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4 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. 13
9 v.) PETITION FOR ORDER APPROVING
10 Sherman Eugene Unkefer, III, *et al*;) FEES AND COSTS INCURRED BY THE
11 In Personam Defendants.) RECEIVER, FITZGIBBONS & CO. AND
12) GUTTILLA MURPHY ANDERSON, P.C.
13) FOR DECEMBER 1, 2014 THROUGH
14) FEBRUARY 28, 2015 AND HENRY AND
15) HORNE, LLP FOR NOVEMBER 1, 2014
16) THROUGH FEBRUARY 28, 2015
17) (Assigned to Judge Randall Warner)
18)
19)
20)
21)

15 Michael J. FitzGibbons, as the court appointed Receiver, respectfully petitions the
16 Court as follows:

17 1. On April 16, 2014, this Court entered its *Order Appointing Receiver*, which
18 appointed Michael J. FitzGibbons as Receiver of Mango Trust; X-1, LLC fka X-1, Inc.;
19 Magic Wand Services, LLC; Occidental Resources Group, LP; Occidental Management,
20 LLC; E.A.P. Trust; International Marketing Systems; G.M.S. LLC; Catshaker Family Trust,
21 Inc.; SLADUR; Black Rock, Inc.; and X-1 Global, LLC. On April 22, 2014, the Court

1 entered its *Order Appointing Michael J. Fitzgibbons Receiver*, which appointed Michael J.
2 FitzGibbons as Receiver of the Receivership Entities. These two orders are referred to
3 hereafter as the “Receivership Order”.

4 2. Pursuant to *Order Re: Petition No. 1* the Court approved the Receiver’s
5 compensation at the rate of \$275.00 per hour together with all reasonable costs and expenses
6 incurred relating to these services as Receiver. These services are billed by and paid to the
7 Receiver’s firm, FitzGibbons and Company, Inc.

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

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

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

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

8 6. The Receiver has submitted itemized statements for services rendered to this
9 Receivership and for reimbursable costs incurred or paid during the period from December 1,
10 2014 through February 28, 2015. The total amount requested for payment by the Receiver is
11 \$17,207.29. The Receiver believes that this amount is reasonable and should be paid from
12 the Receivership Assets.

13 7. The law firm of Guttilla Murphy Anderson, P.C., has submitted itemized
14 statement for services rendered to this Receivership and for reimbursable costs incurred or
15 paid during the period from December 1, 2014 through February 28, 2015. The total amount
16 requested for payment by the law firm of Guttilla Murphy Anderson, P.C. is \$10,096.68. The
17 Receiver believes that this amount is reasonable and should be paid from the Receivership
18 Assets and has therefore approved this statement for payment.

19 8. The accounting firm of Henry & Horne, LLP, has submitted itemized
20 statements for services rendered to this Receivership and for reimbursable costs incurred or
21

1 paid during the period from November 1, 2014 through February 28, 2015. The total amount
2 requested for payment by the accounting firm of Henry & Horne, LLP is \$6,465.00.

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

5 1. The amount of \$17,207.29 to FitzGibbons and Company, Inc. for services
6 rendered and costs incurred or paid during the period December 1, 2014 through February 28,
7 2015;

8 2. The amount of \$10,096.68 to Guttilla Murphy Anderson, P.C., for services
9 rendered and costs incurred or paid during the period December 1, 2014 through February 28,
10 2015.; and

11 3. The amount of \$6,465.00 to Henry & Horne, LLP for services rendered and
12 costs incurred or paid during the period of November 1, 2014 to February 28, 2015.

13 Respectfully submitted this 17th day of April, 2015.

14 GUTTILLA MURPHY ANDERSON, P.C.

15 /s/ Patrick M. Murphy
16 Patrick M. Murphy
17 Attorneys for the Receiver

18 1928-001(203754)

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR MARICOPA COUNTY

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

The Receiver having filed *Petition No. 13 – Petition for Order Approving Fees and Costs Incurred By the Receiver, FitzGibbons & Co., And Guttilla Murphy Anderson, P.C.* for December 1, 2014 through February 28, 2015 and for *Henry and Horne, LLP* for November 1, 2014 to February 28, 2015 and the Court having considered same, and it appearing to the Court that the matters requested by Petition No. 13 are reasonable, just and appropriate:

NOW, THEREFORE, IT IS HEREBY ORDERED approving the fees and expenses requested in the Receiver's Petition No. 13.

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

1. The amount of \$17,207.29 to FitzGibbons and Company, Inc. for services rendered and costs incurred or paid during the period December 1, 2014 through February 28, 2015;

2. The amount of \$10,096.68 to Guttilla Murphy Anderson, P.C., for services rendered and costs incurred or paid during the period December 1, 2014 through February 28, 2015; and

3. The amount of \$6,465.00 to Henry & Horne, LLP for services rendered and costs incurred or paid during the period November 1, 2014 through February 28, 2015.

Dated this _____ day of _____, 2015.

Judge of the Superior Court

1928-001(204343)

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Granted as Submitted



/S/ Randall Warner Date: 5/21/2015
Judicial Officer of Superior Court

CASE NUMBER: CV2014-006765
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ENDORSEMENT PAGE

SIGNATURE DATE: 5/21/2015
FILED DATE: 5/22/2015 8:00:00 AM

BENJAMIN L HODGSON

LEE D STEIN

MARK A HOLMGREN

PATRICK M MURPHY

RAYMOND A HANNA

REID CHARLES PIXLER