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10 Attorneys for Worldplaza Corporation

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 SECURITIES AND EXCHANGE)
COMMISSION,)

Case No. CV-S-05-1006-PMP-GWF

14 Plaintiff,)

(Formerly MS-S-05-0036)

15 vs.)

16 DAVID TANNER, Individually, and d/b/a)
17 CAPITAL ENHANCEMENT CLUB,)
18 ROCKY D. SPENCER, MARROC)
CORP. and RICHARD P. KRINGEN,)

19 Defendants,)

20 and)

21 MARGARET F. SPENCER, OMNIBUS)
22 LLC, VECTRA RESOURCES, LLC, and)
23 ENVIRONMENTAL SOLUTIONS, INC.,)

24 Relief Defendants.)

25 WORLDPLAZA CORPORATION'S
26 MOTION FOR MODIFICATION OF ORDER

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1 Worldplaza Corporation (“Worldplaza”), by and through its undersigned counsel, hereby
2 respectfully requests that the Court modify its Order dated January 24, 2006 (Docket Entry
3 Number 40).

4
5 1. On January 12, 2006, the Court heard arguments in connection with the Motion of
6 Receiver *Pendente Lite*, Larry E. Cook, for Turnover of Property of the Receivership Estate
7 Transferred to Worldplaza Corporation (the “Hearing”) (Doc. 12). The Court granted the
8 Turnover Motion and instructed counsel to submit a Proposed Order for the Court’s signature by
9 January 22, 2006. (Doc. 36).

10 2. On January 13, 2006, Worldplaza ordered the transcript of the Hearing and
11 received the same on January 26, 2006, two days after the instant Order was signed. A true and
12 correct copy of the transcript is attached hereto as Exhibit A.

13
14 3. The Receiver has repeatedly advised Worldplaza of his intention to liquidate, upon
15 receipt of title and interest, the properties which Worldplaza was ordered to turnover. Any such
16 action by the Receiver would directly violate the oral Order of this Court.

17 4. At the Hearing, the Court specifically denied the Receiver’s request for money
18 judgment. *See* Transcript at Page 23, Lines 19-20. In denying the request for money judgment,
19 the Court stated:

20
21 And I think that that protects World Plaza more completely. You
22 know the property is the thing right now and because if it ultimately
23 turns out that this turnover is improvident then I think, you know,
World Plaza’s still got the property. It’s – that just a practical
matter so that would be the order.

24 *See* Transcript at Page 23, Lines 22-25 and Page 24, Lines 1-2.

25 5. Worldplaza provided the Receiver with the transcript and requested that the
26 Receiver reconsider his position in light of what this Court clearly ordered. Nevertheless, the
27 Receiver persists in his intention to liquidate the subject properties and stated his belief that the
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written Order (Doc. 40) – which was submitted and executed before the transcript was generated – “trumps” what the Court ordered at the Hearing.

6. Worldplaza submits this motion without prejudice to its appellate rights concerning the Court’s order granting the turnover motion.

WHEREFORE, for the reasons set forth above, Worldplaza Corporation respectfully requests the Court modify its Order in a manner consistent with the proposed Order attached hereto as Exhibit B.

DATED this 31st day of January, 2006.

SNELL & WILMER L.L.P.

By: 
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CERTIFICATE OF SERVICE

I certify that on January 31, 2006, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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