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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,
v.
GINA CHAMPION-CAIN and ANI
DEVELOPMENT, LLC,
Defendants,
AMERICAN NATIONAL
INVESTMENTS, INC.,
Relief Defendant.

Case No. 3:19-cv-01628-LAB-AHG
**ORDER APPROVING JOINT
MOTION TO MODIFY PRELIMINARY
INJUNCTION ORDER TO ALLOW
FIRST CHOICE BANK TO PROCEED
WITH NON-JUDICIAL
FORECLOSURE ON REAL PROPERTY**
Courtroom: 14A
Judge: Hon. Larry Alan Burns

1 On July 29, 2020, a Joint Motion ("Joint Motion") to Modify Preliminary
2 Injunction Order to Allow First Choice Bank to Proceed with Non-Judicial
3 Foreclosure on Real Property was filed with the Court by Krista Freitag
4 ("Receiver"), the Court-appointed permanent receiver for Defendant ANI
5 Development, LLC, Relief Defendant American National Investments, Inc., and
6 their subsidiaries and affiliates, First Choice Bank ("Bank"), the Securities and
7 Exchange Commission, and Gina Champion-Cain (collectively, the "Parties").

8 Having considered the Joint Motion and all responses thereto, and for good
9 cause shown, the joint motion is **GRANTED**.

10 It is hereby **ORDERED** that:

11 1. The injunctions set forth in the Appointment Order (Dkt. 6) be
12 modified in the following particulars only, and only with respect to the Bank's claim
13 encumbering the real property located at 369 10th Ave., San Diego, California (the
14 "Property");

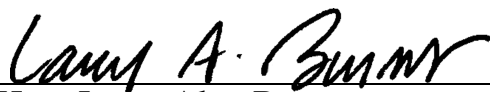
15 2. That the injunctions be modified to permit Bank to enforce its deed of
16 trust by commencing and prosecuting non-judicial foreclosure proceedings, and, in
17 the event a tenant were to occupy the Property, by giving notice to the tenant
18 pursuant to California Civil Code section 2938(i), requiring that future rent
19 payments be made directly to the Bank. Such foreclosure proceedings may be
20 consummated without the necessity of any further order of the Court. The
21 successful bidder at any foreclosure sale may acquire and take possession of the
22 Property free and clear of any interest of the receivership estate;

23 3. That Bank retain all other rights and remedies it currently has,
24 including if applicable, the right to petition this Court for further relief. The
25 Receiver and ANI agree to execute and deliver such documents as Bank may
26 reasonably request in order to complete the non-judicial foreclosure proceedings;
27 and

28 ///

1 4. That nothing herein shall preclude the Receiver from soliciting or
2 developing offers for the Property pending the foreclosure sale. In the event an
3 offer in an amount sufficient to pay secured claims and property taxes, to provide a
4 net recovery for the receivership estate is secured, and the buyer has released
5 contingencies, the Receiver will confer with Bank and seek Court approval of the
6 sale.

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8 Dated: August 3, 2020



Hon. Larry Alan Burns
Chief United States District Judge

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