

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

DRIVE PLANNING, LLC, and
RUSSELL TODD BURKHALTER,

Defendants,

and

JACQUELINE BURKHALTER,
THE BURKHALTER RANCH
CORPORATION, DRIVE
PROPERTIES, LLC, DRIVE
GULFPORT PROPERTIES LLC,
and TBR SUPPLY HOUSE, INC.,

Relief Defendants.

Civil Action No.
1:24-cv-03583-VMC

ORDER

Before the Court is the Receiver's Motion for Turnover of and Imposition of Constructive Trust on Burkhalter's Bliss Condominium Unit Traceable to Drive Planning, LLC ("Motion," Doc. 196). Neither Defendant Todd Burkhalter nor Relief Defendant Jacqueline Burkhalter ("Respondents") filed a timely a response

to the Motion, which indicates no opposition to the Motion.¹ LR 7.1(B), NDGa. Moreover, the Court has reviewed the Motion and attachments to the Motion and finds the Receiver is entitled to the relief he seeks with respect to the Bliss Condominium Unit (as defined in the Motion). For the reasons the Court gave in *United States Securities & Exchange Commission v. Drive Planning, LLC*, No. 1:24-CV-03583-VMC, 2025 WL 1805796 (N.D. Ga. June 30, 2025), *appeal docketed sub. nom. United States Securities and Exchange Commission v. Mark Hays*, No. 25-12437 (11th Cir. July 17, 2025), it is

ORDERED that the Receiver's Motion (Doc. 196) is **GRANTED**. It is

FURTHER ORDERED that the Court **DECLARES** that any interest of Respondents in the Bliss Condominium Unit (as defined in the Motion) is subject to a constructive trust in favor of the Receivership Estate as beneficiary relating back to the moment of acquisition of the Bliss Condominium Unit by Respondents. It is

FURTHER ORDERED that (unless the Receiver and Respondents agree to service by another method) the Receiver is **DIRECTED** to promptly serve Respondents by priority mail express (or similar delivery service, or by personal

¹ The Motion indicates that Mr. Burkhalter opposed the Motion, but he never filed a formal response to the Motion. The Motion further indicates that Ms. Burkhalter consents to the relief requested.

delivery) form quitclaim deeds conveying the Bliss Condominium Unit to the Receiver on behalf of the Receivership Estate and prepaid return envelopes. It is

FURTHER ORDERED that, within 45 days from the date of mailing of the form quitclaim deed (or such later time as the Receiver may in his discretion permit), Respondents are **DIRECTED** to execute the form as directed by the Receiver and to vacate the Bliss Condominium Unit.² It is

FURTHER ORDERED that, in the event that Respondents fails to timely execute the quitclaim deeds, the Receiver may either: (1) apply to this Court for an Order under Federal Rule of Civil Procedure 70(a), or (2) seek an order from the United States District Court for the Middle District of Florida subject to that court's discretion vesting title to the Bliss Condominium Unit under Federal Rule of Civil Procedure 70(b). Upon completion of either of these steps, or in the event that either Respondent executes the quitclaim deed but does not timely vacate the Bliss Condominium Unit, the Receiver may seek a writ of possession from either the United States District Court for the Middle District of Florida subject to that court's discretion or from the appropriate Florida state court. It is

² As the Receivership is already paying Mr. Burkhalter's approved living expenses, the Court finds it unnecessary to provide any additional payment for compliance with this Order.

FURTHER ORDERED that the Receiver is **DIRECTED** to register a copy of this Order with the United States District Court for the Middle District of Florida within seven days of the date of entry of the Order. It is

FURTHER ORDERED that the Receiver is **DIRECTED** to serve a copy of this Order on Respondents and file a certificate of service within two business days.

SO ORDERED this 15th day of August, 2025.



Victoria Marie Calvert
United States District Judge