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MAY 23 2014



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10 Attorneys for the Receiver

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR MARICOPA COUNTY

13 State of Arizona, ) Cause No. CV2014-006765  
14 Plaintiff, )  
15 v. ) PETITION NO. 1  
16 Sherman Eugene Unkefer, III, *et al* )  
17 In Personam Defendants. ) PETITION TO SET RECEIVER'S FEES  
18 ) AND APPROVE THE ENGAGEMENT  
19 ) OF FITZGIBBONS AND COMPANY,  
20 ) INC., AND GUTTILLA MURPHY  
21 ) ANDERSON, P.C.  
22 ) (Assigned to Judge Douglas L. Rayes)

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

25 1. On April 16, 2014, this Court entered its *Order Appointing Receiver* appointing  
26 a receiver of all assets of the Mango Trust including X-1, LLC; Magic Wand Services, LLC;  
27 Occidental Resources Group, LP; Occidental Management Group; E.A.P. Trust; International  
28 Marketing Systems; G.M.S. LLC; X-1, Inc.; Catshaker Family Trust, Inc.; SLADUR; Black  
29 Rock, Inc.; and X-1 Global, LLC ("Receivership Entities"). On April 22, 2014, the Court  
30 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. The Receivership Order did not set the Receiver’s compensation rate.

4       3. The Receiver requests that the hourly compensation for the Receiver be set at  
5 the rate of \$275.00 per hour.

6       4. The Receivership Order further authorized the Receiver to employ such  
7 employees, accountants and attorneys as are necessary in the performance of the Receiver’s  
8 duties.

9       5. The Receiver requests that the Court approve the Receiver’s use of the  
10 Receiver’s consulting firm, FitzGibbons and Company, Inc., to provide forensic accounting,  
11 financial reporting and other professional support services to the Court for the benefit of the  
12 receivership estate. The Receiver requests that FitzGibbons and Company, Inc. be  
13 reimbursed for all reasonable costs and expenses incurred on behalf of the Receiver and that  
14 FitzGibbons and Company, Inc. be compensated as provided in the Engagement Agreement,  
15 a copy of which is attached as Exhibit “A” to this Petition.

16       6. The compensation rate requested above for the Receiver and the rates set forth  
17 in Exhibit “A” for services provided by the staff of FitzGibbons and Company, Inc., are  
18 reasonable in light of the substantial experience of the Receiver and his company.  
19 FitzGibbons and Company, Inc. is a full consulting firm which specializes in forensic  
20 accounting, litigation support and receivership services. Michael J. FitzGibbons is a Certified  
21

1 Public Accountant licensed in the state of Arizona and Indiana and has served as the receiver  
2 or as the deputy receiver in more than twenty (20) court supervised receiverships.

3       7. The Receiver has, subject to this Court's approval, entered into an Engagement  
4 Agreement with Guttila Murphy Anderson, P.C. ("Guttila Murphy Anderson, P.C."), a copy  
5 of which is attached as Exhibit "B" to this Petition. The Receiver requests that Guttila  
6 Murphy Anderson, P.C., be appointed as general counsel to the Receiver and that it be  
7 compensated as provided in Exhibit "B".

8       8. Guttila Murphy Anderson, P.C. is qualified to serve as counsel to the Receiver  
9 and the rates set forth in Exhibit "B" are reasonable in light of the substantial experience of  
10 Guttila Murphy Anderson, P.C. in serving as legal counsel to court appointed receivers.  
11 Guttila Murphy Anderson, P.C. has served as legal counsel to court appointed receivers in  
12 over 100 state and federal court receiverships, in actions brought by the Securities and  
13 Exchange Commission, the Federal Trade Commission, the Commodities Future Trading  
14 Commission, the Arizona Banking Department, the Arizona Attorney General, and the  
15 Insurance Departments of Arizona, California, Illinois, Indiana, Texas, and Vermont as well  
16 as actions brought by private litigants.

17       WHEREFORE, the Receiver respectfully requests that the Court enter an Order:

18       1. Setting the Receiver's compensation at \$275.00 per hour.  
19       2. Authorizing the Receiver to use the Receiver's consulting firm, FitzGibbons  
20 and Company, Inc., to provide forensic accounting and litigation support and other support  
21 services to the Receiver, and approving the Engagement Agreement attached as Exhibit "A".

3. Appointing the law firm of Guttilla Murphy Anderson, P.C., as general counsel to the Receiver and approving the Engagement Agreement attached as Exhibit "B" to the Petition and the rates contained therein.

Respectfully submitted this 23<sup>rd</sup> day of May, 2014.

GUTTILLA MURPHY ANDERSON, P.C.

Patrick M. Murphy  
5415 East High Street, Suite 200  
Phoenix, Arizona 85054  
Attorneys for Receiver

1928-001(178812)

Michael K. Jeanes, Clerk of Court

\*\*\* Electronically Filed \*\*\*

06/10/2014 8:00 AM

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-006765

06/04/2014

JUDGE PRO TEM COLLEEN L. FRENCH

CLERK OF THE COURT

T. Springston  
Deputy

STATE OF ARIZONA

REID CHARLES PIXLER

v.

SHERMAN EUGENE UNKEFER III, et al.

PATRICK M MURPHY

**ORDER SIGNED**

**IT IS ORDERED** granting Receiver's Petition No. 1 Petition to Set Receiver's Fees and Approve the Engagement of Fitzgibbons and Company, Inc., and Guttilla Murphy Anderson, P.C., filed May 23, 2014; and Receiver's Petition No. 2 Petition for Order Governing Administration of the Receivership, filed May 23, 2014, all in accordance with the formal written Orders signed by the Court on June 3, 2014, and filed (entered) by the Clerk on June 4, 2014.

**Please note:** The Court has signed a hard-copy version of the Order. After the Order has been scanned and docketed by the Clerk of Court, copies of this Order may be available through ECR Online at [clerkofcourt.maricopa.gov](http://clerkofcourt.maricopa.gov) or through AZTurboCourt.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

FILED: Order Re: Petition No. 1

Order Re: Petition No. 2 Order Governing the Administration of the Receivership

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6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

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8 State of Arizona, )  
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10 v. )  
11 Sherman Eugene Unkefer, III, *et al*, ) ORDER RE: PETITION NO. 1  
12 In Personam Defendants. )  
13 \_\_\_\_\_ )  
14 ) (Assigned to Judge Douglas L. Rayes)

15 The Receiver having filed Petition No. 1, and the Court having considered same, and it  
16 appearing to the Court that the matters requested by Petition No. 1 are reasonable, just and  
appropriate:

17 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

18 1. Setting the Receiver's compensation at the rate of \$275.00 per hour.  
19 2. Authorizing the Receiver to use the Receiver's consulting firm, FitzGibbons  
20 and Company, Inc., to provide forensic accounting and litigation support and other support

services to the Receiver and approving the Engagement Agreement attached as Exhibit "A" to Petition No. 1 and the rates contained therein.

3. Appointing the law firm of Guttilla Murphy Anderson, P.C., as general counsel to the Receiver and approving the Engagement Agreement attached as Exhibit "B" to Petition No. 1 and the rates contained therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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## Judge of the Superior Court