

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

**MEMORANDUM OPINION
AND ORDER**

Case No. 11-cv-574 (MJD/FLN)

v.

JASON BO-ALAN BECKMAN, et al.,

Defendants,

R.J. ZAYED,

Receiver.

This matter is before the Court upon the motion of Robert and Dianne Birk to intervene to protect their interests in the Golf Drive Property located in Mission, Texas. The Birks claim that from October 2008 through December 2009, they invested a considerable amount of money into the property located at 7432 Golf Drive, Mission, TX. They ask that the Court not confirm the sale of the property as proposed by the Receiver, and argue that the offer price is not a fair price.

The Receiver responds that the Birks have no ownership interest in the property. Further, the Birks have presented no evidence of an agreement with Beckman as to any improvements they made to the property, but even if they did, it would have related to added value to the property. Given the fact that Beckman purchased the property for \$167,000, and the current sale price is \$112,500, no value was actually added to the

property.

Even if the improvements did increase the value of the property, the Receiver notes that the Birks were allowed to live in the home rent-free for a number of years. Thus, any equitable claim they may have would have to be offset by the rent Beckman failed to collect. The Receiver further notes that the Birks received hundreds of thousands of dollars from Beckman, Cook and the other Defendants during the Ponzi scheme.

The Court finds that the Birks have not demonstrated a cognizable interest in the Golf Drive property. Accordingly, their motion to intervene must be denied.

IT IS HEREBY ORDERED that the Motion to Intervene [Doc. No. 195] is DENIED.

Date: September 21, 2011

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court