

1 Guttilla Murphy Anderson, P.C.
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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,)	
12	Plaintiff,	)	Cause No. CV2014-006765
13	v.	)	PETITION NO. 23
14	Sherman Eugene Unkefer, III, <i>et al</i>,	)	PETITION FOR ORDER APPROVING
15	In Personam Defendants.	)	FEES AND COSTS INCURRED BY THE
16		)	RECEIVER, FITZGIBBONS & CO.,
17		)	GUTTILLA MURPHY ANDERSON, P.C.,
18		)	HENRY AND HORNE, LLP, AND
19		)	GILARDI & CO., LLC FOR JULY 1, 2016
20		)	THROUGH AUGUST 31, 2016
21)	
		)	(Assigned to Judge Randall Warner)

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

24 1. On April 16, 2014, this Court entered its *Order Appointing Receiver*, which
25 appointed Michael J. FitzGibbons as Receiver of Mango Trust; X-1, LLC fka X-1, Inc.;
26 Magic Wand Services, LLC; Occidental Resources Group, LP; Occidental Management,
27 LLC; E.A.P. Trust; International Marketing Systems; G.M.S. LLC; Catshaker Family Trust,
28 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 this Court's *Order Establishing Procedures for the Adjudication of*
16 *Requests for Compensation, Re: Petition No. 16*, entered on December 18, 2015, the Receiver
17 engaged the services of Gilardi & Co, LLC of San Rafael, California ("Gilardi") to assist in
18 the Receiver's investigation to ascertain the identity and current address of the Victims of
19 North American Coin and Currency or their successors in interest. The Receiver agreed to
20 pay Gilardi a deposit of \$5,000.00 and to pay Gilardi the balance of its charges following
21 completion of their work.

1 6. Pursuant to the Court's *Order Re: Petition No. 2* the Receiver is authorized to
2 file this fee petition without including as exhibits the itemized of services rendered to, and
3 costs incurred or expended on behalf of, the Receivership, provided that the pay petition
4 includes a statement that anyone desiring additional information concerning the services and
5 costs to be paid under the pay petition may obtain redacted information from the Receiver by
6 delivering to the Receiver and the Receiver's counsel, Guttilla Murphy Anderson, P.C., a
7 written request specifying the additional information requested at least three (3) days prior to
8 the date set for hearing on the pay petition. The Court's *Order Re: Petition No. 2* further
9 provides that upon request of the Court, the Receiver shall make available for *in camera*
10 review by the Court the itemized statements and supporting documentation for the services
11 and costs to be paid under the pay petition.

12 7. The Receiver has submitted an itemized statement for services rendered to this
13 Receivership and for reimbursable costs incurred or paid during the period from July 1, 2016
14 through August 31, 2016. The total amount requested for payment by the Receiver is
15 \$59,538.71. The Receiver believes that this amount is reasonable and should be paid from
16 the Receivership Assets.

17 8. The law firm of Guttilla Murphy Anderson, P.C., has submitted an itemized
18 statement for services rendered to this Receivership and for reimbursable costs incurred or
19 paid during the period from July 1, 2016 through August 31, 2016. The total amount
20 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$16,186.07.
21

1 9. The accounting firm of Henry and Horne, LLP, has submitted an itemized
2 statement for services rendered to this Receiver and for reimbursable costs incurred or paid
3 during the period from July 1, 2016 through August 31, 2016. The total amount requested for
4 payment by the accounting firm of Henry & Horne, LLP is \$19,425.00.

5 10. Gilardi has submitted its statement dated August 4, 2016 for services rendered
6 to the Receiver. The total amount of the statement for the work done by Gilardi is
7 \$22,696.66. After applying the deposit of \$5,000, the statement seeks a final payment to
8 Gilardi of \$17,696.66. The Receiver believes that the charges in this statement are reasonable
9 and should be paid from the Receivership Assets and has therefore approved this statement
10 for payment.

11 WHEREFORE, the Receiver respectfully requests that the Court enter an order
12 authorizing the Receiver to pay from Receivership Assets:
13

14 1. The amount of \$59,538.71 to FitzGibbons and Company, Inc. for services
15 rendered and costs incurred or paid during the period July 1, 2016 through August 31, 2016;

16 2. The amount of \$16,186.07 to Guttilla Murphy Anderson, P.C., for services
17 rendered and costs incurred or paid during the period July 1, 2016 through August 31, 2016;

18 3. The amount of \$19,425.00 to Henry & Horne, LLP for services rendered and
19 costs incurred or paid during July 1, 2016 through August 31, 2016; and
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4. The amount of \$17,696.66 to Gilardi & Co., LLC, for the balance owed for services rendered through August 4, 2016.

Respectfully submitted this 27th day of October, 2016.

GUTTILLA MURPHY ANDERSON, P.C.

/s/Patrick M. Murphy
Patrick M. Murphy
Attorneys for the Receiver

1928-001(259936)

COPY

FILED
11/22/2016 9:48am
MICHAEL K. JEANES, Clerk
By K. Ballard
K. Ballard, Deputy

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COPY FOR CERTIFICATION

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10 IN AND FOR MARICOPA COUNTY

11 State of Arizona,)
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15 v.)
16)
17 Sherman Eugene Unkefer, III, *et al*,)
18)
19 In Personam Defendants.)
20)
21)

Cause No. CV2014-006765
ORDER RE: PETITION NO. 23
(Assigned to the Honorable Randall Warner)

22 The Receiver having filed Petition No. 23, and the Court having considered same, and
23 it appearing to the Court that the matters requested by Petition No. 23 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. 23.

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

- 29 1. The amount of \$59,538.71 to FitzGibbons and Company, Inc. for services
30 rendered and costs incurred or paid during the period July 1, 2016 through August 31, 2016;

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2. The amount of \$16,186.07 to Gutilla Murphy Anderson, P.C., for services rendered and costs incurred or paid during the period July 1, 2016 through August 31, 2016;

3. The amount of \$19,425.00 to Henry & Horne, LLP for services rendered and costs incurred or paid during July 1, 2016 through August 31, 2016; and

4. The amount of \$17,696.66 to Gilardi & Co., LLC, for services rendered through August 4, 2016.

Dated this 22 day of NOV-, 2016.



Judge of Maricopa County Superior Court

Randall H. Warner

1928-001(259967)