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4 Attorneys for Receiver

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:

Guttilla Murphy Anderson, P.C.  
5415 E. High Street, Suite 200  
Phoenix, AZ 85054  
(480) 304-8300

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](http://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

Filing ID: 7074136 Case Number: CV2014-006765  
Original Filing ID: 7016744

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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

SIGNATURE DATE: 12/17/2015

E-FILING ID #: 7074136

FILED DATE: 12/18/2015 8:00:00 AM

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