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5 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF MARICOPA

7 State of Arizona,)
8 Plaintiff,)

Cause No. CV2014-006765

9 v.)

10 ORDER ESTABLISHING PROCEDURES
FOR THE ADJUDICATION OF
REQUESTS FOR COMPENSATION

11 Sherman Eugene Unkefer III, et al,)
Defendants.)

RE: PETITION NO. 16

12)
13)
14 _____)

15 The Receiver having filed *Petition No. 16*, and served it on the persons appearing on
16 the Master Service List, and the Court having considered same, and it appearing to the Court
17 that the matters requested by *Petition No. 16* are reasonable, just and appropriate:

18 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

19 1. **DEFINITIONS**

20 Unless the contexts otherwise requires, the following terms shall have the meanings
21 specified below:

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1 1.1 **Approved Request for Compensation.** A Request for Compensation that has
2 been filed with the Receiver and approved by the Court.

3 1.2 **Court.** The Arizona Superior Court for Maricopa County in the Forfeiture
4 Case.

5 1.3 **NAC.** North American Coin & Currency, an Arizona corporation that was
6 operated by Sherman Unkefer III.

7 1.4 **Forfeited Assets.** All property forfeited to the State of Arizona pursuant to the
8 *Amended Final Order and In Rem Judgment* entered in the Forfeiture Case on March 20,
9 2015.

10 1.5 **Forfeiture Case.** This above captioned case pending before the Arizona
11 Superior Court for Maricopa County, in Cause No. CV2014-006765.

12 1.6 **Criminal Case.** The criminal case entitled *State v. Unkefer* pending before the
13 Arizona Superior Court for Maricopa County, in Cause No. CR 0000-162706.

14 1.7 **Injured Person or Victim.** A person who has sustained economic loss as a
15 result of injury to his person, business or property by NAC during the period of January 7,
16 1975, through September 23, 1982, or otherwise by the conduct giving rise to the forfeiture of
17 the Forfeited Assets. An Injured Person does not include a person who is an Owner of or an
18 Interest Holder in the Forfeited Assets, or a person who is responsible for the conduct giving
19 rise to the forfeiture of the Forfeited Assets, or a person whose interest would not be exempt
20 from forfeiture if the person were an Owner of or Interest Holder in the Forfeited Assets.

21 1.8 **Interest Holder.** An “Interest Holder” is a person defined in A.R.S. §13-

1 4301(4).

2 1.9 **Owner.** An “Owner” is a person defined in A.R.S. §13-4301(5).

3 1.10 **Racketeering Conduct.** The unlawful conduct in the operation of NAC or
4 otherwise giving rise to the entry of the *Amended Final Order and In Rem Judgment* entered
5 on March 20, 2015, in the Forfeiture Case as more fully described in the *Verified Complaint*
6 and *Amended Verified Complaint* filed by the State of Arizona in the Forfeiture Case.

7 1.11 **Receiver.** Michael J. FitzGibbons.

8 1.12 **Receiver’s Request for Compensation Report.** The Receiver’s Report filed
9 with the Court describing the Requests for Compensation filed with the Receiver and setting
10 forth his recommendations concerning each of those requests. This Report shall be referred
11 to herein as the Receiver’s Report or as the Receiver’s Request for Compensation Report.

12 1.13 **Receivership Assets.** Receivership Assets shall include the following:

13 a. The Forfeited Assets and all other property that may be recovered by the
14 Receiver or placed in the custody of the Receiver for distribution to Injured Persons.

15 b. Proceeds, product, offspring, rents, interest or profits of or from
16 Receivership Assets.

17 c. All interest earned and paid to the Receiver on Receivership Assets.

18 1.14 **Receivership Date.** April 16, 2014.

19 1.15 **Receivership Website.** The website established for this receivership by the
20 Receiver at www.mangotrustreceivership.com, which provides information concerning the
21 receivership and the procedures for filing a Request for Compensation.

1 1.16 **Request for Compensation.** A request to the Receiver made by an Injured
2 Person for economic loss sustained by the Injured Person as a result of injury to his person,
3 business or property by NAC during the period of 1975 through 1982 or otherwise by the
4 conduct giving rise to the forfeiture of the Forfeited Assets, which request is made in a form
5 approved by the Receiver or the Court.

6 1.17 **Request for Compensation Bar Date.** June 15, 2016.

7 1.18 **Requestor.** A person filing a Request for Compensation with the Receiver.

8 2. **NOTICE OF RIGHT TO FILE A REQUEST FOR COMPENSATION**
9 **AND NOTICE OF THE REQUEST FOR COMPENSATION BAR DATE**

10 2.1 **Reasonable Investigation.** The Receiver shall undertake a reasonable
11 investigation to ascertain the current mailing address of the persons previously identified by
12 the State of Arizona as victims of NAC and included in Exhibit “A” attached to *Petition No.*
13 *16* (“Scheduled Victims”). The Receiver may engage Gilardi & Co., LLC or any similar third
14 party vendor to assist in this investigation without further order of the Court.

15 2.2 **Notice to Listed Victims.** The Receiver shall notify each of the Scheduled
16 Victims for whom the Receiver has a mailing address of the Request for Compensation Bar
17 Date and of his or her right to file, and the procedures for filing, a Request for Compensation.
18 Such notice shall be made, not later than March 16, 2016, by depositing in the United States
19 mail with first class postage prepaid, to the most recent address contained in the records of
20 the Receiver, a notice in a form substantially similar to Exhibit “D” to *Petition No. 16*,
21 together with a the Request for Compensation form containing the name of the Scheduled
Victim together with the amount of the loss as indicated in Exhibit “A” to *Petition No. 16*.

1 2.3 **Notice by Publication.** For all Injured Persons who do not receive notice as
2 provided above, the Receiver shall provide constructive notice by publishing, not later than
3 March 23, 2016, notice in a form substantially similar to Exhibit “E” attached to *Petition No.*
4 *16*:

5 a. Once in a weekday edition of a newspaper of general circulation within
6 the United States, such as *U.S.A. Today*;

7 b. In a newspaper of general circulation within the State of Arizona at least
8 once for three successive weeks.

9 3. **FILING OF REQUESTS FOR COMPENSATION**

10 3.1 **Filing a Request for Compensation.** An Injured Person seeking to recover
11 from the Receivership Assets shall file with the Receiver a Request for Compensation on or
12 before the Request for Compensation Bar Date. An Injured Person who fails to timely file a
13 Request for Compensation as provided in this order shall be forever barred from recovering
14 from the Receivership Assets. A Request for Compensation shall be by completing the
15 Request for Compensation form provided by the Receiver, which shall be substantially
16 similar to the form attached as Exhibit “C” to *Petition No. 16*, and depositing it in the United
17 States mail, first class postage prepaid, addressed to the Receiver at:

18 Michael J. FitzGibbons, Receiver
19 8390 E. Via de Ventura, F-110
 #239
20 Scottsdale, Arizona 85258
21

1 3.2 **Filing Date.** A written Request for Compensation shall be filed on or before
2 the Request for Compensation Bar Date and shall be deemed filed with the Receiver on the
3 date the Request for Compensation is deposited in the United States mail, postage prepaid
4 and properly addressed to the Receiver at the address set forth in this order.

5 3.3 **Prohibition Against Filing Claim With The Court.** No Request for
6 Compensation shall be filed with the Court and any Request for Compensation so filed shall
7 not be considered properly filed as required under this Order and may subject the person
8 filing the Request for Compensation to sanctions.

9 3.4 **When Supporting Information and Documentation is Required.**

10 a. A Scheduled Victim filing a Request for Compensation which requests
11 compensation in an amount equal to or less than the amount of loss set forth in Exhibit
12 “A” to *Petition No. 16* for the Scheduled Victim, shall not be required to provide
13 further support for the amount of the loss. In such a case the Receiver may approve
14 the Request for Compensation without further investigation.

15 b. A Scheduled Victim filing a Request for Compensation which requests
16 an amount greater than the amount of the loss set forth in Exhibit “A” for the
17 Scheduled Victim, shall explain in detail in the Request for Compensation the basis for
18 the increase in the amount of loss and shall provide as an attachment all documentation
19 supporting the increased amount of loss.

20 c. A Requestor who is not a Scheduled Victim or the Legal Representative
21 of a Scheduled Victim shall explain in detail in the Request for Compensation the

1 factual basis that prove that the Requestor qualifies for Compensation from the
2 Receivership Assets and the factual basis for the amount of loss set forth in the
3 Request and shall provide as an attachment all documentation supporting the Request
4 for Compensation.

5 d. Original documents should not be filed with the Request for
6 Compensation. If any required supporting document (such as a copy of a personal
7 check or cashier's check) is not available, the Requestor must attach an explanation of
8 why the document is not available.

9 3.5 **Filing a Request for Compensation by a Legal Representative or Successor.**

10 A Request for Compensation may be filed on behalf of an Injured Person by the legal
11 representative of the Injured Person or the Injured Person's estate under a power of attorney,
12 statute or court order, or by the lawful heir or successor to the Injured Person. The Receiver
13 may reasonably require evidence of such authority to file a Request under this section.

14 4. **REDUCTION OF COMPENSATION BY AMOUNTS RECEIVED**

15 4.1 The Receiver shall reduce and offset against any Request for Compensation the
16 amount of any funds or credit received as a recovery of the Injured Person's economic loss by
17 the Injured Person, or for his or her benefit, from NAC or Sherman Unkefer III or from any
18 other source.

19 5. **RECEIVER'S REQUEST FOR COMPENSATION REPORT AND THE
20 COURT'S FINAL ADJUDICATION OF REQUESTS FOR
21 COMPENSATION**

5.1 **Receiver's Request for Compensation Report.** On or before August 15,

1 2016, the Receiver shall file with the Court the Receiver's Request for Compensation Report
2 setting forth all Requests for Compensation filed with the Receiver together with the
3 Receiver's recommendations concerning all such Requests. The Request for Compensation
4 Report will also include a recommendation concerning the classification of Requests and the
5 allocation of Receivership Assets to be distributed in payment of Requests for Compensation.

6 5.2 Notice to Persons filing Requests for Compensation. The Receiver shall
7 provide notice of his recommendations to each Requestor whose Request for Compensation
8 the Receiver has recommended be denied in whole or in part. The Receiver shall provide this
9 notification in writing by depositing same in the United States mail, first class postage pre-
10 paid, addressed to the Requestor at the Requestor's most recent address contained in the
11 records of the Receiver. This notification shall also set forth the applicable procedures and
12 deadline for filing objections to the Receiver's recommendations.

13 5.3 Copy of the Requests for Compensation Report. A copy of the Receiver's
14 Request for Compensation Report shall be made available by the Receiver on the
15 Receivership Website. In addition, any person may obtain a paper copy of the Receiver's
16 Request for Compensation Report upon payment of a reasonable fee set by the Receiver for
17 providing a copy of the Request for Compensation Report not to exceed \$10.00 plus the cost
18 of copying and postage. All requests for a paper copy of the Report shall be made in writing
19 to the Receiver, and shall be deposited in the U.S. mail, postage-prepaid, first class, addressed
20 to the Receiver.

21

1 5.4 Service of copy of the Requests for Compensation Report. The Request for
2 Compensation Report shall be served on all persons appearing on the Master Service List,
3 and on those others who properly request and pay for a copy of the Report, together with a
4 Notice of Hearing which shall notify the person of the Court’s scheduled hearing date on the
5 Report. Service of the Report shall be made by depositing same in the United States mail,
6 first class postage pre-paid, addressed to the recipient at the address set forth in the Master
7 Service List or as set forth in the request for the Report.

8 5.5 Objections. All objections to any part of the Request for Compensation Report
9 by any Requestor or other interested party shall be filed with the Receiver and not with the
10 Court. The objections shall be set forth in writing and deposited in the United States mail on
11 or before September 16, 2016, postage pre-paid, first class, addressed to the Receiver at:

12 Michael J. FitzGibbons, Receiver
13 8390 E. Via de Ventura, F-110
 #239
14 Scottsdale, Arizona 85258

15 5.6 Filing of Objections by the Receiver. The Receiver shall file with the Court
16 on or before October 24, 2016, a copy or summary of timely objections received by the
17 Receiver together with the Receiver’s response to those objections and shall serve a copy of
18 same on all persons appearing on the Master Service list and on all persons who served the
19 Receiver with objections as provided above. The Receiver’s response shall be served by
20 deposit in the U.S mail, first class postage pre-paid, addressed to the recipient at his or her
21 last known address according to the Receiver’s records.

1 5.7 **Hearing Date.** A hearing will be held by the Court on the Receiver’s Request
2 for Compensation Report and any objections thereto, at a date to be set by the Court.

3 5.8 **Final Adjudication of Requests for Compensation.** Following the Court’s
4 hearing, the Court shall enter an order approving or disapproving the Requests for
5 Compensation filed with the Receiver.

6 5.9 **Distributions.** Distributions on approved Requests for Compensation shall be
7 made only upon further order of this Court.

8 6. **MISCELLANEOUS**

9 6.1 All Requests for Compensation shall be filed on or before the Request for
10 Compensation Bar Date. Notwithstanding the above:

11 a. Claims, invoices and other requests for payment or reimbursement of
12 administrative expenses shall be filed with the Receiver within sixty days from the
13 date incurred;

14 b. Claims, invoices and other requests for payment or reimbursement of
15 administrative expenses by the Receiver or the Receiver’s agents, regardless of the
16 date incurred, shall not be subject to a Request for Compensation Bar Date and are not
17 governed by this order.

18 6.2 Any Requests for Compensation not filed by the Request for Compensation Bar
19 Date will automatically be denied by the Receiver unless the Court specifically exempts the
20 Request from the Request for Compensation Bar Date.

21 6.3 The Receiver, any Requestor, or any party in the Forfeiture Case, may file an

1 objection to any Request for Compensation.

2 6.4 The Receiver is not responsible for providing the notice required by A.R.S.
3 §13-4307.

4 6.5 The Receiver is authorized to engage Gilardi & Co., LLC, or similar firm, to
5 assist in locating lost victims as more fully described in Petition No. 16.

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eSignature Page 1 of 1

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Granted as Submitted



/S/ Randall Warner Date: 12/17/2015
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2014-006765

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