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Attorneys for the Receiver

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR MARICOPA COUNTY

7 State of Arizona,) Cause No. CV2014-006765
8 Plaintiff,) PETITION NO. 15
9 v.) PETITION FOR ORDER APPROVING
Sherman Eugene Unkefer, III, *et al*,) FEES AND COSTS INCURRED BY THE
10 In Personam Defendants.) RECEIVER, FITZGIBBONS & CO,
GUTTILLA MURPHY ANDERSON, P.C.,
11 AND HENRY AND HORNE, LLP FOR
12 MARCH 1, 2015 THROUGH JULY 31,
2015
13) (Assigned to Judge Randall Warner)

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*, which
17 appointed Michael J. FitzGibbons as Receiver of Mango Trust; X-1, LLC fka X-1, Inc.;
18 Magic Wand Services, LLC; Occidental Resources Group, LP; Occidental Management,
19 LLC; E.A.P. Trust; International Marketing Systems; G.M.S. LLC; Catshaker Family Trust,
20 Inc.; SLADUR; Black Rock, Inc.; and X-1 Global, LLC. On April 22, 2014, the Court
21 entered its *Order Appointing Michael J. Fitzgibbons Receiver*, which appointed Michael J.

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

3 2. Pursuant to *Order Re: Petition No. 1* the Court approved the Receiver’s
4 compensation at the rate of \$275.00 per hour together with all reasonable costs and expenses
5 incurred relating to these services as Receiver and authorized the Receiver to engage his firm,
6 FitzGibbons and Company, Inc., to provide forensic accounting and litigation and other
7 support services to the Receiver. The services of the Receiver are to be billed by, and paid to,
8 FitzGibbons and Company, Inc.

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

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

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

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

9 **March 2015 Fees and Expenses**

10 6. FitzGibbons and Company, Inc., has submitted itemized statements for services
11 rendered to this Receivership by the Receiver and FitzGibbons and Company and for
12 reimbursable costs incurred or paid during the period from March 1, 2015 through March 31,
13 2015. The total amount requested for payment by the Receiver is \$4,994.88. The Receiver
14 believes that this amount is reasonable and should be paid from the Receivership Assets.

15 7. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
16 statement for services rendered to this Receivership and for reimbursable costs incurred or
17 paid during the period from March 1, 2015 through March 31, 2015. The total amount
18 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$5,939.00. The
19 Receiver believes that this amount is reasonable and should be paid from the Receivership
20 Assets and has therefore approved this statement for payment

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1 8. The accounting firm of Henry & Horne, LLP, has submitted itemized
2 statements for services rendered to this Receivership and for reimbursable costs incurred or
3 paid during the period from March 1, 2015 through March 31, 2015. The total amount
4 requested for payment by the accounting firm of Henry & Horne, LLP is \$2,225.00;

5 **April 2015 Fees and Expenses**

6 9. FitzGibbons and Company, Inc., has submitted itemized statements for services
7 rendered to this Receivership by the Receiver and FitzGibbons and Company and for
8 reimbursable costs incurred or paid during the period from April 1, 2015 through April 30,
9 2015. The total amount requested for payment by the Receiver is \$8,592.92. The Receiver
10 believes that this amount is reasonable and should be paid from the Receivership Assets.

11 10. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
12 statement for services rendered to this Receivership and for reimbursable costs incurred or
13 paid during the period from April 1, 2015 through April 30, 2015. The total amount
14 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$13,293.98. The
15 Receiver believes that this amount is reasonable and should be paid from the Receivership
16 Assets and has therefore approved this statement for payment.

17 **May 2015 Fees and Expenses**

18 11. FitzGibbons and Company, Inc., has submitted itemized statements for services
19 rendered to this Receivership by the Receiver and FitzGibbons and Company and for
20 reimbursable costs incurred or paid during the period from May 1, 2015 through May 31,

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1 2015. The total amount requested for payment by the Receiver is \$2,661.98. The Receiver
2 believes that this amount is reasonable and should be paid from the Receivership Assets.

3 12. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
4 statement for services rendered to this Receivership and for reimbursable costs incurred or
5 paid during the period from May 1, 2015 through May 31, 2015. The total amount requested
6 for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$881.96. The Receiver
7 believes that this amount is reasonable and should be paid from the Receivership Assets and
8 has therefore approved this statement for payment.

9 **June 2015 Fees and Expenses**

10 13. FitzGibbons and Company, Inc., has submitted itemized statements for services
11 rendered to this Receivership by the Receiver and FitzGibbons and Company and for
12 reimbursable costs incurred or paid during the period from June 1, 2015 through June 30,
13 2015. The total amount requested for payment by the Receiver is \$14,780.49. The Receiver
14 believes that this amount is reasonable and should be paid from the Receivership Assets.

15 14. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
16 statement for services rendered to this Receivership and for reimbursable costs incurred or
17 paid during the period from June 1, 2015 through June 30, 2015. The total amount requested
18 for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$391.70. The Receiver
19 believes that this amount is reasonable and should be paid from the Receivership Assets and
20 has therefore approved this statement for payment.

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1 **July 2015 Fees and Expenses**

2 15. FitzGibbons and Company, Inc., has submitted itemized statements for services
3 rendered to this Receivership by the Receiver and FitzGibbons and Company and for
4 reimbursable costs incurred or paid during the period from July 1, 2015 through July 31,
5 2015. The total amount requested for payment by the Receiver is \$10,022.17. The Receiver
6 believes that this amount is reasonable and should be paid from the Receivership Assets.

7 16. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
8 statement for services rendered to this Receivership and for reimbursable costs incurred or
9 paid during the period from July 1, 2015 through July 31, 2015. The total amount requested
10 for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$630.00. The Receiver
11 believes that this amount is reasonable and should be paid from the Receivership Assets and
12 has therefore approved this statement for payment.

13 17. Prior to filing this Petition, the Receiver provided copies of the Petition and
14 supporting invoices to counsel for the Plaintiff State of Arizona and the Receiver has been
15 advised that the Plaintiff has no objection to the approval and payment of the fees and
16 expenses set forth herein.

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

19 1. The amount of \$4,994.88 to FitzGibbons and Company, Inc. for services
20 rendered and costs incurred or paid during the period March 1, 2015 through March 31,
21 2015;

1 2. The amount of \$5,939.00 to Guttilla Murphy Anderson, P.C., for services
2 rendered and costs incurred or paid during the period March 1, 2015 through March 31, 2015;

3 3. The amount of \$2,225.00 to Henry & Horne, LLP for services rendered and
4 costs incurred or paid during the period of March 1, 2015 to March 31, 2015;

5 4. The amount of \$8,592.92 to FitzGibbons and Company, Inc. for services
6 rendered and costs incurred or paid during the period April 1, 2015 through April 30, 2015;

7 5. The amount of \$13,293.98 to Guttilla Murphy Anderson, P.C., for services
8 rendered and costs incurred or paid during the period April 1, 2015 through April 30, 2015.

9 6. The amount of \$2,661.98 to FitzGibbons and Company, Inc. for services
10 rendered and costs incurred or paid during the period May 1, 2015 through May 31, 2015;

11 7. The amount of \$881.96 to Guttilla Murphy Anderson, P.C., for services
12 rendered and costs incurred or paid during the period May 1, 2015 through May 31, 2015;

13 8. The amount of \$14,780.49 to FitzGibbons and Company, Inc. for services
14 rendered and costs incurred or paid during the period June 1, 2015 through June 30, 2015;

15 9. The amount of \$391.70 to Guttilla Murphy Anderson, P.C. for services
16 rendered and costs incurred or paid during the period June 1, 2015 through June 30, 2015;

17 10. The amount of \$10,022.17 to FitzGibbons and Company, Inc. for services
18 rendered and costs incurred or paid during the period July 1, 2015 through July 31, 2015; and

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MASTER SERVICE LIST

State of Arizona v. Unkefer, et al

Arizona Superior Court For Maricopa County

CV2014-006765

(Rev.2/13/2015)

The Honorable Randall Warner
Maricopa County Superior Court
201 West Jefferson, Central Court Building
Phoenix, Arizona 85003

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1928-001(179723)

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10 IN AND FOR MARICOPA COUNTY

11 State of Arizona;)	
)	Cause No. CV2014-006765
12 Plaintiff,)	
)	ORDER RE: PETITION NO. 15
13 v.)	
)	
14 Sherman Eugene Unkefer, III, <i>et al</i> ,)	
)	(Assigned to the Honorable Randall
15 In Personam Defendants.)	Warner)
)	

16 _____
17 The Receiver having filed *Petition No. 15 – Petition for Order Approving Fees and*
18 *Costs Incurred By the Receiver, FitzGibbons & Co., Guttilla Murphy Anderson, P.C. and*
19 *Henry and Horne, LLP For March 1, 2015 through July 31, 2015*, and the Court having
20 considered same, and it appearing to the Court that the matters requested by Petition No. 15
21 are reasonable, just and appropriate:

NOW, THEREFORE, IT IS HEREBY ORDERED approving the fees and expenses requested in the Receiver’s Petition No. 15.

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

- 1 1. The amount of \$4,994.88 to FitzGibbons and Company, Inc. for services
2 rendered and costs incurred or paid during the period March 1, 2015 through March 31,
3 2015;
- 4 2. The amount of \$5,939.00 to Guttilla Murphy Anderson, P.C., for services
5 rendered and costs incurred or paid during the period March 1, 2015 through March 31, 2015;
- 6 3. The amount of \$2,225.00 to Henry & Horne, LLP for services rendered and
7 costs incurred or paid during the period of March 1, 2015 to March 31, 2015;
- 8 4. The amount of \$8,592.92 to FitzGibbons and Company, Inc. for services
9 rendered and costs incurred or paid during the period April 1, 2015 through April 30, 2015;
- 10 5. The amount of \$13,293.98 to Guttilla Murphy Anderson, P.C., for services
11 rendered and costs incurred or paid during the period April 1, 2015 through April 30, 2015.
- 12 6. The amount of \$2661.98 to FitzGibbons and Company, Inc. for services
13 rendered and costs incurred or paid during the period May 1, 2015 through May 31, 2015;
- 14 7. The amount of \$881.96 to Guttilla Murphy Anderson, P.C., for services
15 rendered and costs incurred or paid during the period May 1, 2015 through May 31, 2015;
- 16 8. The amount of \$14,780.49 to FitzGibbons and Company, Inc. for services
17 rendered and costs incurred or paid during the period June 1, 2015 through June 30, 2015;
- 18 9. The amount of \$391.70 to Guttilla Murphy Anderson, P.C. for services
19 rendered and costs incurred or paid during the period June 1, 2015 through June 30, 2015;
- 20 10. The amount of \$10,022.17 to FitzGibbons and Company, Inc. for services
21 rendered and costs incurred or paid during the period July 1, 2015 through July 31, 2015; and

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11. The amount of \$630.00 to Guttilla Murphy Anderson, P.C., for services rendered and costs incurred or paid during the period July 1, 2015 through July 31, 2015.

Dated this _____ day of _____, 2015.

1928-001(216745)

eSignature Page 1 of 1

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Original Filing ID: 6885895

Granted as Submitted



/S/ Randall Warner Date: 10/27/2015
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2014-006765

SIGNATURE DATE: 10/27/2015

E-FILING ID #: 6961917

FILED DATE: 10/28/2015 8:00:00 AM

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