



“**Receivership**”), seeks an order from the Court clarifying certain details related to the previous grant of approval to liquidate the Aircraft.<sup>1</sup>

1. After the Receivership was expanded to include the Wammel Defendants in July 2017, the Receiver undertook to identify and seize the Wammel Defendants assets, including a 1990 Cessna 650 Citation (Serial # 650-0179; N287CD) (the “Aircraft”).

2. The Receiver later learned that the Aircraft’s registered owner was CDWA, LLC. As reflected in **Exhibit A**, attached hereto, the Registered Agent for CDWA, LLC is Summus Investment Holdings, LLC (“Summus”). Also as reflected in **Exhibit A**, the address for Summus is Wammel’s previous personal address—3 Mariners Lane, Kemah, Texas 77565—and Summus is an entity wholly owned by Wammel. Furthermore, Wammel’s counsel previously communicated that Wammel was the sole owner, operator, and manager of CDWA, LLC and had the authority to liquidate the Aircraft.

3. On October 17, 2017, the SEC, the Receiver, and the Wammel Defendants previously agreed to the entry of a liquidation of the Wammel Defendants’ assets as detailed in the *Motion to Enter Agreed Order (I) Authorizing Liquidation of Real Property, Aircraft, Vehicles, Furniture, Fixtures, Equipment, and Other Items and Termination of Certain Leases, (II) to Approve Procedures to Sell Receivership Assets, and (III) to Release Funds from Certain Frozen Bank Accounts into the Receiver’s Account* [Dkt. 131]. The agreed motion and submitted order included agreement to liquidate the Aircraft.

4. Thereafter, the Court entered and **granted** the *Agreed Order (I) Authorizing Liquidation of Real Property, Aircraft, Vehicles, Furniture, Fixtures, Equipment, and Other Items and Termination of Certain Leases, (II) to Approve Procedures to Sell Receivership Assets,*

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<sup>1</sup> Defined herein.

*and (III) to Release Funds from Certain Frozen Bank Accounts into the Receiver's Account* on November 6, 2017 [Dkt. No. 133]. This Order included approval to liquidate the Aircraft.

5. Since the entry of the Order, the Receiver has entered an agreement to sell the Aircraft and is in the closing period of that agreement. During the closing of the sale of the Aircraft, the Receiver learned that the FAA requires that certain details, including the registered owner of the aircraft, the serial number of the aircraft, and the registration number of the aircraft, be listed in the order of the Court.

6. Thus, in accordance with 28 U.S.C. §§ 2001 and 2004 and paragraph 50 of the Amended Order Appointing Receiver [Dkt. No. 48], the Receiver seeks clarification of the Court's prior Agreed Order [Dkt. No. 133], specifying additional details regarding the Aircraft and that Receiver is authorized to execute the Bill of Sale for CDWA, LLC.

7. The Wammel Defendants previously agreed to liquidation of the Aircraft, which was owned by CDWA, LLC—an entity controlled by Wammel for Wammel's benefit. While the Wammel Defendants have indicated they oppose *this* motion, their opposition does nothing more than delay the Receiver's ability to liquidate the Aircraft for the benefit of the Receivership Estate, which in turn decreases the value of the asset. Further, the Wammel Defendants have indicated to the Receiver that they do not intent to file a response to this motion for clarification of the order. Delaying the clarification of an order which has already been granted serves no valid purpose for any part and jeopardizes the sale of the Aircraft.

8. The Receiver respectfully requests that this Court enter the *Proposed Order* in an effort to comply with FAA requirements to allow the Receiver to execute the Bill of Sale for CDWA, LLC. The Receiver further prays for such other and further relief, general or special, at law or in equity, to which she may show herself justly entitled.

Dated: May \_\_\_\_\_, 2018.

Respectfully submitted,

**THOMPSON & KNIGHT LLP**

By: /s/ Mackenzie S. Wallace

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**COUNSEL TO RECEIVER**

**CERTIFICATE OF SERVICE**

I hereby certify that on May \_\_\_\_, 2018, I electronically filed the foregoing document with the Clerk for the United States District Court, Eastern District of Texas. The electronic case filing system (ECF) will send a Notice of Electronic Filing (NEF) to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. The foregoing document will also be sent to all counsel of record via the method identified below.

/s/ Mackenzie S. Wallace

Mackenzie S. Wallace

**Via Electronic Mail:**

**COUNSEL FOR PLAINTIFF:**

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U.S. SECURITIES AND EXCHANGE COMMISSION  
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801 Cherry Street, Unit #18  
Fort Worth, TX 76102-6882  
Telephone: (817) 900-2601  
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***PRO SE***

**By Electronic Mail and by U.S. Mail at both known addresses:**

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1535 Sun Mountain, San Antonio, TX 78258

2054 Hidalgo Lane, Frisco, TX 75034

**COURTESY COPIES SENT TO THE FOLLOWING:**

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[jimmy@ardoinlawpllc.com](mailto:jimmy@ardoinlawpllc.com)

**COUNSEL FOR THE WAMMEL DEFENDANTS**

**CERTIFICATE OF CONFERENCE**

Mackenzie S. Wallace, counsel for the Receiver, and counsel for Plaintiff, conferred on May 3, 2018, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Plaintiff is unopposed to the relief sought in this Motion.

Mackenzie S. Wallace, counsel for the Receiver, and Certain Relief Defendants conferred on May 3 and 4, 2018, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for the Wammel Defendants is opposed to the relief sought in this Motion.

*/s/ Mackenzie S. Wallace*

Mackenzie S. Wallace

**TEXAS SECRETARY of STATE**  
**ROLANDO B. PABLOS**[UCC](#) | [Business Organizations](#) | [Trademarks](#) | [Notary](#) | [Account](#) | [Help/Fees](#) | [Briefcase](#) | [Logout](#)**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

<b>Filing Number:</b>	800913828	<b>Entity Type:</b>	Domestic Limited Liability Company (LLC)
<b>Original Date of Filing:</b>	December 20, 2007	<b>Entity Status:</b>	In existence
<b>Formation Date:</b>	N/A	<b>FEIN:</b>	
<b>Tax ID:</b>	32034356900		
<b>Duration:</b>	Perpetual		
<b>Name:</b>	CDWA, LLC		
<b>Address:</b>	510 BERING DR STE 455 HOUSTON, TX 77057 USA		

<a href="#">REGISTERED AGENT</a>	<a href="#">FILING HISTORY</a>	<a href="#">NAMES</a>	<a href="#">MANAGEMENT</a>	<a href="#">ASSUMED NAMES</a>	<a href="#">ASSOCIATED ENTITIES</a>
<b>Name</b>	<b>Address</b>		<b>Inactive Date</b>		
Summus Investment Holdings, LLC	3 Mariners Lane Kemah, TX 77565 USA				

**Instructions:**

- To place an order for additional information about a filing press the 'Order' button.

TEXAS SECRETARY OF STATE

ROLANDO PABLOS

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### BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY




**Filing Number:** 802249474 **Entity Type:** Domestic Limited Liability Company (LLC)  
**Original Date of Filing:** July 8, 2015 **Entity Status:** In existence  
**Formation Date:** N/A  
**Tax ID:** 32057729751 **FEIN:**  
**Duration:** Perpetual  
**Name:** Summus Investment Holdings, LLC  
**Address:** 3 MARINERS LN  
 KEMAH, TX 77565 USA

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<b>Name</b>	<b>Address</b>	<b>Inactive Date</b>			
Arthur Wammell	3 Mariners Ln Kemah, TX 77565 USA				



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<b>View Image</b>	<b>Document Number</b>	<b>Filing Type</b>	<b>Filing Date</b>	<b>Effective Date</b>	<b>Eff. Cond</b> <b>Page Count</b>
	614519530002	Certificate of Formation	July 8, 2015	July 8, 2015	No 2
	731737010001	Public Information Report (PIR)	December 31, 2016	April 26, 2017	No 1
	807643450001	Public Information Report (PIR)	December 31, 2017	April 16, 2018	No 1

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		<b>Name</b>	<b>Name Status</b>	<b>Name Type</b>	<b>Name Inactive Date</b>	<b>Consent Filing #</b>
		Summus Investment Holdings, LLC	In use	Legal		0

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<b>Last Update</b>	<b>Name</b>	<b>Title</b>	<b>Address</b>		
April 26, 2017	ARTHUR WAMMEL	PRINCIPLE	3 MARINERS LANE KEMAH, TX 77565 USA		

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		<b>Expiration Date</b>	<b>Inactive Date</b>	<b>Name Status</b>	<b>Counties</b>
<b>No names exist for this filing.</b>					

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<b>Name</b>	<b>Entity Type</b>	<b>Document Description</b>	<b>Filing Date</b>	<b>Entity Filing Number</b>	<b>Jurisdiction</b>	<b>Capacity</b>
There are no documents listed for this entity which match your inquiry.						

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**Certificate of Formation**

**of**

**Summus Investment Holdings, LLC  
(A Limited Liability Company)**

**FILED**  
In the Office of the  
Secretary of State of Texas

**JUL 08 2015**

**Corporations Section**

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**ARTICLE ONE**

The name of the filing entity is Summus Investment Holdings, LLC (the "Company").

**ARTICLE TWO**

The filing entity being formed is a limited liability company.

**ARTICLE THREE**

The purpose for which the Company is formed is any lawful purpose for which a limited liability company may be formed under the Texas Business Organizations Code.

**ARTICLE FOUR**

The street address of the Company's initial Registered Office, and the name of its initial Registered Agent at that office, are as follows:

Arthur Wammell  
3 Mariners Lane  
Kemah, Texas 77565

**ARTICLE FIVE**

The Company will not have Managers. The name and address of the initial Member is:

Arthur Wammell  
3 Mariners Lane  
Kemah, Texas 77565

**ARTICLE SIX**

The undersigned Organizer hereby disclaims any past or future interests in or control of Summus Investment Holdings, LLC and resigns as the Organizer effective upon the formation of the Company.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of July, 2015.



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Sharon Leal, Organizer  
408 W. 17th Street, Suite 101  
Austin, Texas 78701-1207  
(512) 474-2002





benefit of Arthur Wammel, and Wammel has agreed that the Receiver has the right to sell the Aircraft.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

In accordance with paragraph 50 of the Amended Order Appointing Receiver [Dkt. No. 48], the Receiver is authorized to liquidate the Aircraft and the Receiver is authorized to execute the Bill of Sale for CDWA, LLC.

**IT IS SO ORDERED.**