

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

VS.

Civil Action No. 4:11-cv-00655

JAMES G. TEMME,
STEWARDSHIP FUNDS, LP

Defendants.

ORDER ON MOTION FOR CLARIFICATION OF ORDER

On this day the Court considered the Motion For Clarification of Order (Dkt. #141) filed by certain nonparties to this action, namely MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC, and F & B Note Holding, LLC (collectively, the "F & B Group"), and the responses filed thereto by the Receiver and the Home Solutions entities. After considering the Motion and the responses, it is the Court's opinion that the following order should be entered:

Since it appears that all parties agree that neither the merits nor the final ownership of F & B's tort and contract claims outlined in F & B's Amended Motion to Lift Stay were before the Court at the August 30, 2012 hearing, the Court affirms that its September 13, 2012 Order entitled "Order Denying Lifting Stay" does not:

- a. Adjudicate the merits of F & B's claims against the Home Solutions Affiliates, except as necessary for the Court to evaluate what is currently known about those claims to apply the factors required to be considered by the Court on a motion to lift stay; or

- b. Adjudicate or determine the final ownership of F & B's tort or contract claims outlined in F & B's Amended Motion to Lift Stay.

The Court further finds that the Motion for Reconsideration of Magistrate's Order, Motion for Oral Hearing Thereon (Dkt. #142) is DENIED as moot.

IT IS SO ORDERED.

SIGNED this 5th day of November, 2012.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE