

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA  
Civil No. 08-SC-5348 (ADM/JSM)

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
1. THOMAS JOSEPH PETTERS; )  
PETTERS COMPANY, INC., )  
PCI; PETTERS GROUP WORLDWIDE, LLC; )  
2. DEANNA COLEMAN aka DEANNA MUNSON; )  
3. ROBERT WHITE; )  
4. JAMES WEHMHOFF; )  
5. LARRY REYNOLDS dba NATIONWIDE )  
INTERNATIONAL RESOURCES aka NIR; )  
6. MICHAEL CATAIN dba ENCHANTED FAMILY )  
BUYING COMPANY; )  
7. FRANK E. VENNES JR. dba METRO GEM )  
FINANCE, )  
METRO GEM INC., )  
GRACE OFFERINGS OF FLORIDA, LLC, )  
METRO PROPERTY FINANCING, LLC, )  
38 E. ROBINSON, LLC, )  
55 E. PINE, LLC, )  
ORLANDO RENTAL POOL, LLC, )  
100 PINE STREET PROPERTY, LLC, )  
ORANGE STREET TOWER, LLC, )  
CORNERSTONE RENTAL POOL, LLC, )  
2 SOUTH ORANGE AVENUE, LLC, )  
HOPE COMMONS, LLC, )  
METRO GOLD, INC.; )  
)  
Defendants. )

**MOTION TO AMEND AND CLARIFY THE PRELIMINARY INJUNCTION AND  
RECEIVERSHIP ORDERS**

Receiver Douglas A. Kelley, by and through his undersigned counsel, moves this Court n  
an expedited basis, for an order amending and clarifying the preliminary injunction and  
receivership orders entered in the above-captioned action as Docket Nos. 12, 43 and 70 as

follows:

1. Clarifying that both the Order for Entry of Preliminary Injunction, Order Appointing Receiver, and Other Equitable Relief entered October 6, 2008 [Docket No. 12]; and the Order for Entry of Preliminary Injunction, Appointment of Receiver and Other Equitable Relief entered on October 14, 2008 [Docket No. 43]; were subsequently amended pursuant to the Amended Order for Entry of Preliminary Injunction, Appointment of Receiver, and other Equitable Relief entered October 22, 2008 [Docket No. 70].

2. Amending Section I (“Asset Freeze”) of the Amended Order for Entry of Preliminary Injunction, Appointment of Receiver, and Other Equitable Relief (Court Docket No. 70) to clarify the defendants whose assets are subject to the Receivership.

3. Amending the Amended Order for Entry of Preliminary Injunction, Appointment of Receiver, and Other Equitable Relief (Court Docket No. 70), to clarify that the Receivership powers and duties shall have full power to collect, receive, take and otherwise manage all assets of the Defendants and other persons or entities whose interests are now held by or under the direction, possession, custody or control of the Defendants, by striking the following language from Section IV paragraph B1:

PROVIDED, HOWEVER, the Receiver shall not attempt to collect any amount from a person if the Receiver believes the person was a victim of the mail, wire, or bank fraud scheme alleged in the Amended Complaint in this matter;

4. Further amending the Amended Order for Entry of Preliminary Injunction, Appointment of Receiver, and Other Equitable Relief (Court Docket No. 70), to clarify the Receivership Powers and Duties with respect to filing bankruptcy petitions for any of the entities to protect and preserve the assets of any of the entities, by striking the following language from Section IV paragraph B 2 c:

and acting as managing or Debtor in Possession of any of the entities so filed by the Receiver, and to appear and be heard in any bankruptcy of any of the entities not filed by the receiver

And replacing the above language in Section IV paragraph B 2 c with the following language:

Any bankruptcy cases so commenced by the Receiver shall during their pendency be governed by and administered pursuant to the requirements of the United States Bankruptcy Code, 11 U.S.C. section 101 et seq. , and the applicable Federal Rules of Bankruptcy Procedure. Notwithstanding the foregoing, any claims arising under federal laws relating to forfeiture and restitution (1) against or to recover assets, assets of the bankruptcy estates of such bankruptcy cases, or (2) for distribution from such bankruptcy cases, are preserved and not affected in any way by this paragraph.

DATED: November 24, 2008.

**LINDQUIST & VENNUM P.L.L.P.**

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*Attorneys for Douglas A. Kelley, Receiver*