



Entered on Docket
January 19, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
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

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

Jointly Administered Under
Case No. BK-S-06-10725 LBR

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

Adversary No. 06-01256-LBR

In re:
USA SECURITIES, LLC,
Debtor.

**STIPULATED TEMPORARY
RESTRAINING ORDER**

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC

Date: January 3, 2007
Time: 1:30 p.m.

SCHWARTZ & MCPHERSON LAW FIRM
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1 USA COMMERCIAL MORTGAGE COMPANY, a
2 chapter 11 debtor, and USA CAPITAL DIVERSIFIED
TRUST DEED FUND, LLC, a chapter 11 debtor,

3
4 Plaintiffs,

vs.

5 HMA Sales, LLC, a Nevada limited liability company,
6 and SALVATORE J. REALE, an individual,

7 Defendants.

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9 This matter having come before the Court on Debtor USA Capital Diversified Trust Deed
10 Fund, LLC's Motion for Temporary Restraining Order and Preliminary Injunction, USA
11 Commercial Mortgage Company and USA Capital Diversified Trust Deed Fund, LLC (the
12 "Plaintiffs") appearing by and through their counsel, Lenard E. Schwartzer of the Schwartzer &
13 McPherson Law Firm; HMA Sales, LLC appearing by and through its counsel Russell Walker,
14 Esq. of Woodbury & Kessler; Salvatore Reale appearing by and through his counsel, Douglas
15 Gerrard, Esq. of Gerrard Cox & Larson; the Court having heard the stipulations of the parties on
16 the record and finding good cause, it is

17 **ORDERED** that the Temporary Restraining Order shall remain in effect which provides
18 that Defendants Salvatore J. Reale, individually and as trustee of the Salvatore J. Reale Revocable
19 Living Trust ("Reale"), and HMA Sales, LLC ("HMA") and their agents, officers, members, and
20 managers are enjoined from further disposing of, disbursing or expending any of the monies or
21 non-cash proceeds of the sale of the Royal Hotel until further order of this Court; and it is

22 **ORDERED** that Reale shall provide Plaintiffs' counsel, within one (1) business day, the
23 location of at least \$6.7 million in a financial institution in Clark County, Nevada (which shall be
24 identified by name, address, and account number) (the "Identified Account"), and it is

25 **ORDERED** that a copy of this Order shall be served on said financial institution and said
26 financial institution shall confirm the amount of funds on deposit in the Identified Account and
27 shall not transfer any of the funds on deposit in the Identified Account (except to an interest
28 bearing account at the same financial institution which account will then also be designated the

1 Identified Account) until further Order of this Court; and it is

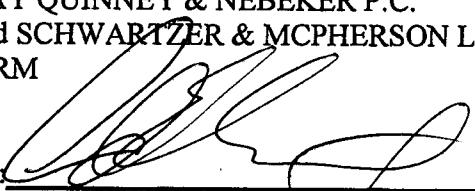
2 **ORDERED** that Reale and Thomas J. Allison, as the representative of the Plaintiffs will
3 make themselves available for examination under oath between February 16, 2007 and February
4 23, 2007, and it is further

5 **ORDERED** that the parties may take depositions of other parties and persons; and it is
6 further


7 **ORDERED** that, pending the hearing on the Plaintiffs' Motion for Preliminary Injunction
8 and Application for Pre-Judgment Writ of Attachment responses to requests for production of
9 documents shall be shortened to fifteen (15) days); and it is

10 **ORDERED** that on evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction
11 and Application for Pre-Judgment Writ of Attachment will be held on March 2, 2007 at 1:30 p.m.

12 Submitted by:
13 RAY QUINNEY & NEBEKER P.C.
14 and SCHWARTZER & MCPHERSON LAW
15 FIRM

16 By: 
17 LENARD E. SCHWARTZER, ESQ.
18 JEANETTE E. MCPHERSON, ESQ.
19 *Counsel for Plaintiffs*

20 Approved/Disapproved
21 GERRARD COX & LARSEN

22 By: 
23 DOUGLAS GERRARD, ESQ.
24 *Counsel for Salvatore Reale*

Approved/Disapproved
WOODBURY & KESSLER
By: _____
RUSSELL WALKER, ESQ.
*Counsel for USA Investment Partners, LLC,
managing member of HMA Sales, LLC*

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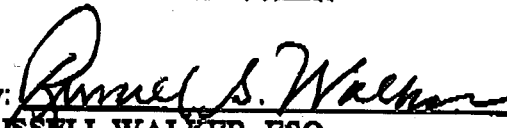
Submitted by:
RAY QUINNEY & NEBEKER P.C.
and SCHWARTZER & MCPHERSON LAW FIRM

By: _____
LENARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
Counsel for Plaintiffs

Approved/Disapproved
GERRARD COX & LARSEN

By: _____
DOUGLAS GERRARD, ESQ.
Counsel for Salvatore Reale

Approved/Disapproved
WOODBURY & KESSLER

By:  _____
RUSSELL WALKER, ESQ.
Counsel for USA Investment Partners, LLC,
managing member of HMA Sales, LLC

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