

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SAMUEL E. WYLY and DONALD R. MILLER,
JR., in his capacity as the Independent Executor of
the Will and Estate of Charles J. Wyly, Jr.,

Defendants,

and

CHERYL WYLY *et al.*,

Relief Defendants.

No. 1:10-CV-05760-JPO

STIPULATION AND
ORDER REGARDING
DEFENDANT SAMUEL E.
WYLY AND RELIEF
DEFENDANT EVAN A.
WYLY

Plaintiff Securities and Exchange Commission (the "SEC"), and Defendant Samuel E. Wyly ("Sam") and Relief Defendant Evan A. Wyly ("Evan"), through their undersigned counsel, hereby stipulate as follows:

WHEREAS, on November 3, 2014, the Court issued an Order Temporarily Freezing Assets and Granting Other Relief (ECF No. 518) (the "Freeze Order") which has temporarily frozen Evan's assets.

WHEREAS, Sam intends, upon approval of the bankruptcy court in Case No. 14-BK-35043-BJH, United States Bankruptcy Court for the Northern District of Texas (Dallas Division), to market and sell his residence located on Beverly Drive in Dallas, Texas, and move into Edgemere, a Continuing Care Retirement Community located in Dallas, Texas.

WHEREAS, the SEC and Evan have reached an agreement regarding Evan making

certain payments to enable Sam moving into Edgemere for the entry fee, the monthly service fee, the moving fee, and any modifications or improvements not to exceed \$1,400,000 in total; and

WHEREAS, the SEC does not object to Evan making the payments referenced herein to facilitate Sam moving into Edgemere.

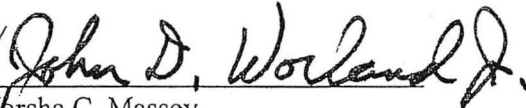
IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT:

1. The Freeze Order is modified to permit Evan to spend up to \$1,400,000 related to Sam moving into Edgemere; and

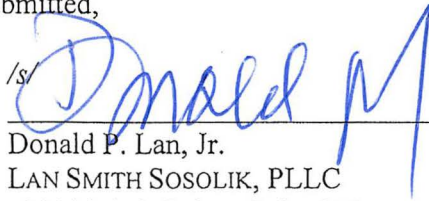
2. Such expenditures by Evan shall not be counted against Evan's monthly allowances for living expenses in the Freeze Order, and will not violate the Freeze Order or violate any other order or ruling of this Court.

January 10, 2017

Respectfully submitted,

/s/ 

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SO ORDERED:



J. PAUL OETKEN
United States District Judge

Dated: January 11, 2017