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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. 19
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
THE PERIOD ENDING FEBRUARY 29,
12 2016
(Assigned to Judge Randall Warner)
13)

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. (“Receivership Order”).
21

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 **January, 2016 Fees**

6 6. The Receiver has submitted an itemized statement for services rendered to this
7 Receivership and for reimbursable costs incurred or paid during the period from January 1,
8 2016 through January 31, 2016. The total amount requested for payment by the Receiver is
9 \$6,819.19. The Receiver believes that this amount is reasonable and should be paid from the
10 Receivership Assets.

11 7. The law firm of Guttilla Murphy Anderson, P.C., has submitted an itemized
12 statement for services rendered to this Receivership and for reimbursable costs incurred or
13 paid during the period from January 1, 2016 through January 31, 2016. The total amount
14 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$1,961.00. 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 **February, 2016 Fees**

18 8. The Receiver has submitted an itemized statement for services rendered to this
19 Receivership and for reimbursable costs incurred or paid during the period from February 1,
20 2016 through February 29, 2016. The total amount requested for payment by the Receiver is
21

1 \$12,519.03. The Receiver believes that this amount is reasonable and should be paid from
2 the Receivership Assets.

3 9. The law firm of Guttilla Murphy Anderson, P.C., has submitted an itemized
4 statement for services rendered to this Receivership and for reimbursable costs incurred or
5 paid during the period from February 1, 2016 through February 29, 2016. The total amount
6 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$3,527.11. The
7 Receiver believes that this amount is reasonable and should be paid from the Receivership
8 Assets and has therefore approved this statement for payment.

9 10. The accounting firm of Henry & Horne, LLP, has submitted itemized
10 statements for services rendered to this Receivership and for reimbursable costs incurred or
11 paid during the period from February 1, 2016 through February 29, 2016 in connection with
12 the preparation of the 2015 Federal and Arizona Fiduciary Income Tax Returns and
13 preparation of the 2015 Federal and Arizona NOL Carryback Claims. The total amount
14 requested for payment by the accounting firm of Henry & Horne, LLP is \$10,585.00. 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 11. The accounting firm of Henry & Horne, LLP, has submitted itemized
18 statements for services rendered to this Receivership and for reimbursable costs incurred or
19 paid during the period from December 14, 2015 through February 29, 2016 in connection
20 with the preparation of the 2015 final Federal and Arizona Partnership Income Tax Returns
21 for Occidental Resources Group, LP. The total amount requested for payment by the

1 accounting firm of Henry & Horne, LLP is \$2,950.00. The Receiver believes that this
2 amount is reasonable and should be paid from the Receivership Assets and has therefore
3 approved this statement for payment.

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

6 1. The amount of \$6,819.19 to FitzGibbons and Company, Inc. for services
7 rendered and costs incurred or paid during the period January 1, 2016 through January 31,
8 2016;

9 2. The amount of \$1,961.00 to Guttilla Murphy Anderson, P.C., for services
10 rendered and costs incurred or paid during the period January 1, 2016 through January 31,
11 2016.

12 3. The amount of \$12,519.03 to FitzGibbons and Company, Inc. for services
13 rendered and costs incurred or paid during the period February 1, 2016 through February 29,
14 2016;

15 4. The amount of \$3,527.11 to Guttilla Murphy Anderson, P.C., for services
16 rendered and costs incurred or paid during the period February 1, 2016 through February 29,
17 2016.

18 5. The amount of \$10,585.00 to Henry & Horne, LLP for services rendered and
19 costs incurred or paid for the preparation of the 2015 Federal and Arizona Fiduciary Income
20 Tax Returns and preparation of 2015 Federal and Arizona NOL Carryback Claims for the
21 period ending February 29, 2016; and

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11 IN AND FOR THE COUNTY OF MARICOPA

12 State of Arizona,)
13 Plaintiff,) Cause No. CV2014-006765
14 v.)
15 Sherman Eugene Unkefer, III, *e al*,)
16 In Personam Defendants.) ORDER RE: PETITION NO. 19
17)
18) (Assigned to Judge Randall Warner)
19)
20)
21)

22 The Receiver having filed Petition No. 19 – *Petition for Order Approving Fees and*
23 *Costs Incurred By the Receiver, FitzGibbons & Co., Guttilla Murphy Anderson, P.C., and*
24 *Henry and Horne, LLP, For The Period Ending February 29, 2016*, and the Court having
25 considered same, and it appearing to the Court that the matters requested by Petition No. 19
26 are reasonable, just and appropriate:

27 NOW, THEREFORE, IT IS HEREBY ORDERED approving:

- 28 1. The amount of \$6,819.19 to FitzGibbons and Company, Inc. for services
29 rendered and costs incurred or paid during the period January 1, 2016 through January 31,
30 2016;

1 2. The amount of \$1,961.00 to Guttilla Murphy Anderson, P.C., for services
2 rendered and costs incurred or paid during the period January 1, 2016 through January 31,
3 2016.

4 3. The amount of \$12,519.03 to FitzGibbons and Company, Inc. for services
5 rendered and costs incurred or paid during the period February 1, 2016 through February 29,
6 2016;

7 4. The amount of \$3,527.11 to Guttilla Murphy Anderson, P.C., for services
8 rendered and costs incurred or paid during the period February 1, 2016 through February 29,
9 2016.

10 5. The amount of \$10,585.00 to Henry & Horne, LLP for services rendered and
11 costs incurred or paid for the preparation of the 2015 Federal and Arizona Fiduciary Income
12 Tax Returns and preparation of 2015 Federal and Arizona NOL Carryback Claims for the
13 period ending February 29, 2016; and

14 6. The amount of \$2,950.00 to Henry & Horne, LLP for services rendered and
15 costs incurred or paid for the preparation of the 2015 final Federal and Arizona Partnership
16 Income Tax Returns for Occidental Resources Group, LP., for the period ending February 29,
17 2016.

18 Dated this ____ day of _____, 2016.

19 1928-001(239857)

eSignature Page 1 of 1

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Granted as Submitted



/S/ Randall Warner Date: 5/24/2016
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2014-006765

SIGNATURE DATE: 5/24/2016

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FILED DATE: 5/27/2016 8:00:00 AM

BENJAMIN L HODGSON

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