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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. 19  
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.,  
12 ) GUTTILLA MURPHY ANDERSON, P.C.,  
13 ) AND HENRY AND HORNE, LLP, FOR  
14 ) THE PERIOD ENDING FEBRUARY 29,  
15 ) 2016  
16 ) (Assigned to Judge Randall Warner)  
17 )

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

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

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

Respectfully submitted this 20<sup>th</sup> day of April, 2016.

## GUTTILLA MURPHY ANDERSON, P.C.

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

1928-001(237792)

1      **Guttilla Murphy Anderson, P.C.**

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5      IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

6      IN AND FOR THE COUNTY OF MARICOPA

7      State of Arizona,

8      Plaintiff,

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Cause No. CV2014-006765

9      v.

10     Sherman Eugene Unkefer, III, *e al*,

11     In Personam Defendants.

ORDER RE: PETITION NO. 19

(Assigned to Judge Randall Warner)

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

17     NOW, THEREFORE, IT IS HEREBY ORDERED approving:

18     1.      The amount of \$6,819.19 to FitzGibbons and Company, Inc. for services

19     rendered and costs incurred or paid during the period January 1, 2016 through January 31,  
20     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)

20  
21

# eSignature Page 1 of 1

Filing ID: 7443473 Case Number: CV2014-006765  
Original Filing ID: 7359188

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**Granted as Submitted**



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

CASE NUMBER: CV2014-006765  
E-FILING ID #: 7443473

**ENDORSEMENT PAGE**

SIGNATURE DATE: 5/24/2016  
FILED DATE: 5/27/2016 8:00:00 AM

BENJAMIN L HODGSON

LEE D STEIN

MARK A HOLMGREN

PATRICK M MURPHY

RAYMOND A HANNA

REID CHARLES PIXLER