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8 Attorneys for the Receiver

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

10 IN AND FOR MARICOPA COUNTY

11 State of Arizona,	)	Cause No. CV2014-006765
12 Plaintiff,	)	PETITION NO. 12
13 v.	)	PETITION FOR ORDER APPROVING
14 Sherman Eugene Unkefer, III, <i>et al</i> ,	)	FEEES AND COSTS INCURRED BY THE
15 In Personam Defendants.	)	RECEIVER, GUTTILLA MURPHY
	)	ANDERSON, P.C., FITZGIBBONS & CO.,
	)	AND HENRY & HORNE, LLP FOR
	)	OCTOBER 1, 2014 THROUGH
	)	NOVEMBER 30, 2014
	)	
	)	(Assigned to Judge Randall Warner)

16 Michael J. FitzGibbons, as the court appointed Receiver, respectfully petitions the  
17 Court as follows:

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

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1 22, 2014, the Court entered its *Order Appointing Michael J. Fitzgibbons Receiver*, which  
2 appointed Michael J. FitzGibbons as Receiver of the Receivership Entities. These two orders  
3 are referred to hereafter as the “Receivership Order”.

4 2. Pursuant to *Order Re: Petition No. 1* the Court approved the Receiver’s  
5 compensation at the rate of \$275.00 per hour together with all reasonable costs and expenses  
6 incurred relating to these services as Receiver. These services are billed by and paid to the  
7 Receiver’s firm, FitzGibbons and Company, Inc.

8 3. Pursuant to this Court’s *Order Re: Petition No. 1*, the Receiver has engaged the  
9 services of the law firm of Guttilla Murphy Anderson, P.C., of Phoenix, Arizona, and the  
10 Receiver has agreed to pay the law firm compensation at agreed hourly rates for the services  
11 of the firm together with all reasonable costs and expenses incurred on behalf of the Receiver.

12 4. Pursuant to this Court’s *Order Appointing Receiver*, the Receiver has engaged  
13 the services of the accounting firm of Henry & Horne, LLP of Tempe, Arizona to prepare  
14 income tax returns for the Receivership and Mango Trust and Occidental Resource Group,  
15 L.P. The Receiver has agreed to pay Henry & Horne, LLP compensation at agreed hourly  
16 rates for the services of the accounting firm together with all reasonable costs and expenses  
17 incurred on behalf of the Receiver.

18 5. Pursuant to the Court’s *Order Re: Petition No. 2* the Receiver is authorized to  
19 file this fee petition without including as exhibits the itemized of services rendered to, and  
20 costs incurred or expended on behalf of, the Receivership, provided that the pay petition  
21 includes a statement that anyone desiring additional information concerning the services and

1 costs to be paid under the pay petition may obtain redacted information from the Receiver by  
2 delivering to the Receiver and the Receiver's counsel, Guttilla Murphy Anderson, P.C., a  
3 written request specifying the additional information requested at least three (3) days prior to  
4 the date set for hearing on the pay petition. The Court's *Order Re: Petition No. 2* further  
5 provides that upon request of the Court, the Receiver shall make available for in camera  
6 review by the Court the itemized statements and supporting documentation for the services  
7 and costs to be paid under the pay petition.

8 **October, 2014 Fees**

9         6. The Receiver has submitted itemized statements for services rendered to this  
10 Receivership and for reimbursable costs incurred or paid during the period October 1, 2014  
11 through October 31, 2014. The total amount requested for payment by the Receiver for this  
12 time period is \$24,102.62. The Receiver believes that this amount is reasonable and should  
13 be paid from the Receivership Assets.

14         7. The law firm of Guttilla Murphy Anderson, P.C., has submitted an itemized  
15 statement for services rendered to this Receivership and for reimbursable costs incurred or  
16 paid during the period October 1, 2014 through October 31, 2014. The total amount  
17 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. for this time period  
18 is \$5,377.53. The Receiver believes that this amount is reasonable and should be paid from  
19 the Receivership Assets and has therefore approved this statement for payment.

20         8. The accounting firm of Henry & Horne, LLP, has submitted itemized  
21 statements for services rendered to this Receivership and for reimbursable costs incurred or

1 paid during the period October 1, 2014 through October 31, 2014. The total amount requested  
2 for payment by the accounting firm of Henry & Horne, LLP for this time period is \$2,959.50.

3 **November, 2014 Fees**

4 9. The Receiver has submitted itemized statements for services rendered to this  
5 Receivership and for reimbursable costs incurred or paid during the period November 1, 2014  
6 through November 30, 2014. The total amount requested for payment by the Receiver for  
7 this time period is \$15,643.36. The Receiver believes that this amount is reasonable and  
8 should be paid from the Receivership Assets.

9 10. The law firm of Guttilla Murphy Anderson, P.C., has submitted an itemized  
10 statement for services rendered to this Receivership and for reimbursable costs incurred or  
11 paid during the period November 1, 2014 through November 30, 2014. The total amount  
12 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. for this time period  
13 is \$5,870.07. The Receiver believes that this amount is reasonable and should be paid from  
14 the Receivership Assets and has therefore approved this statement for payment

15 WHEREFORE, the Receiver respectfully requests that the Court enter an order  
16 authorizing the Receiver to pay from Receivership Assets:

17 1. The amount of \$24,102.62 to FitzGibbons and Company, Inc. for services  
18 rendered and costs incurred or paid during the period October 1, 2014 through October 31,  
19 2014;



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17 Sherman Eugene Unkefer, III, *et al*, )  
18 )  
19 In Personam Defendants. )  
20 )  
21 )

Cause No. CV2014-006765  
ORDER RE: PETITION NO. 12  
(Assigned to the Honorable Randall Warner)

22 The Receiver having filed Petition No. 12, and the Court having considered same, and  
23 it appearing to the Court that the matters requested by Petition No. 12 are reasonable, just and  
24 appropriate:

25 NOW, THEREFORE, IT IS HEREBY ORDERED approving the fees and expenses  
26 requested in the Receiver's Petition No. 12.

27 IT IS FURTHER ORDERED that the Receiver is authorized to pay from the  
28 Receivership Assets:

29  
30  
31



# eSignature Page 1 of 1

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Granted as Submitted



/S/ Randall Warner Date: 2/9/2015  
Judicial Officer of Superior Court



**ENDORSEMENT PAGE**

CASE NUMBER: CV2014-006765

SIGNATURE DATE: 2/9/2015

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FILED DATE: 2/11/2015 8:00:00 AM

BENJAMIN L HODGSON

LEE D STEIN

MARK A HOLMGREN

PATRICK M MURPHY

RAYMOND A HANNA

REID CHARLES PIXLER