

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOTHEBY'S, INC.,

Plaintiff,

-against-

HALSEY MINOR,

Defendant.

ECF CASE

Civil Action No. 08-CV-7694(BSJ)(HP)

**ORDER CONCERNING
THE DELIVERY OF FINE AND
DECORATIVE ART FOR STORAGE AND SALE**

WHEREAS, the Court has entered judgment in favor of Plaintiff Sotheby's, Inc. ("Sotheby's") and against Defendant Halsey Minor ("Minor") in the amount of \$4,394,000.00 in principal and \$2,245,850.99 in prejudgment interest and late charges, for a total judgment of \$6,639,850.99 as of March 31, 2010, plus interest thereon pursuant to 28 U.S.C. § 1961 until the date of payment (the "Judgment");

WHEREAS, as of May 28, 2010, Minor does not have sufficient assets in this District to satisfy the Judgment; and

WHEREAS, the Court, on May 24, 2010, pursuant to Fed. R. Civ. P. 69 and CPLR 5225, ordered Mr. Minor to deliver personal property other than works of fine and decorative art (with categories of personal property more fully described on **Schedule A** hereto and the

copy of Exhibit 11 marked at the May 27, 2010 deposition, and excluding any property that is exempt pursuant to CPLR 5205) (the "Personal Property") to the New York City Sheriff (the "Sheriff") to secure, to sell (pursuant to CPLR 5233), and deliver the proceeds of such sales to Sotheby's until the Judgment is fully satisfied, with any proceeds not needed to satisfy the Judgment to be delivered to Mr. Minor or as otherwise directed by the Court (the "May 24th Order"); and

WHEREAS, at the request of Minor, Sotheby's agreed to receive and store pending either further written agreement between Minor and Sotheby's, further Order of the Court, or action by the Sheriff, Minor's works of fine and decorative art, including that described on **Schedule B** hereto (Minor's representation of his "art portfolio) (collectively, the "Art");

NOW, THEREFORE, IT IS HEREBY:

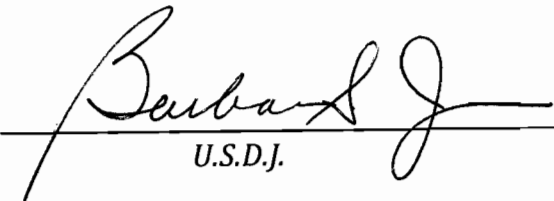
ORDERED, that Minor shall, at his expense, engage Ship Art ("Minor's Shippers") to, with maximum dispatch and without delay, and in no event later than June 7, 2010, pack and ship (a) the Personal Property to the Sheriff and (b) the Art to Sotheby's at 1334 York Avenue New York so that it is received by each of Sotheby's and the Sheriff no later than the 5:00 P.M. on June 11, 2010; and it is

ORDERED, that all risk of loss and damage to the Personal Property and Art at all times (including, packing, shipping, delivery, storage, and sale) shall be borne by Minor and that neither Minor nor any of his agents (including insurers) shall have any right of claim, offset or subrogation against Sotheby's or any of its agents, insurers, or affiliates at any time, including in connection with the packing, shipping delivery, storage, and sale of the Personal Property and the Art; and it is

ORDERED, that Minor shall, with maximum dispatch and without delay, and in no event later than June 11, 2010, deliver a complete inventory of the Personal Property and the Art to Sotheby's and to the Sheriff; and it is

ORDERED, that, unless otherwise ordered by the Court or agreed to in writing between Minor and Sotheby's, the Sheriff shall take all necessary steps (i) to sell the Personal Property and the Art expeditiously as the Sheriff deems appropriate pursuant to CPLR 5233; (ii) to deliver to Sotheby's any proceeds net of any allowable costs of the Sheriff up to and including the amount of any unsatisfied portion of the Judgment, and (iv) to deliver to Minor, or as otherwise may be directed by the Court, any proceeds not needed to satisfy the Judgment.

Dated: ~~May~~ June 2, 2010



U.S.D.J.

SCHEDULE A

Personal Property covered by the annexed order shall include, ~~but shall not be limited~~ *the following by*
~~to~~ personal property owned by Minor, wherever located:

Automobiles, including, without limitation, an Audi "A8" kept by Minor at a garage in San Francisco

Aircraft

~~Appliances, except for one refrigerator and a stove~~ *by*

~~Bicycles~~ *by*

~~Books, excluding any family bible, school books, and other books not exceeding \$50 in value~~ *by*

Chandeliers and other lamps other than basic household lights

China, crockery, crystal, tableware, stemware, silverware, candlesticks

Collectibles (including, but not limited to coins, stamps, firearms, and other property for which there is a market among collectors), except for basic tableware and basic cooking utensils and crockery

~~Domestic animals not exceeding \$50 in value and necessary food for 60 days.~~ *by*

~~Farm and garden equipment~~

Furniture other than basic household furniture

Furs

Gems (cut and uncut)

~~Horses~~ *by*

~~Intellectual property, including copyrights, trademarks and patents~~ *by*

Jewelry, except for a wedding ring

~~Linens~~ *by*

~~Mirrors~~ *by*

Motorcycles

~~Musical Instruments~~ *bsj*

~~Musical Recordings~~ *bsj*

~~Pottery~~ *bsj*

Rugs

~~Sporting Goods~~ *bsj*

~~Stained Glass~~ *bsj*

Stocks, bonds, notes, commercial paper,

Tapestries

~~Taxidermy~~ *bsj*

~~Textiles, including quilts not routinely used for family bedding in one residence~~ *bsj*

~~Tools (up to \$600 in value exempt)~~ *bsj*

Video and audio equipment, except for one television and one radio receiver, and including stereo equipment, computers, PDA's, MP3 and similar players

Watches exceeding \$35 in value

~~Wine, champagne, and fine liquors~~ *bsj*

Watercraft

The personal property identified by Minor on the attached schedules