

At IAS Part 59 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 71 Thomas Street, New York, NY 10007, on the _____ day of June, 2014

JUL 11 2014

PRESENT:

HON. DEBRA A. JAMES, J.S.C.

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JUAN CARLOS MOLINA,

Index No. 651210/14

Petitioner-Judgment Creditor,

ORDER

-against-

JAMES CHLADEK,

Respondent-Judgment Debtor.

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Petitioner-Judgment Creditor JUAN CARLOS MOLINA, by his attorneys ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, having duly moved for an Order, pursuant to CPLR Section 5228, appointing a Receiver to enforce a Judgment entered in this Court on October 9, 2008 in favor of Petitioner and against Respondent in the principal sum of TWO MILLION, FIVE HUNDRED FORTY-THREE THOUSAND, SIX HUNDRED FIFTY-NINE DOLLARS AND THIRTY-FIVE CENTS (\$2,543,659.35) in an action filed in this Court under Index Number 603763/2006, with the Receiver being authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale, to take possession of all sales proceeds and apply them towards the payment and satisfaction of the aforesaid Judgment, together with such other, further and different relief as to this Court may seem just and proper.

NOW, upon reading and filing of the Order to Show Cause dated April 24, 2014, the Affidavit of JUAN CARLOS MOLINA duly sworn to on April 9, 2014, the Affirmation of CHARLES M. BALISTRERI, ESQ. dated April 9, 2014, the Affirmation of ANTHONY MURRAY dated April 14,

Verified per hon

2014, and the exhibits annexed thereto, all submitted in support of said motion, and Respondent JAMES CHLADEK having failed to appear, answer or oppose the motion, and proof of service of said Order to Show Cause having been duly filed with the Court, evidencing that service of the Order to Show Cause upon the Respondent was made in the manner directed by said Order to Show Cause.

And the Order to Show Cause having regularly come before the Court to be heard on May 29, 2014, and the Petitioner having appeared by counsel on that day and the Respondent having failed to appear or oppose the motion, and after due deliberation having been held thereon with the Court having rendered its decision on the Record on May 29, 2014 (copy annexed hereto),

NOW, upon motion of ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, attorneys for Petitioner-Judgment Creditor, it is

JSC
ORDERED, that the motion ~~be granted~~ is hereby granted in all respects, and that ANTHONY MURRAY, ESQ., of 305 Broadway, 7th Floor, New York, NY 10007, ~~be and~~ is hereby appointed Receiver, and he is authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale either individually or jointly, and to sell such licenses, as well as any broadcasting equipment and facilities owned by Respondent, for cash for the best price obtainable; and it is further

ORDERED, that the Receiver is authorized to retain the services of one or more brokers possessing expertise in the sale and transfer of FCC broadcast licenses, and to compensate said broker(s) from the sales proceeds, and to take possession of all sales proceeds after payment of necessary expenses and apply them towards the payment and satisfaction of the aforesaid Judgment; and it is further

JSC
ORDERED that the Receiver, before entering upon his duties, shall give an undertaking to faithfully discharge his duties with sufficient surety or sureties in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$ 25,000.00), and to file that bond in the office of the Clerk of the County of New York, and serve a copy thereof upon the Respondent-Judgment Debtor JAMES CHLADEK, and that

upon the filing of this Order and the final approval and filing of the bond ^{and oath} as required by law, the Receiver shall be invested with all the rights and powers of a Receiver as such according to law and practice; and it is further

ORDERED, that the Respondent-Judgment Debtor and his agents, servants and attorneys, and each of them, ~~be and~~ hereby are forbidden to interfere with the property of the judgment debtor, except in obedience hereto; and it is further

ORDERED, that the Receiver shall retain from the proceeds of the sale(s) an amount sufficient to satisfy the Judgment including all interest that has accrued since its entry, rendered in favor of the Petitioner-Judgment Creditor and sufficient to pay and/or reimburse the Receiver for his necessary expenses incurred in the sale of the radio broadcast licenses, together with the Receiver's commissions authorized by law, and to pay over the excess, if any, to the Respondent-Judgment Debtor.

ENTER :

V. A. J. James
DEBRA A. JAMES
J.S.C.

JUL 11 2014

STATE OF NEW YORK COUNTY OF NEW YORK,
SS. I, NORMAN GOODMAN, COUNTY CLERK AND
CLERK OF THE SUPREME COURT, NEW YORK
COUNTY, DO HEREBY CERTIFY ON

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7/15/2014

Norman Goodman
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