



Entered on Docket
January 18, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

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ORDER
SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No. 000776
PAUL R. CONNAGHAN, ESQ.
Nevada Bar No. 003229
DEANER, DEANER, SCANN,
MALAN & LARSEN
720 South Fourth Street, Suite #300
Las Vegas, Nevada 89101
(702) 382-6911
Attorneys for Binford Medical Developers, LLC

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:)
)
USA COMMERCIAL MORTGAGE)
COMPANY,)
)
Debtor)

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:)
)
USA CAPITAL REALTY ADVISORS, LLC.)
)
Debtor)

Chapter 11
Jointly Administered Under
Adv. Case No. 06-01212

**ORDER RE: MOTION FOR PRELIMINARY
INJUNCTION FOR RELEASE OF FUNDS**

In re:)
)
USA CAPITAL DIVERSIFIED TRUST)
DEED FUND, LLC.)
)
Debtor)

Date of Hearing: 12/15/06
Time of Hearing: 1:30p.m.

In re:)
)
USA CAPITAL FIRST TRUST)
DEED FUND, LLC.)
)
Debtor)

Affects:
 USA Commercial Mortgage Company
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC

1)
2 In re:)
3 USA SECURITIES, LLC.)
4 Debtor)
5 **BINFORD MEDICAL DEVELOPERS,**)
6 **LLC, an Indiana Limited Liability**)
7 **Company,**)
8 Plaintiff,)
9 vs.)
10 USA COMMERCIAL MORTGAGE)
11 COMPANY and FIDELITY NATIONAL)
12 TITLE GROUP)
13 Defendant.)

USA Securities, LLC
 USA Realty Advisors, LLC
 All Debtors

12 **ORDER RE: MOTION FOR PRELIMINARY INJUNCTION FOR RELEASE OF FUNDS**

13 TO: ALL PARTIES IN INTEREST

14 THIS MATTER having come on for hearing on December 15, 2006, SUSAN WILLIAMS
15 SCANN appeared on behalf of Binford Medical Developers, LLC, LENARD SCHWARTZER
16 appeared on behalf of the Debtor, and the Court finds that the matter involves a matter of the
17 application of business judgment and good cause appearing therefor,

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Binford's Motion for
19 Preliminary Injunction be and the same hereby is denied.

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26 ...

1 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the \$330,000
2 continue to be held by Fidelity National Title Group for a period of sixty days, subject to extension
3 upon further order of this Court.

4 Submitted by:

5 /s/ SUSAN WILLIAMS SCANN
6 SUSAN WILLIAMS SCANN, ESQ.
7 Attorney for Binford Medical Developers, LLC
8 720 S. Fourth Street, Ste., 300
9 Las Vegas, NV 89101

8 APPROVED AS TO FORM & CONTENT

9 /s/ LENARD E. SCHWARTZER
10 LENARD E. SCHWARTZER, ESQ.
11 SCHWARTZER & McPHERSON LAW FIRM
12 JEANETTE E. McPHERSON, ESQ.
13 2850 S. Jones Blvd., Ste. 1
14 Las Vegas, NV 89146

13 /s/AUGUST B. LANDIS
14 AUGUST B. LANDIS
15 OFFICE OF THE US TRUSTEE
16 300 S. Las Vegas Blvd, #4300
17 Las Vegas, NV 89101

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