

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SECURITIES AND EXCHANGE	§	
COMMISSION	§	
	§	
v.	§	Case No. 4:11-CV-655
	§	Judge Clark/Judge Mazzant
JAMES G. TEMME and STEWARDSHIP	§	
FUND, LP	§	

### ORDER DENYING MOTION TO ADD PARTY

Pending before the Court is the *pro se* movant Istivan C. Douglas's Motion to be Added as a Plaintiff (Dkt. #126). On August 24, 2012, Istivan C. Douglas ("Douglas") filed this motion. On September 7, 2012, Plaintiff and the Receiver filed a joint response opposing this request (Dkt. #132).

Douglas would like to be added as a Plaintiff in this case because he entered into a contract with Stewardship Fund for the purchase of real estate located at 23 Powder Street, Concord, N.C. 28025-4959 (the "Property"). Douglas asserts that Stewardship Fund holds title to the Property which serves as his residence. Douglas asserts that he has not received any notice from Stewardship Fund regarding this transaction, and the taxes on the Property are delinquent. Douglas would like be added to this case and requests that the Property be transferred from Stewardship Fund LP to him.

The Court will treat Douglas's motion as a request to intervene under Federal Rule of Civil Procedure 24(a)(2). A moving party seeking to intervene must meet the following to intervene as a matter of right: (1) a timely application; (2) demonstrate an interest in the subject matter of the action; (3) demonstrate that the protection of that interest may be impaired by the disposition of the action; (4) demonstrate that the interest is not adequately represented by an existing party. *League of United Latin Am. Citizens v. Clements*, 884 F.2d 185, 187 (5th Cir. 1989); Fed. R. Civ. P.

24(a)(2).

In this case, the Court finds that Douglas's claimed interest in the Property would be best protected by the Receiver, subject to oversight by the Court. The Court agrees with the response that investors and claimants are best protected by allowing the Receiver to recommend reasonable procedures for approval by the Court.

The Receiver also indicates that it has investigated Douglas's claims regarding his purported interests in the Property. The Receiver has been unable to locate any signed assignment of deed to Douglas in the Receiver's files. The appraisal district records from Cabarrus County, North Carolina, indicate that Stewardship-Bridgepoint Group and not Douglas owns the Property. The Receiver indicates that he will work with Douglas regarding his claims.

It is therefore ORDERED that *pro se* movant Istivan C. Douglas's Motion to be Added as a Plaintiff (Dkt. #126) is hereby DENIED.

**SIGNED this 21st day of September, 2012.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE