

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA**

COMMODITY FUTURES TRADING COMMISSION

Plaintiff,

v.

SOVEREIGN RESOURCE MANAGEMENT, INC.,
KEN MITRA,
VIRGIL E. SMITH, individually and d/b/a Maximus
Capital Consultants; and
ANTHONY J. HEPPNER, individually and d/b/a
J.T. Investments,

Defendants.

Civil Action No.
02-CV-1783MJD/JGL

Honorable Michael J. Davis

**ORDER TO RE-OPEN PROCEEDINGS AGAINST DEFENDANT HEPPNER
AND TO MODIFY PREVIOUS ASSET FREEZE ORDER SO AS TO PERMIT THE
RELEASE OF FUNDS FOR THE PAYMENT OF RESTITUTION**

This matter came before the Court on Plaintiff's Motion to re-open this case for the sole purpose of modifying a prior asset freeze Order to permit the release of funds for the payment of restitution to Heppner's victims. The Court has reviewed the Plaintiff's Motion and the attached Exhibits, including the Schedule B filed under seal herein, and hereby

FINDS THAT:

The motion filed by the Plaintiff, Commodity Futures Trading Commission, to modify a previous asset freeze so as to permit the release of funds for the payment of restitution is hereby granted, and

IT IS FURTHER ORDERED THAT:

The “Excess Proceeds” of \$209, 127.10 shall be paid by AgStar to the National Futures Association (“NFA”), as set forth on page 14, paragraph 1 of the Permanent Injunction Order entered on December 5, 2005, and these funds shall then be distributed by the NFA pursuant to the revised schedule for restitution to Heppner’s victims set forth in Exhibit B (filed under seal), thereby replacing Exhibit A referenced in the Order of December 5, 2005, and, further, that all other provisions of the December 5, 2005 Order shall remain in full force and effect.

Ordered this 5th day of September, 2007

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