

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

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 4:11-cv-655
	§	(Judge Clark/Judge Mazzant)
JAMES G. TEMME and	§	
STEWARDSHIP FUND, LP,	§	
	§	
<i>Defendants.</i>	§	

**ORDER GRANTING MOTION FOR AUTHORITY TO
LIQUIDATE 401(k) SAVINGS PLAN ACCOUNT**

Before the court is the Motion for Authority to Liquidate 401(k) Savings Plan Account (the “Motion”) [Doc. #157] presented by the Receiver. No opposition has been filed to this motion.

It is **ORDERED** that the Motion for Authority to Liquidate 401(k) Savings Plan Account [Doc. #157] is GRANTED. The court finds that the Receiver has complied with all applicable requirements of the Agreed Order Appointing Receiver Over Entities Under Control of James G. Temme [Doc. #24]; Agreed Order Appointing Receiver Over Stewardship Fund, LP, and Related Entities [Doc. #25]; and Order Appointing Receiver Over James Temme [Doc. #30] (together, the “Receiver Orders”) with regard to the Motion. Specifically, the court finds that the Receiver has provided Mr. Temme an opportunity to be heard in writing with regard to the Motion as required in the Receiver Orders.

The court, therefore, ORDERS that:

- (1) the Receiver is authorized to access, manage, and control the 401(k) Savings Plan

- Account (the "Account")¹ as the authorized owner of the Account;
- (2) the Receiver is authorized to liquidate or convert the funds in the Account in a manner consistent with the Receiver's business judgment;
 - (3) the Receiver is authorized to take all other actions necessary to monetize and close the Account;
 - (4) James G. Temme is ORDERED to fully cooperate with the Receiver regarding the Account, including but not limited to, taking any action necessary to monetize and close the Account and transfer the proceeds to the Receivership Estate; and
 - (5) the Receiver is authorized to disburse the funds from the Account in accordance with the Receiver's duties and in his business judgment.

So ORDERED 12/9/2012



Ron Clark
U.S. District Judge

¹ The Account is held by Fidelity Investments Institutional Operations Company, Inc. under the description Ryder System Inc. 401(k) Savings Plan account number xxxxxxxxxxx0002.