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MAY 23 2014



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5 Attorneys for the Receiver

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR MARICOPA COUNTY

8 State of Arizona,) Cause No. CV2014-006765

Plaintiff,)

9 v.)

PETITION NO. 1

10 Sherman Eugene Unkefer, III, et al)

In Personam Defendants.)

PETITION TO SET RECEIVER'S FEES
AND APPROVE THE ENGAGEMENT
OF FITZGIBBONS AND COMPANY,
INC., AND GUTTILLA MURPHY
ANDERSON, P.C.

(Assigned to Judge Douglas L. Rayes)

14 Michael J. FitzGibbons, as the court appointed Receiver, respectfully petitions the

15 Court as follows

16 1. On April 16, 2014, this Court entered its *Order Appointing Receiver* appointing
17 a receiver of all assets of the Mango Trust including X-1, LLC; Magic Wand Services, LLC;
18 Occidental Resources Group, LP; Occidental Management Group; E.A.P. Trust; International
19 Marketing Systems; G.M.S. LLC; X-1, Inc.; Catshaker Family Trust, Inc.; SLADUR; Black
20 Rock, Inc.; and X-1 Global, LLC ("Receivership Entities"). On April 22, 2014, the Court
21 entered its *Order Appointing Michael J. Fitzgibbons Receiver*, which appointed Michael J.

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1 FitzGibbons as Receiver of the Receivership Entities. These two orders are referred to
2 hereafter as the "Receivership Order".

3 2. The Receivership Order did not set the Receiver's compensation rate.

4 3. The Receiver requests that the hourly compensation for the Receiver be set at
5 the rate of \$275.00 per hour.

6 4. The Receivership Order further authorized the Receiver to employ such
7 employees, accountants and attorneys as are necessary in the performance of the Receiver's
8 duties.

9 5. The Receiver requests that the Court approve the Receiver's use of the
10 Receiver's consulting firm, FitzGibbons and Company, Inc., to provide forensic accounting,
11 financial reporting and other professional support services to the Court for the benefit of the
12 receivership estate. The Receiver requests that FitzGibbons and Company, Inc. be
13 reimbursed for all reasonable costs and expenses incurred on behalf of the Receiver and that
14 FitzGibbons and Company, Inc. be compensated as provided in the Engagement Agreement,
15 a copy of which is attached as Exhibit "A" to this Petition.

16 6. The compensation rate requested above for the Receiver and the rates set forth
17 in Exhibit "A" for services provided by the staff of FitzGibbons and Company, Inc., are
18 reasonable in light of the substantial experience of the Receiver and his company.

19 FitzGibbons and Company, Inc. is a full consulting firm which specializes in forensic
20 accounting, litigation support and receivership services. Michael J. FitzGibbons is a Certified
21

1 Public Accountant licensed in the state of Arizona and Indiana and has served as the receiver
2 or as the deputy receiver in more than twenty (20) court supervised receiverships.

3 7. The Receiver has, subject to this Court's approval, entered into an Engagement
4 Agreement with Guttilla Murphy Anderson, P.C. ("Guttilla Murphy Anderson, P.C."), a copy
5 of which is attached as Exhibit "B" to this Petition. The Receiver requests that Guttilla
6 Murphy Anderson, P.C., be appointed as general counsel to the Receiver and that it be
7 compensated as provided in Exhibit "B".

8 8. Guttilla Murphy Anderson, P.C. is qualified to serve as counsel to the Receiver
9 and the rates set forth in Exhibit "B" are reasonable in light of the substantial experience of
10 Guttilla Murphy Anderson, P.C. in serving as legal counsel to court appointed receivers.
11 Guttilla Murphy Anderson, P.C. has served as legal counsel to court appointed receivers in
12 over 100 state and federal court receiverships, in actions brought by the Securities and
13 Exchange Commission, the Federal Trade Commission, the Commodities Future Trading
14 Commission, the Arizona Banking Department, the Arizona Attorney General, and the
15 Insurance Departments of Arizona, California, Illinois, Indiana, Texas, and Vermont as well
16 as actions brought by private litigants.

17 WHEREFORE, the Receiver respectfully requests that the Court enter an Order:

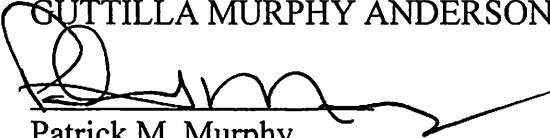
- 18 1. Setting the Receiver's compensation at \$275.00 per hour.
- 19 2. Authorizing the Receiver to use the Receiver's consulting firm, FitzGibbons
20 and Company, Inc., to provide forensic accounting and litigation support and other support
21 services to the Receiver, and approving the Engagement Agreement attached as Exhibit "A".

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3. Appointing the law firm of Guttilla Murphy Anderson, P.C., as general counsel to the Receiver and approving the Engagement Agreement attached as Exhibit "B" to the Petition and the rates contained therein.

Respectfully submitted this 23rd day of May, 2014.

GUTTILLA MURPHY ANDERSON, P.C.

Patrick M. Murphy
5415 East High Street, Suite 200
Phoenix, Arizona 85054
Attorneys for Receiver

1928-001(178812)

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-006765

06/04/2014

JUDGE PRO TEM COLLEEN L. FRENCH

CLERK OF THE COURT
T. Springston
Deputy

STATE OF ARIZONA

REID CHARLES PIXLER

v.

SHERMAN EUGENE UNKEFER III, et al.

PATRICK M MURPHY

ORDER SIGNED

IT IS ORDERED granting Receiver's Petition No. 1 Petition to Set Receiver's Fees and Approve the Engagement of Fitzgibbons and Company, Inc., and Guttilla Murphy Anderson, P.C., filed May 23, 2014; and Receiver's Petition No. 2 Petition for Order Governing Administration of the Receivership, filed May 23, 2014, all in accordance with the formal written Orders signed by the Court on June 3, 2014, and filed (entered) by the Clerk on June 4, 2014.

Please note: The Court has signed a hard-copy version of the Order. After the Order has been scanned and docketed by the Clerk of Court, copies of this Order may be available through ECR Online at clerkofcourt.maricopa.gov or through AZTurboCourt.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

FILED: Order Re: Petition No. 1
Order Re: Petition No. 2 Order Governing the Administration of the
Receivership

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7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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9 IN AND FOR MARICOPA COUNTY

10 State of Arizona,)
11 Plaintiff,) Cause No. CV2014-006765
12 v.)
13 ORDER RE: PETITION NO. 1
(Assigned to Judge Douglas L. Rayes)
14 Sherman Eugene Unkefer, III, *et al*,)
15 In Personam Defendants.)
16 _____)
17)

18 The Receiver having filed Petition No. 1, and the Court having considered same, and it
19 appearing to the Court that the matters requested by Petition No. 1 are reasonable, just and
20 appropriate:

21 NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Setting the Receiver's compensation at the rate of \$275.00 per hour.
2. Authorizing the Receiver to use the Receiver's consulting firm, FitzGibbons and Company, Inc., to provide forensic accounting and litigation support and other support

1 services to the Receiver and approving the Engagement Agreement attached as Exhibit “A”
2 to Petition No. 1 and the rates contained therein.

3 3. Appointing the law firm of Guttilla Murphy Anderson, P.C., as general counsel
4 to the Receiver and approving the Engagement Agreement attached as Exhibit “B” to Petition
5 No. 1 and the rates contained therein.

6 Dated this _____ day of _____, 2014.

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Judge of the Superior Court

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1928-001 (179722)

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