

CAUSE NO. 2024-48085

ATLANTIC WAVE HOLDINGS, LLC AND	§	IN THE DISTRICT COURT OF
SECURE COMMUNITY, LLC,	§	
Plaintiffs/Judgment-Creditors	§	
	§	
V.	§	129th JUDICIAL DISTRICT
	§	
CYBERLUX CORPORATION and	§	
MARK SCHMIDT, Individually,	§	
Defendants/Judgment-Debtors.	§	HARRIS COUNTY, TEXAS

ORDER GRANTING TURNOVER AND APPOINTING RECEIVER

On this day came on to be heard the Application for Post Judgment Turnover and Receiver of Plaintiff-in-Judgment, Atlantic Wave Holdings LLC and Secure Community LLC, (hereinafter “Applicants”). After the Court's review of the papers in the docket and all the testimony and admitted into evidence at the oral hearing held on January 17, 2025, the **GRANTS** the motion to aid the collection of the Judgment that is on file in this cause against Cyberlux Corporation (“Debtor”). The Court, therefore, **ORDERS, ADJUDGES AND DECREES:**

1. That Robert W. Berleth (“Receiver”), whose address is 9950 Cypresswood Dr., Suite 200 Houston, Texas 77070; phone: 713-588-6900 is hereby appointed Receiver in this cause pursuant to the Texas Turnover Statute to serve without bond.
2. That Debtor shall make a full and complete disclosure to the Receiver of all of Debtor's non-exempt assets and to neither directly nor indirectly interfere or impede the Receiver in his performance of his duties under this Order.
3. That Debtor is Ordered to turnover and deliver custody to the Receiver within ten (10) days from Debtor's receipt of a copy of this Order c/o its attorney of record Katharine Battaia Clark via email to kclark@thompsoncoburn.com, the documents described in Exhibit "A" attached hereto, together with all other documents and records requested by the Receiver, and to pay the proceeds to the Receiver to the extent required to satisfy the amount owed under the judgment and this receivership.
4. That to the extent owed pursuant to the final judgment and the subject of this turnover and receivership, Debtor turnover to the Receiver at Receiver's address stated above, within ten (10) days of Debtor's receipt of a copy of this Order, all checks, cash, securities (stocks and bonds), promissory notes, documents of title and contracts, and

- is hereby Ordered to continue to turnover to the Receiver at the Receiver's address all of said checks, cash, securities (stocks and bonds), promissory notes, documents of title and contracts within three (3) days from Debtor's receipt and possession of such property, if, as and when Debtor becomes in receipt and possession of any such property.
5. Receiver shall have all the power and authority to take possession of the Debtor's **non-exempt** property in its actual or constructive possession or control, including:
- a. Its interest in Catalyst Machineworks and its office and manufacturing facility located at 21631 Rhodes Road, Spring, TX 77388 as shown on Exhibit 2 admitted into evidence at the hearing;
 - b. Its interest in Datron Wold Communications that has an office and manufacturing facility located at 995 Joshua Way, Vista, CA 92081 as shown on Exhibit 2 admitted into evidence at the hearing;
 - c. all cash and accounts receivable, including lease payments, receivables, promissory notes, drafts and checks, monies on deposit in financial institutions, financial accounts (bank accounts) monies received by the Debtor in the form of checks, cash or credit card payments or receipts;
 - d. stocks, bonds, securities, brokerage accounts, certificate of deposits, money market accounts, and accounts held by any third party;
 - e. all real property, and deeds to real property;
 - f. titles to automobiles or other vehicles, e.g., boats, planes, recreational vehicles, etc.;
 - g. any and all causes of action or chooses of action, and contract rights whether present or future;
 - h. all documents, books and records related to any of said property (including financial records) that is in the actual or constructive possession or control of Debtor;
6. Receiver is authorized by the Court to obtain credit reports, bank searches and other reports to aid in locating nonexempt property. Receiver may order any Consumer Reporting Agency, as defined by the Fair Credit Reporting Act ("FCRA") Section 16

USC Section 1681b(f) to provide consumer reports on Debtor(s) and witnesses as allowed under FCRA Section 1681b(a)(1).

7. The Receiver is hereby authorized to take all action necessary to gain access to all non-exempt real property, leased premises, storage facilities and safe deposit boxes wherein any real and/or personal property of Debtor may be situated and to seize the contents thereof.
8. The Receiver is hereby authorized to secure control over any and all non-exempt property real or personal, and engage in presale activities in order to secure the highest and best sales price for such property, including but not limited to appraisals, evaluations, listing agreements, advertising agreements, etc. All sales of real property must be individually approved by this Court with notice and opportunity for hearing granted for Applicant and Debtor.
9. Receiver is authorized but not required to (a) disable or remove any non-exempt property belonging to the Debtor or to place the property into storage; (b) insure any property taken into his possession, and (c) change the locks to premises belonging to the Debtor.
10. Receiver shall have the power to subpoena from Debtor, third parties and witnesses production of documents, things and information including but not limited to matters concerning the existence, location, and/or value of Debtor's assets and Debtor's location.
11. That any constable, deputy constable, sheriff, deputy sheriff or any other peace officer is hereby authorized to accompany Receiver pursuant to a writ to locations designated by Receiver where Receiver believes Debtor's assets may be located, said peace officers being hereby Ordered to prevent any person(s) from interfering with the Receiver from carrying out any duty under this Order or interfering with any property in control of the Receiver, or any property subject to this Order.
12. That any person or any agent of any person, with actual notice of this Order is not to interfere with any property in control of the Receiver or subject to this Order, and is further Ordered not to interfere with the Receiver in the carrying out of any duty under this Order. Third parties are hereby notified that the Receiver, to the exclusion of the Debtor, is the party entitled to possess, sell, liquidate and otherwise deal with Debtor's

non-exempt real and personal property and once any third party receives notice of this order, they may be subject to liability should they release any property to Debtor unless directed by the Receiver or the court.

13. It is presumed that a reasonable fee for a post judgment receiver working under a contingency that requires the advancement of time and expenses without prior investigation into a judgment debtor's assets is twenty-five percent (25%) of all collections and credits against the Judgment given the risks and potential work involved. Receiver is also entitled to reimbursement of expenses incurred in connection with his collection efforts. To obtain his fee and reimbursement of expenses, Receiver shall file a motion discussing the relevant factors and considerations to the Court with notice to the parties and set for hearing. Receiver may seek interim fees and reimbursements. Receiver's fees and expenses will be taxed as costs against the Debtor.

14. Applicant is awarded their reasonable and necessary attorneys' fees and costs pursuant to Tex. Civ. Prac. & Rem. § 31.002(e). Applicant shall file a motion with the Court setting forth rates, time, and arguing the relevant factors when appropriate. Applicant's motion shall be filed and set on the docket no later than the hearing on a Motion to Terminate the Receivership.

Notice: An Order of the Court has been entered against you. You have the right to hire an attorney to assist you in compliance with this Turnover Order.

DATE:

DISTRICT COURT JUDGE

EXHIBIT A

DOCUMENTS TO BE TURNED OVER TO RECEIVER

All records, as hereinafter described, concerning affairs of Debtors; unless otherwise noted, for the preceding 36 months:

1. bank statements; pass books and other bank or financial institution records;
2. federal income and state franchise tax returns;
3. real property deeds and deeds of trust (preceding 10 years);
4. governing documents of Debtor (e.g., articles of incorporation, company agreements, meeting minutes of board meetings, etc.
5. business journals, ledgers, accounts payable and receivable files; and
6. credit applications and other documents stating debtor's financial condition.

Unofficial Copy Office of Marilyn Burgess District Clerk

APPROVED AS TO FORM:

THE VARGO LAW FIRM, PC

/s/ Travis B. Vargo

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**ATTORNEYS FOR
JUDGMENT CREDITORS**

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