

1 **Guttilla Murphy Anderson, P.C.**
2 **Patrick M. Murphy** (Ariz. No. 002964)
3 5415 E. High St., Suite 200
4 Phoenix, Arizona 85054
5 Email: pmurphy@gamlaw.com
6 Phone: (480) 304-8300
7 Fax: (480) 304-8301

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,)
12)
13 Plaintiff,)
14)
15 v.)
16)
17 Sherman Eugene Unkefer, III, *et al*,)
18)
19 In Personam Defendants.)
20)
21)
22)

Cause No. CV2014-006765
PETITION NO. 17
PETITION FOR ORDER APPROVING
FEES AND COSTS INCURRED BY THE
RECEIVER, FITZGIBBONS & CO., AND
GUTTILLA MURPHY ANDERSON, P.C.
AND HENRY AND HORNE, LLP FOR
AUGUST 1, 2015 THROUGH
SEPTEMBER 30, 2015
(Assigned to Judge Randall Warner)

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

1. On April 16, 2014, this Court entered its *Order Appointing Receiver*, which appointed Michael J. FitzGibbons as Receiver of Mango Trust; X-1, LLC fka X-1, Inc.; Magic Wand Services, LLC; Occidental Resources Group, LP; Occidental Management, 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”).

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

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

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

15 5. Pursuant to the Court's *Order Re: Petition No. 2* the Receiver is authorized to
16 file this fee petition without including as exhibits the itemized of services rendered to, and
17 costs incurred or expended on behalf of, the Receivership, provided that the pay petition
18 includes a statement that anyone desiring additional information concerning the services and
19 costs to be paid under the pay petition may obtain redacted information from the Receiver by
20 delivering to the Receiver and the Receiver's counsel, Guttilla Murphy Anderson, P.C., a
21 written request specifying the additional information requested at least three (3) days prior to

1 the date set for hearing on the pay petition. The Court's *Order Re: Petition No. 2* further
2 provides that upon request of the Court, the Receiver shall make available for in camera
3 review by the Court the itemized statements and supporting documentation for the services
4 and costs to be paid under the pay petition.

5 6. The Receiver has submitted itemized statements for services rendered to this
6 Receivership and for reimbursable costs incurred or paid during the period from August 1,
7 2015 through August 31, 2015. The total amount requested for payment by the Receiver is
8 \$11,559.17. The Receiver believes that this amount is reasonable and should be paid from
9 the Receivership Assets.

10 7. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
11 statement for services rendered to this Receivership and for reimbursable costs incurred or
12 paid during the period from August 1, 2015 through August 31, 2015. The total amount
13 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$1,855.00. The
14 Receiver believes that this amount is reasonable and should be paid from the Receivership
15 Assets and has therefore approved this statement for payment.

16 8. The Receiver has submitted itemized statements for services rendered to this
17 Receivership and for reimbursable costs incurred or paid during the period from September 1,
18 2015 through September 30, 2015. The total amount requested for payment by the Receiver
19 is \$18,480.13. The Receiver believes that this amount is reasonable and should be paid from
20 the Receivership Assets.

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1 9. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
2 statement for services rendered to this Receivership and for reimbursable costs incurred or
3 paid during the period from September 1, 2015 through September 30, 2015. The total
4 amount requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is
5 \$5,533.00. The Receiver believes that this amount is reasonable and should be paid from the
6 Receivership Assets and has therefore approved this statement for payment.

7 10. The accounting firm of Henry & Horne, LLP, has submitted itemized
8 statements for services rendered to this Receivership and for reimbursable costs incurred or
9 paid during the period thru September 15, 2015 for the preparation of 2014 Federal and State
10 Fiduciary Income Tax Returns for the Mango Trust Receivership. The total amount
11 requested for payment by the accounting firm of Henry & Horne, LLP is \$12,750.00. The
12 Receiver believes that this amount is reasonable and should be paid from the Receivership
13 Assets and has therefore approved this statement for payment.

14 11. The accounting firm of Henry & Horne, LLP, has submitted itemized
15 statements for services rendered to this Receivership and for reimbursable costs incurred or
16 paid during the period thru September 30, 2015 for the preparation of 2014 Federal and
17 Arizona Partnership Income Tax Returns for Occidental Resources Group, LP. The total
18 amount requested for payment by the accounting firm of Henry & Horne, LLP is \$1,950.00.
19 The Receiver believes that this amount is reasonable and should be paid from the
20 Receivership Assets and has therefore approved this statement for payment.

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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-006765

02/16/2016

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

STATE OF ARIZONA

REID CHARLES PIXLER

v.

SHERMAN EUGENE UNKEFER III, et al.

LEE D STEIN

RAYMOND A HANNA
BENJAMIN L HODGSON
MARK A HOLMGREN
PATRICK M MURPHY

STATUS CONFERENCE SET

Courtroom: ECB-512

10:11 a.m. This is the time set for a status conference. Plaintiff State of Arizona is represented by Counsel Reid C. Pixler. Receiver Michael J. FitzGibbons is represented by Counsel Patrick M. Murphy. Defendants Sherman Eugene Unkefer, III, Laundry Unkefer, Derrick Raynes, and Alexandria Unkefer are represented by Counsel Lee D. Stein. Defendants Theresa Le (aka Theresa Lee and d/b/a Summit Trust Company) and Adrian Taylor (d/b/a Mango Ltd.), as Co-Trustees of Mango Trust, are represented by Counsel Mark K. Sahl (appearing in place of Mark A. Holmgren). No other party is present or represented.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The court has reviewed the parties' status memos.

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Discussion is held regarding the status of the Receivership and a timeframe for resolving the outstanding issues.

The court has reviewed Receiver's Petition No. 14, Petition for Order Approving Receiver's Status Report Dated October 1, 2015.

IT IS ORDERED granting the Petition, all in accordance with the formal written Order Approving Receiver's Status Report Dated October 1, 2015 Re: Petition No. 14 signed by the court on February 16, 2016 and entered (filed) by the clerk on February 16, 2016.

The court has also reviewed Receiver's Petition No. 17, Petition for Order Approving Fees and Costs Incurred by the Receiver, Fitzgibbons & Co., and Guttilla Murphy Anderson, P.C. and Henry and Horne, LLP for August 1, 2015 Through September 30, 2015.

IT IS ORDERED granting the Petition, all in accordance with the formal written Order Re: Petition No. 17 signed by the court on February 16, 2016 and entered (filed) by the clerk on February 16, 2016.

Please note: The court has signed paper copies of the orders which were originally provided electronically. Therefore, copies of the orders and self-addressed, stamped envelopes are not available for mailing to the parties. After the orders have been scanned and docketed by the Clerk of Court, copies of these orders will be available through the ECR online at www.clerkofcourt.maricopa.gov or through www.AZTurboCourt.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

IT IS FURTHER ORDERED setting this matter for an **in-person** status conference on **November 1, 2016 at 9:00 a.m.** (time allotted: **30 minutes**) in this division to discuss the status of the Receivership.

**The Honorable Randall H. Warner
Maricopa County Superior Court
East Court Building
101 W. Jefferson
5th Floor, Courtroom 512
Phoenix, AZ 85003
Phone: 602-372-2966
Fax: 602-372-8746**

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MARICOPA COUNTY

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IT IS FURTHER ORDERED that, no less than **five days** before the conference set above, the parties shall file a memorandum addressing the status of the Receivership, any outstanding issues, and when it is anticipated that the Receivership should terminate.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

10:16 a.m. Matter concludes.