

3/29/2021

CASE TYPE: Foreclosure/Receivership

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF KANDIYOHI

EIGHTH JUDICIAL DISTRICT

UMB Bank, National Association, as successor
trustee,

Court File No. 34-CV-16-375

Plaintiff,

vs.

**ORDER APPROVING RECEIVER'S
SETTLEMENT, APPROVING FINAL
REPORT, DISCHARGING RECEIVER,
AND CLOSING CASE**

Living Services Foundation/New London,
LLC; XYZ Corporation; ABC Partnership;
John Doe and Mary Rowe,

Defendants.

Certus Financial, LLC, in its capacity as the Court-appointed receiver in this case (the "Receiver"), filed a motion to approve the Receiver's settlement with Benedictine Living Community of New London and Benedictine Health System, approve the Receiver's final report, discharge the Receiver, and close this case. David E. Runck appeared on behalf of the Receiver. Other appearances, if any, were noted in the record. Except as otherwise defined herein, all capitalized terms shall have the meanings given to them in the Receiver's motion papers.

Under Minn. Stat. §§ 576.29, 576.38, 576.47 and Rule 137.10 of the Minnesota General Rules of Practice, and based upon the Receiver's Memorandum of Law and the Affidavit and Final Report of William Haase submitted by the Receiver ("Haase Affidavit"),

IT IS HEREBY ORDERED THAT:

1. The Receiver's settlement with Benedictine Living Community of New London and Benedictine Health System described in **Exhibit A** to the Haase Affidavit is approved. The Receiver is authorized to perform the terms of the settlement.

2. The Receiver's final report attached as **Exhibit B** to the Haase Affidavit, and the Receiver's payment of all fees, expenses, and distributions described therein, is approved.

3. Within three (3) business days of the date of this order, the Receiver shall pay all outstanding fees and expenses of the Receiver and distribute any net remaining funds held by the Receiver to the Plaintiff.

4. Effective immediately upon making the final distribution described in Paragraph 3, Certus Financial, LLC ("Certus") shall be discharged as receiver and excused from performance of any further duties in this case. Certus has managed the receivership property in accordance with this Court's orders, filed periodic reports with the Court, and faithfully discharged its duties in good faith. All of Certus' actions as Receiver are hereby confirmed, ratified and approved. Certus, its subsidiaries, affiliates, successors, assigns, directors, officers, shareholders, employees, attorneys and agents are hereby released and discharged from any and all actions, claims, contracts, damages, leases and liabilities of every kind or nature whatsoever, relating to the receivership property or arising from Certus' actions or service as Receiver. Certus' surety bond for its service as Receiver, if any, is hereby released and exonerated.

5. This case is closed.

IT IS SO ORDERED.

BY THE COURT:

Dated: _____, 2021

Judge of District Court