<br>East Berne, NY<br>12059          | \$ 29,590               |
| Patricia B. Demilia<br>16 Cider Hill<br>Upper Saddle River, NJ 07458     | \$ <u>15,004</u>        |
| <b><u>Page 1 sub-total</u></b>   | <b><u>\$259,053</u></b> |

|   |                         |
|---|-------------------------|
| Barbara DonLeavy<br>617 Stanley Place<br>Rivervale, NJ 07675    | \$ 3,736                |
| Margaret DonLeavy<br>617 Stanley Place<br>Rivervale, NJ 07675   | \$194,083               |
| Janet Fairbanks<br>28 Prospect Ave.<br>Haworth, NJ 07641        | \$ 55,965               |
| Maria Frangipane<br>339 Skyline Lake DR.<br>Ringwood, NJ 07456  | \$101,119               |
| Robert Frueh<br>2 Eroid Court<br>Allendale, NJ 07401            | \$ 52,291               |
| Roy Mcgeady<br>249 Vista View Drive<br>Mahwah, New Jersey 07430 | \$ 71,175               |
| Marie Mostardo Morrone<br>42 Patmore Rd.<br>Brick, NJ 08724     | \$ 71,898               |
| Anna Murray<br>54 Sunset Court<br>Mahwah, NJ 07430              | \$ 29,793               |
| Patrick Murray<br>54 Sunset Court<br>Mahwah, NJ 07430           | \$ 31,933               |
| Andre Ouellette<br>3365 Round Hill Rd<br>Somerville, NJ 08876   | \$ 34,408               |
| Gwen Ouellette<br>3365 Round Hill Rd<br>Somerville, NJ 08876    | \$ 25,482               |
| John Richardson<br>265 Washington Ave.<br>Hillsdale, NJ 07462   | \$ <u>20,743</u>        |
| <b><u>Page 2 sub-total</u></b>                                  | <b><u>\$692,626</u></b> |

*JRC  
km*

|  |                         |
|--|-------------------------|
| Thomas Romans<br>316 Killington Way<br>Orlando, FL 32835                                       | \$ 5,749                |
| Mark Sandlow<br>1835 Johnston St. Apt 116<br>Philadelphia, PA 19145                            | \$ 29,174               |
| Donald Sartor – Trust (Mark Sartor Beneficiary)<br>11 Roberts Rd.<br>Montvale, NJ 07645        | \$ 86,633               |
| Donald Sartor – Trust (Maria Miller Beneficiary)<br>11 Roberts Rd.<br>Montvale, NJ 07645       | \$ 86,633               |
| Donald Sartor – Trust (Kathleen Valentine Beneficiary)<br>11 Roberts Rd.<br>Montvale, NJ 07645 | \$ 86,633               |
| Norma Shaw<br>105 Cobb Rd.<br>Milford, PA 18337  | \$ 29,136               |
| Edna W. Smith<br>44 Garrett Place<br>Midland Park, NJ 07432                                    | \$119,262               |
| Edna W. Smith<br>44 Garrett Place<br>Midland Park, NJ 07432                                    | \$162,218               |
| Susan T. Stecewicz<br>244 Buena Vista Dr.<br>Ringwood, NJ 07456                                | \$ 23,218               |
| Aista Sullivan<br>28 Pilgrims Progress Rd.<br>Rhinebeck, NY 12572                              | \$ 4,609                |
| Brendan Sullivan<br>28 Pilgrims Progress Rd.<br>Rhinebeck, NY 12572                            | <u>\$196,833</u>        |
| <b><u>Page 3 sub-total</u></b>   | <b><u>\$830,098</u></b> |

*JTR  
KM*

Marilynn Yee  
3 Magnolia PL.  
Glen Head, NY 11545

\$ 18,185

Judith Ynostroza  
134 Legion Pl  
Hillsdale, NJ 07642

\$ 19,309

Judith Ynostroza  
134 Legion Pl  
Hillsdale, NJ 07642

\$ 67,466

Jonathon D. Zeller  
2285 Schlosser Rd.  
Harleysville, PA 19438

\$ 50,599

**Page 4 sub-total**

**\$155,559**

**Pages 1-4 Grand-Total**

**\$1,937,336**

*JTR  
Kim*

**MICHAEL R. CASEY**                      **CASE NO. 06-13504 (DHS)**                      **04-25-2006**  
**MIDAS INVESTMENT FUNDS, INC**                      **(12)**

|   |                  |
|---|------------------|
| IRA F/B/O Frances Coleman<br>44 Elinore Rd.<br>Manchester, NJ 08733               | \$ <u>32,600</u> |
| Charles & Maryann Hanneman<br>59 Old Pascack Rd.<br>Pearl River, NJ 10965         | \$ 21,811        |
| Teresa Hanneman F/B/O Ryan Trust<br>59 Old Pascack Rd.<br>Pearl River, NY 10965   | \$ 23,608        |
| Terrance Hanneman F/B/O Ryan Trust<br>59 Old Pascack Rd.<br>Pearl River, NY 10965 | \$ 23,608        |
| IRA F/B/O, Edmund G. Keller<br>10 Kingsberry Ave.<br>Westwood, NJ 07675           | \$ 21,434        |
| IRA F/B/O/ Robert Meerendonk<br>54 Van Winkle Ave.<br>Garfield, NJ 07026          | \$ 20,413        |
| IRA F/B/O John Richardson<br>265 Washington Ave.<br>Hillsdale NJ 07642            | \$ 30,132        |
| Joan Richardson<br>265 Washington Ave.<br>Hillsdale, NJ 07642                     | \$ 14,188        |
| Gerald & Norma Shaw<br>Rd 2 Box 9941<br>Raymond Skill Rd.<br>Milford, PA 18337    | \$ 41,184        |
| George Van Dyke Jr.<br>29 Copley Ct.<br>North Haledon, NJ 07508                   | \$ <u>33,013</u> |

**Page 1 sub-total**

**\$261,991**

IRA F/B/O Marilyn Yee  
3 Magnolia Place  
Glen Head, NY 11545

\$ 23,707

IRA F/B/O Jonathan D. Zeller  
2285 Schlosser Rd.  
Harleysville, PA 19438

\$ 23,804

Page 2 sub-total

\$ 47,511

Pages 1-2 Grand-Total

\$ 309,502

MICHAEL R. CASEY                      CASE NO, 06-13504 (DHS)                      04-25-2006  
MIDAS SECURITIES INVESTORS 1, L.P.                      (9)

|  |                  |
|--|------------------|
| Octavius Anzano<br>151 Prospect St. 8F<br>Hackensack, NJ 07601     | \$ 2,115         |
| John J. Coleman<br>44 Eleanor Rd.<br>Manchester, NJ 08733          | \$ 38,793        |
| Richard J. Lloyd<br>621 Jordan Circle<br>Whitehall, PA 18152       | \$ 11,551        |
| Frances Coleman<br>44 Eleanor Rd.<br>Manchester, NJ 08733          | \$ 39,448        |
| Edmund G. Keller<br>10 Kingsberry Ave.<br>Westwood, NJ 07675       | \$ 22,643        |
| Robert Meerendonk<br>54 Van Winkle Ave<br>Garfield, NJ 07026       | \$ 22,721        |
| John Richardson<br>265 Washington Ave.<br>Hillsdale, NJ 07642      | \$ 29,977        |
| Marilyn Yee<br>3 Magnolia Place<br>Glen Head, NY 11545             | \$ 29,687        |
| Jonathan D. Zeller<br>2285 Schlosser Rd.<br>Harleysville, PA 19438 | \$ 28,804        |
| <u>Page 1 Grand-Total</u>  | <u>\$225,739</u> |

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KM*

**MICHAEL R. CASEY**                      **CASE NO, 06-13504 (DHS)**                      **04-25-2006**  
**MIDAS SECURITY INVESTORS OF NEW JERSEY, GP**                      **(12)**

|   |                         |
|---|-------------------------|
| Alpert, Steven & Karin<br>278 S. Greenbush Rd.<br>Blauvelt, NY 10913            | \$ 9,376                |
| Anzano, Octavius & Mary Jane<br>151 Prospect St. 8F<br>Hackensack, NJ 07601     | \$ 30,455               |
| Bennett, Leo & Gladys<br>10 W. Crescent Ave.<br>Allendale, NJ 07401             | \$ 53,063               |
| Carosella, Benjamin & Martha<br>279 West Place<br>Washington Township, NJ 07676 | \$ 10,000               |
| Casey, Mary<br>4570 Zion Ave Apt C12<br>San Diego, CA 92120                     | \$ 10,077               |
| Deegan, Frances<br>732 Beaver Dam Rd.<br>East Berne, NY 12059                   | \$ 20,559               |
| Feldman, Robert L. & Elaine J.<br>880 Cold Harbor Dr.<br>Roswell, GA 30074      | \$ 43,714               |
| Ouellette, Andre & Gwen<br>3365 Round Hill Rd.<br>Somerville, NJ 08876          | \$ 68,516               |
| Ouellette, Gwen<br>3365 Round Hill Rd.<br>Somerville, NJ 08876                  | \$ 75,364               |
| Shaw, Gerard<br>10S Cobb Rd.<br>Milford, PA 18337                               | \$ 46,463               |
| <b><u>Page1 sub-total</u></b>   | <b><u>\$367,587</u></b> |

Maryann Van Dyk,  
29 Copley Court  
North Haledon, NJ 07508

\$ 42,242

Villanella, Joseph T. / Frances Fucci,  
16 Spruce Street  
Ridgefield Park, NJ 07660

\$116,630

**Page 2 sub-total**

**\$158,872**

**Pages 1-2 Grand-Total**

**\$526,459**

*JTR  
KM*

**MICHAEL R. CASEY**

**CASE NO, 06-13504 (DHS)**

**04-25-2006**

**MIDAS WANTAGE TOWNSHIP, L.P. (16)**

|  |                         |
|--|-------------------------|
| Affleck, Millard<br>4135 Longshore Dr.<br>Philadelphia, PA 19135           | \$ 96,396               |
| Anzano, Octavius<br>151 Prospect St. 8F<br>Hackensack, NJ 07601            | \$ 25,000               |
| Bateman, Ernest<br>8 Pheasant Hill Dr.<br>Enfield, Ct 06082                | \$ 16,807               |
| Dimodugno, Mario<br>11 Randolph Pl.<br>Ridgewood, NJ 07450                 | \$ 25,000               |
| Feldman, Robert L.<br>880 Cold Harbor Dr.<br>Roswell, GA 30074             | \$ 20,000               |
| Gibsons Natural Living,<br>5109 Stonewood Dr.<br>Riverside, CA 92506       | \$ 58,754               |
| Hurm, Jerry<br>457 W. Saddle River Rd.<br>Upper Saddle River, NJ 07458     | \$ 25,000               |
| McNerney, Charles & Christina<br>46 Ridge Rd.<br>Harrington Park, NJ 07640 | \$ 25,000               |
| Micelli, Ned (RAI)<br>2465 Crown Land Lane<br>Cutchogue, NY 11935-1211     | \$ 30,000               |
| Midas Realty Development.<br>295 Spring Valley Rd.<br>Park Ridge, NJ 07656 | \$ 1,000                |
| Page, Jonathon Ray<br>36 Sturbridge Dr.<br>Upper Saddle River, NJ 07458    | \$ 10,000               |
| <b><u>Page 1 sub-total</u></b>   | <b><u>\$332,957</u></b> |

*JTR  
KM*

Roseme, Thomas (RAI)  
65 Park Timbers Dr.  
New Orleans, LA 70131

\$ 28,253

Rowley, Franklin Ward  
PO Box 1015  
New London, NH 03257

\$ 20,000

Rudd, William  
20,000  
588 Fifth Ave.  
River Edge, NJ 07661

\$

Shaw, Gerard C  
105 Cobb Rd. 18337  
Milford, Penn. 18337

\$ 50,000

Van Dyke Jr., George D.  
29 Copley Ct.  
North Haledon, NJ 07508

\$ 25,000

**Page 2 sub-total**

**\$143,253**

**Pages 1-2 Grand-Total**

**\$476,210**

*gtr.  
KM*

## EXHIBIT B

Below is the list of property from the Park Ridge Property to be included in the Final Judgment and Consent Order:

1. GE "Profile" microwave
2. Gateway 2000 PC/Monitor/Keyboard
3. Lanier 5622 copier
4. 5 desktop calculators
5. HP Laserjet printer
6. Pitney Bowes "Postage by Phone" machine

*JTR*  
*KM*