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BEFORE THE ARIZONA CORPORATION COMMISSION

57

COMMISSIONERS

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

In the matter of:

) Docket No. S-03491A-02-0000

)  
) AMERICAN NATIONAL MORTGAGE  
) PARTNERS, L.L.C.  
) 15021 N. 74<sup>th</sup> Street, Suite 100  
) Scottsdale, Arizona 85260

) STATUS UPDATE

)  
) SECURA INNOVATIVE INVESTMENT,  
) INC.  
) 15021 N. 74<sup>th</sup> Street, Suite 100  
) Scottsdale, Arizona 85260

)  
) SECURA MORTGAGE MANAGEMENT,  
) L.L.C.  
) 15021 N. 74<sup>th</sup> Street, Suite 100  
) Scottsdale, Arizona 85260

)  
) CASH FLOW UNIVERSITY, INC.  
) 15021 N. 74<sup>th</sup> Street, Suite 100  
) Scottsdale, Arizona 85260

)  
) SECURA FUND ARIZONA, L.L.C.  
) 15021 N. 74<sup>th</sup> Street, Suite 100  
) Scottsdale, Arizona 85260

)  
) LARRY WILLIAM DUNNING and SHEILA  
) DUNNING, husband and wife  
) 5635 E. Lincoln Dr., #23  
) Paradise Valley, Arizona 85253-4121

)  
) PHIL VIGARINO and JANE DOE  
) VIGARINO, husband and wife  
) 15021 N. 74<sup>th</sup> Street, Suite 100  
) Scottsdale, Arizona 85260

AZ CORP COMMISSION  
DOCUMENT CONTROL

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1 ROBERT K. REHM )  
 15021 N. 74<sup>th</sup> Street, Suite 100 )  
 2 Scottsdale, Arizona 85260 )  
 3 MARK KESLER and JANE DOE KESLER, )  
 husband and wife )  
 4 10783 W. Encanto Blvd )  
 Avondale, Arizona 85323 )  
 5 FRANK CASPARE and GAIL CASPARE, )  
 6 husband and wife )  
 7 27 Taconic )  
 Millwood, NY 10546-1125 )  
 8 Respondents. )  
 9 \_\_\_\_\_ )

10 On September 5, 2002, a Temporary Cease and Desist Order was issued against the above  
 11 listed Respondents. The Respondents requested a hearing on this matter. On March 10, 2003,  
 12 Respondent American National Mortgage Partners LLC (“ANMP”) filed for protection under  
 13 Chapter 11 of the United States Bankruptcy Code. On March 10, 2003, the Division filed a Motion  
 14 to Stay the Administrative Proceeding and Request for Leave to File Matter in Superior Court. An  
 15 Open Meeting was held on March 11, 2003, and the Commissioners authorized the Division to  
 16 proceed in Maricopa County Superior Court.

17 On March 25, 2003, the Commission filed a Verified Complaint against the above  
 18 Respondents and a number of additional Defendants (CV2003-005724 Arizona Corporation  
 19 Commission vs. American National Mortgage Partners LLC et al.) On April 2, 2003, the  
 20 Honorable Judge J. Richard Gama entered an Order for Preliminary Injunction and an Order  
 21 Appointing a Receiver. James C. Sell is the appointed Receiver on this matter.

22 On April 23, 2003, the Honorable Judge Haines granted the Commission’s Motion for  
 23 Relief from the Automatic Stay in the Bankruptcy proceedings of ANMP and ANMP 74<sup>th</sup> St LLC.

24 On August 26, 2003, the Commission filed an Amended Verified Complaint, Second  
 25 Amended Order Appointing Receiver and the First Amended Order of Preliminary Injunction.  
 26

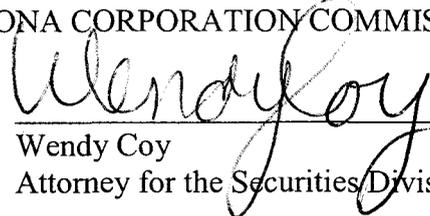
1 On December 7, 2005, the Bankruptcy Court has confirmed the Chapter 11 Plan submitted  
2 by the Receiver, James C. Sell. *See* Order attached as Exhibit A. Mr. Sell anticipates beginning  
3 distribution of funds back to investors at the end of February 2006.

4 The civil matter is pending on the inactive calendar until June 12, 2006. The Court has set  
5 March 31, 2006 as deadline for completion of mediation. All dispositive motions must be filed by  
6 April 21, 2006. Oral argument on the dispositive motions and a Pretrial Scheduling Conference  
7 has been set for May 26, 2006. *See* Minute Entry attached as Exhibit B. A trial date should be set  
8 for later in 2006.

9 RESPECTFULLY SUBMITTED this 7<sup>th</sup> of February, 2006.

10  
11 ARIZONA CORPORATION COMMISSION

12 By

  
13 Wendy Coy  
14 Attorney for the Securities Division

1 A copy of the foregoing was mailed this  
2 7~~th~~ day of February, 2006 to:

3 James P. Kneller, Esq.  
4 7509 E. First St.  
5 Scottsdale, Arizona 85251  
6 Attorney for Respondent Rehm

7 Mark Chester, Esq.  
8 Chester & Schein, P.C.  
9 8777 North Gainey Center Drive, Suite 191  
10 Scottsdale, Arizona 85258  
11 Attorney for Respondent Kesler

12 Larry Wilk  
13 Jaburg & Wilk  
14 3200 N. Central Ave. Suite 2000  
15 Phoenix, Arizona 85012-2440  
16 Attorney for Receiver

17 Larry and Sheila Dunning  
18 2914 S. Ocean Blvd.  
19 Highland Beach, FL 33487

20 Frank and Gail Caspare  
21 27 Taconic Road  
22 Willwood, NY 10546

23 Phil and Tricia Vigarino  
24 4231 E. Siesta Lane  
25 Phoenix, AZ 85020

26   
Legal Assistant

**EXHIBIT A**

**IT IS HEREBY ADJUDGED  
and DECREED this is SO  
ORDERED.**

The party obtaining this order is responsible for  
noticing it pursuant to Local Rule 9022-1.

**Dated: December 07, 2005**



*Randolph J. Haines*

**RANDOLPH J. HAINES  
U.S. Bankruptcy Judge**

1 Law Offices of  
2 **MICHAEL W. CARMEL, LTD.**  
3 80 East Columbus Avenue  
4 Phoenix, Arizona 85012-2334  
5 Telephone: (602) 264-4965  
6 Arizona State Bar No. 007356  
7 Facsimile: (602) 277-0144  
8 E-mail: [Michael@mcarmellaw.com](mailto:Michael@mcarmellaw.com)

9 Attorney for Debtors

10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12 In re: ) Chapter 11  
13 ANMP 74<sup>TH</sup> ST., L.L.C., )  
14 Debtor. ) Case No. 2:03-bk-03799-RJH  
15 )  
16 ) Case No. 2:03-bk-03803-BJH  
17 ) (Jointly Administered Under 2:03-bk-03799-RJH)  
18 AMERICAN NATIONAL )  
19 MORTGAGE PARTNERS, L.L.C., )  
20 Debtor. ) **FINDINGS OF FACT AND CONCLUSIONS**  
21 ) **OF LAW, AND ORDER CONFIRMING**  
22 ) **JOINT PLAN OF REORGANIZATION**

23 On December 6, 2005, the Court conducted a hearing to consider confirmation (the  
24 "Confirmation Hearing") of the First Amended Joint Consolidating Chapter 11 Plan Proposed by  
25 the Debtors and Creditors' Committee ("Plan Proponents") (the "First Amended Plan"), as  
26 modified by any amendments on the record at the Confirmation Hearing, proposed by the  
Debtors<sup>1</sup> and Creditors' Committee. Appearances were as noted on the record. After  
considering the evidence presented, including the offers of proof at the Hearing, and the

<sup>1</sup> Unless otherwise defined herein, all capitalized terms used in these Findings of Fact and  
Conclusions of Law and Order Confirming Joint Plan of Reorganization (the "Confirmation Order") shall  
have the same meanings ascribed to them in the Plan.

Law Offices of Michael Carmel

1 statements of counsel, the timely-filed objections to the First Amended Plan filed by certain  
2 parties-in-interest and the proposed resolutions announced on the record at the Confirmation  
3 Hearing, and after reviewing the Plan and other pleadings on file, and receiving evidence and  
4 testimony at the Confirmation Hearing, this Court finds and concludes as follows:

5  
6 1. Jurisdiction. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A),  
7 (L) and (O). This matter arises under the Bankruptcy Code, Title 11 of the United States Code,  
8 11 U.S.C. §§ 1101 et seq. (the "Bankruptcy Code"),<sup>2</sup> and jurisdiction is vested in this Court to  
9 enter a final order by virtue of 28 U.S.C. § 1334 (a) and (b), and 28 U.S.C. §§ 151, 157 (a) and  
10 (b)(1). These findings of fact and conclusions of law are being entered under Rules 7052 and  
11 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

12 2. Procedural Matters.

13 (a) The Debtors are partnerships, limited liability companies, and/or corporations  
14 organized under the laws of various states of the United States and are eligible to be debtors  
15 under Section 109 of the Bankruptcy Code.  
16

17 (b) On the Petition Date, the Debtors filed their respective voluntary petitions for  
18 relief under Section 11 of the Bankruptcy Code.

19 (c) The Creditors' Committee was duly appointed in these Bankruptcy Cases by the  
20 United States Trustee.

21 (d) The Debtors and the Creditors' Committee are each proper proponents of a plan  
22 pursuant to § 1121 (c) of the Bankruptcy Code in each of the Debtors' Chapter 11 cases.

23 (e) On, or about October 26, 2005, the Plan Proponents caused, *inter alia*, (1) the  
24 delivery of solicitation packages consisting of the Disclosure Statement for the First Amended  
25  
26

1 Joint Consolidating Chapter 11 Plan Proposed by the Debtors and Creditors' Committee, with  
2 exhibits and schedules (including the First Amended Plan) (the "Disclosure Statement"), (2) this  
3 Court's Order and Notice (1) Approving Disclosure Statement, Fixing Time for Filing  
4 Acceptances or Rejections of Plan, Filing Objections to Plan, and Plan Confirmation Hearing, (2)  
5 Approving Form, Scope and Nature of Solicitation, Balloting, Tabulation and Notices With  
6 Respect to Disclosure Statement and Plan; and (3) Approving Related Confirmation Procedures  
7 and Deadlines (the "Disclosure Statement Order"), and (4) a form of ballot, to parties-in-interest  
8 in accordance with the Disclosure Statement Order, thus advising such parties of, among other  
9 things, the time and place of the Confirmation Hearing and the procedures for objecting to, and  
10 voting on, the First Amended Plan. Further, on or about October 31, 2005, the Proponents  
11 caused delivery, to certain other parties-in-interest in accordance with the Disclosure Statement  
12 Order, of a notice of, among other things, the time and place of the Confirmation Hearing and the  
13 procedures for objecting to the First Amended Plan.

14  
15  
16 (f) All appropriate governmental units (as defined in Section 101 of the Bankruptcy  
17 Code) were given adequate notice of the confirmation objection deadline and the Confirmation  
18 Hearing as required by the Bankruptcy Code, Bankruptcy Rules and the Local Chapter of  
19 Bankruptcy Procedure for the District of Arizona (the "Local Rules") and orders of this Court.

20  
21 (g) Any and all parties-in-interest entitled to receive notice of the Confirmation  
22 Hearing were given adequate notice of the confirmation objection deadline and the Confirmation  
23 Hearing as required by the Bankruptcy Code, Bankruptcy Rules and the Local Rules and orders  
24 of this Court.

25  
26 <sup>2</sup> Unless otherwise indicated, references to the Bankruptcy Code are cited herein as "Section \_\_\_\_."

1 (h) Any and all parties-in-interest and all governmental units (as defined in § 101 of  
2 the Bankruptcy Code) had the opportunity to appear and be heard at the Confirmation Hearing.

3 (i) Both the First Amended Plan and the Plan comply with Bankruptcy Rule 3016 in  
4 that they are dated and identify the entities submitting them.

5 (j) Timely objections to the Plan were filed by or on behalf of (1) Rachelle Smith,  
6 Rachelle Smith Living Trust, Richard and Shirley Smith; (2) Milton Coulter, Cathrine Coulter  
7 and Jane Kathryn Coulter as trustee for the Jane Kathryn Coulter Revocable Trust, (3) Pamela  
8 Coulter, for herself and as personal representative of Darrell Coulter, deceased, (4) Robert K.  
9 Rehm, Robert C. Rehm and Lois Rehm, (b) Maricopa County Treasurer, (6) Paul Meka, and (7)  
10 Greg Harrington. No other objections were timely filed.

11  
12 3. Proper Classification and Designation of Classes (Sections 1122 and 1123(a)(1)).

13 Section 1123(a)(1) of the Bankruptcy Code provides that a plan must designate certain  
14 classes of claims and interests. ~~The classification of Claims and Interests under the Plan~~  
15 ~~complies with §§ 1122 and 1123(a)(1) of the Bankruptcy Code. Administrative Expense Claims~~  
16 ~~and Priority Tax Claims are not classified as provided for in § 1123(a)(1) of the Bankruptcy~~  
17 ~~Code. With respect to the Claims and Interests classified in Classes 1-6 of the Plan, each Claim~~  
18 ~~and Interest placed in a particular Class pursuant to the Plan is substantially similar to the other~~  
19 ~~Claims or Interests, as the case may be, in such Class. Moreover, subject to the reservation in~~  
20 ~~Paragraphs 12 (a) and 21 of this Order, the classifications proposed in the Plan are reasonable~~  
21 ~~based upon the totality of circumstances of these Chapter 11 cases.~~

22 4. Unimpaired Classes (Section 1123(a)(2)). In accordance with § 1123(a)(2) of the  
23 Bankruptcy Code, Article IV of the Plan specifies the impaired and unimpaired classes of Claims  
24  
25  
26

1 and Interests as follows: (a) Claims classified in Classes 1 and 2 are not impaired under the Plan,  
2 and (b) all other classes of Claims and Interests are impaired under the Plan.

3 5. Treatment of Impaired Classes (Section 1123(a)(3)). In accordance with § 1123(a)(3) of  
4 the Bankruptcy Code, Article IV of the Plan specifies the treatment of holders of Claims in  
5 impaired Classes 3, 4 and 5, and holders of Interests in impaired Class 6.

6  
7 6. No Discrimination (Section 1123(a)(4)). Section 1123(a)(4) of the Bankruptcy Code  
8 requires that a plan provide the same treatment for each claim or interest in a particular class,  
9 unless the holder of a claim or interest agrees to less favorable treatment of such particular claim  
10 or interest. The Plan provides for the same treatment of each Claim or Interest in a particular  
11 Class, unless a holder of a Claim or Interest therein has agreed to a less favorable treatment.  
12 Bankruptcy Code § 1123(a)(4) is satisfied.

13  
14 7. Implementation of the Plan (Section 1123(a)(5)). The Plan provides adequate means  
15 for its implementation, as set forth in Article 10 of the Plan.

16 8. Reorganized Debtor Charter Provisions (Section 1123(a)(6)). Section 1123(a)(6)  
17 requires that a plan provide for the inclusion in the charter of a reorganized debtor or of a  
18 corporation to which all or part of the debtor's assets are transferred or with which the debtor is  
19 merged or consolidated a provision prohibiting the issuance of nonvoting equity securities, and  
20 providing, as to the several classes of securities possessing voting power, an appropriate  
21 distribution of such power among such classes. The Plan and related documents contain  
22 adequate provisions in satisfaction of § 1123(a)(6).

23  
24 9. Selection of Any Officer, Director or Trustee (Section 1123(a)(7)). Section 1123(a)(7) of  
25 the Bankruptcy Code requires a plan to provide for the selection of any director, officer or trustee  
26 (and any successor) under such plan in a manner consistent with the interests of creditors and

1 equity security holders and with public policy. The Plan complies with this requirement because  
2 it contains only provisions that are consistent with the interests of creditors and equity security  
3 holders and with public policy with respect to the manner of selection of the post-Effective Date  
4 officers and directors. The Proponents have disclosed the identity of James Sell, who will be the  
5 person charged with implementation of the Plan. This satisfies § 1123(b)(7).  
6

7 10. Impaired and Unimpaired Classes of Claims and Equity Interests (Section 1123(b)(1)).

8 Section 1123(b)(1) provides that a plan may impair or leave unimpaired any class of  
9 claims or equity interests. The Plan provides that certain classes of claims and equity interests  
10 are impaired and unimpaired.

11 11. Retention or Settlement of Debtor Causes of Action (Section 1123(b)(3)). Section

12 1123(b)(3) permits a plan to provide for the retention, enforcement, settlement or adjustment by  
13 the debtor or by an appointed representative of the estate of any claim or interest belonging to the  
14 debtor or the estate. The Plan does provide for the retention of certain Causes of Action of the  
15 Debtors, consistent with § 1123(b)(3). The Plan and Disclosure Statement sufficiently identify  
16 and disclose all Causes of Action being retained by the Reorganized Debtor such that the  
17 requirements of *In re Heritage Hotel*, 160 B.R. 374 (BAP 9<sup>th</sup> Cir. 1992), *aff'd*, 59 F.3d 175 (9<sup>th</sup>  
18 Cir. 1995) and *The Alary Corp v Sims (In re Associated Vintage Group, Inc.)*, 283 B.R. 549  
19 (BAP 9<sup>th</sup> Cir. 2002) are satisfied for the identification and preservation of all Causes of Action  
20 described in the Plan and the Disclosure Statement.  
21

22 12. Other Appropriate Plan Provisions (Section 1123(b)(6)). Section 1123(b)(6) of the

23 Bankruptcy Code authorizes the inclusion in a plan of any other appropriate provision that is not  
24 inconsistent with the Bankruptcy Code. The Plan contains many such provisions, including  
25 those specifically addressed below, none of which is inconsistent with the Bankruptcy Code.  
26

1 (a) Consolidation of the Debtors Is Appropriate. Article 11 of the Plan  
2 provides for the substantive consolidation of the Debtors. The manner in which Creditors dealt  
3 with the Debtors and the manner in which the Debtors managed their operational and financial  
4 affairs support consolidation of the Debtors. Consolidation is appropriate and warranted in these  
5 Chapter 11 Cases in accordance with the Plan. The foregoing is not applicable to Greg  
6 Harrington and the Multivest, LLC, Pamela Coulter for herself and as personal representative of  
7 Darrell Coulter, deceased, Robert K. Rehm, Robert C. and Lois Rehm, and Paul Meka  
8 (“Objectors”), and *nunc pro tunc* substantive consolidation, and Classification of the Objectors’  
9 Claims only as Class 3 or Class 4 shall be preserved and determined by the Court at a later date.

10  
11 13. The Plan Complies With the Bankruptcy Code Section 1129(a)(1). For the reasons set  
12 forth above, the Plan complies with the Bankruptcy Code and, therefore, satisfies the  
13 requirements of § 1129(a)(1).

14  
15 14. The Proponents Have Complied With the Bankruptcy Code Section 1129(a)(2). The  
16 Proponents have complied with the applicable provisions of the Bankruptcy Code. The  
17 solicitation of acceptances and rejections from holders of impaired Claims has been in  
18 compliance with the applicable provisions of the Bankruptcy Code (including, without  
19 limitation, 11 U.S.C. § 1125(e), Bankruptcy Rules, and the Local Rules and orders of this Court.  
20 The solicitation of votes from holders of Claims was undertaken in good faith, and therefore, the  
21 Proponents, and each of their respective directors, officers, partners, employees, equity holders,  
22 representatives, agents, members, trustees, attorneys, accountants, professionals and other  
23 advisors are entitled to the protections of § 1125(e) of the Bankruptcy Code.

24  
25 15. Plan Proposed in Good Faith (Section 1129(a)(3)). In accordance with Section  
26 1129(a)(3) of the Bankruptcy Code, the Plan has been proposed in good faith and not by any

1 means forbidden by law. In determining that the Plan has been proposed in good faith, the Court  
2 has examined the totality of the circumstances surrounding the formulation of the Plan. Based  
3 thereon, the Court concludes that the Plan has been proposed with the legitimate and honest  
4 purposes of maximizing the distributions available to creditors and equity interest holders.  
5 Further, the Plan has been proposed for valid business purposes, to satisfy substantial obligations  
6 of the Debtors and to provide relief under Chapter 11 to the Debtors, their creditors and equity  
7 security holders.  
8

9 16. Payments of Costs and Expenses (Section 1129(a)(4)). Any payment made or to be  
10 made pursuant to the Plan for services or costs and expenses incurred in or in connection with  
11 the Debtors' Chapter 11 cases has been approved by, or will be subject to the approval of, the  
12 Bankruptcy Court. Bankruptcy Code § 1129(a)(4) is satisfied.  
13

14 17. Disclosures Regarding Officers and Directors (Section 1129(a)(5)). The Proponents have  
15 disclosed the identity of James Sell. The appointment and compensation of Mr. Sell, on the  
16 terms disclosed by the Proponents, is not inconsistent with the interests of creditors and equity  
17 security holders and with public policy. Bankruptcy Code § 1129(a)(5) is satisfied.

18 18. No Rate Change (Section 1129(a)(6)). No rate changes are provided for in the Plan that  
19 would require governmental regulatory commission approval.

20 19. Best Interests of Creditors (Section 1129(a)(7)). The Court is satisfied that, with  
21 respect to each impaired Class of Claims or Interests, each holder of a Claim or Interest will  
22 receive or retain under the Plan on account of such Claim or Interest property of a value, as of  
23 the Effective Date of the Plan, that is not less than the amount that such holder would so receive  
24 or retain if the Debtors were liquidated under Chapter 7 of the Bankruptcy Code on the Effective  
25 Date. Bankruptcy Code § 1129(a)(7) is satisfied.  
26

1 20. Plan Acceptance (Section 1129(a)(8)). By virtue of the vote record as filed with the  
2 Court and stated in the Balloting Agent Affidavit, and including any ore tenus motions to change  
3 votes that were granted at the Confirmation Hearing, the holders of Claims in Classes 2, 3 and 5,  
4 each an impaired Class under the Plan, have accepted the Plan. Holders of Interest in Class 6  
5 shall neither receive nor retain any property under the Plan and, therefore, are conclusively  
6 deemed to have rejected the Plan. The Plan has been rejected by Class 4, but that rejection has  
7 been preserved, and the Objectors' Objection(s) to Confirmation have been preserved as set forth  
8 in Paragraph 21 of this Order.

10 21. Reservations of Rights.

11 (a) The objections of Pamela Coulter, for herself and as personal representative of  
12 Darrell Coulter, deceased, Milton Coulter, Catherine Coulter, and Jane Kathryn Coulter, as  
13 trustee for the Jane Kathryn Coulter Revocable Trust ("Coulter"), Robert K. Rehm, Robert C.  
14 and Lois Rehm, Greg Harrington, and Paul Meka (the "Objectors") with regard to substantive  
15 consolidation (as to Harrington and Coulter, only), *nunc pro tunc* substantive consolidation, and  
16 Classification of their claims as Class 4 or Class 3 shall be preserved and determined by the  
17 Court at a later date.

19 (b) Nothing in the Plan, the Disclosure Statement, nor the Order of Confirmation or  
20 this agreement shall be deemed a waiver of the Objectors' claims with respect to their status as  
21 insiders or "Ineligible Investors" as that term is defined in the Plan.

23 (c) Nothing in the Plan, the Disclosure Statement, nor the Order of Confirmation or  
24 this agreement shall constitute res judicata, collateral estoppel or other judicial finding with  
25 respect to any factual issue raised in connection with the substantive consolidation, *nunc pro*  
26 *tunc* classification, or any other matters. Nor shall the Plan, the Disclosure Statement, or the

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Order of Confirmation or this agreement constitute res judicata, collateral estoppel or other judicial finding with respect to the pending preference, avoidance or other litigation currently between any of the parties.

(d) Any Disbursements made to Class 3 shall provide for a Reserve to protect the Objectors' Claim, pending further Court Order.

(e) Based on the foregoing, the Objectors waive all objections to confirmation of the Plan, other than as set forth above. This Order of Confirmation is subject to Reservations set forth herein.

Based on the foregoing Findings and Conclusions, the Court finds on the record presented herein the Joint Plan of Reorganization shall be, and hereby is, **CONFIRMED**.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Randolph J. Haines  
United States Bankruptcy Judge

**EXHIBIT B**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-005724

11/16/2005

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT  
B. Navarro  
Deputy

FILED: 11/18/2005

ARIZONA STATE CORPORATION  
COMMISSION

WENDY L COY

v.

AMERICAN NATIONAL MORTGAGE  
PARTNERS L L C, et al.

DONALD M PETERS  
LAWRENCE E WILK  
JAMES P KNELLER  
MARK D CHESTER  
DUSTIN T DUDLEY  
MICHAEL J LAVELLE  
COURT ADMIN-CIVIL-CCC  
NATHAN M SMITH  
SNELL & WILMER  
ONE ARIZONA CENTER  
PHOENIX AZ 85004  
ERIC STRASSER  
2851 BEDFORD LN #176  
CHINO HILLS CA 91709  
FRANK CASPARE  
AND GAIL CASPARE  
27 TACONIC RD  
WILWOOD NY 10546  
PHIL VIGARINO AND  
TRICIA VIGARINO  
4231 E SIESTA LN  
PHOENIX AZ 85020  
LARRY DUNNING AND  
SHEILA DUNNING  
2914 S OCEAN BLVD  
HIGHLAND BEACH FL 33487

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-005724

11/16/2005

**MINUTE ENTRY**

8:49 a.m. This is the time set for a Status Conference. Plaintiff is represented by counsel, Wendy L. Coy. Defendant David B. Stocker is represented by counsel, Dustin T. Dudley. Receiver James C. Sell is represented by counsel, Jonathan P. Ibsen for Lawrence Wilk. No other parties are present or represented.

Court Reporter, Rochelle Dobbins, is present.

Plaintiff's counsel updates the Court as to the non-appearances of opposing counsel and the Pro Per Defendants.

Attorney Anthony DePrima having been withdrawn as counsel of record for Defendants Caspare and Vigarino pursuant to Order signed by Judge Gama on February 18, 2004,

**IT IS ORDERED** that Anthony DePrima shall be removed from the mailing list in this matter.

Discussion is held.

Plaintiff's counsel advises the Court that this matter is currently on the Inactive Calendar until June 12, 2006 pursuant to an Order Continuing Case on the Inactive Calendar signed by Judge Gama on September 7, 2005.

**IT IS ORDERED** that mediation shall occur no later than **March 31, 2006**.

**IT IS FURTHER ORDERED** that dispositive motions shall be filed no later than **April 21, 2006**. Counsel shall provide copies of all cited cases, including Arizona cases, attached to the Court's copy of the attorney's own summary judgment motion, response or reply.

**IT IS FURTHER ORDERED** setting **oral argument on dispositive motions** and setting a **Pretrial Scheduling Conference** for **May 26, 2006 at 10:00 a.m. (time allotted: 1 hour)**, in this division.

With respect to the Pretrial Scheduling Conference,

**IT IS ORDERED** that by **May 23, 2006**, the parties shall submit to the Court a Joint Pretrial Memorandum setting forth the following:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-005724

11/16/2005

1. The parties proposed schedule for additional discovery including depositions and all other discovery pursuant to the rules of procedure or as agreed upon by the parties. **NOTE:** The date for disclosure of non-expert witnesses must be at least forty-five days before the completion of discovery.
2. The parties' proposed schedule for disclosure of expert witnesses and designation pursuant to Rule 26(b)(4). **NOTE:** The disclosure should be within ninety days of the scheduling conference except upon a showing of good cause.
3. The parties' proposed schedule for any agreed upon amendments to the pleadings and any requested amendments to the pleadings.
4. The parties' proposed date for a settlement conference.
5. The parties' proposed date for trial. **NOTE:** The parties should come to the scheduling conference with the trial calendars of the attorneys responsible for trial.

If there are any discovery disputes, they must be filed with the Court by motion at least ten days prior to the scheduling conference. A response must be filed not less than three days prior to the conference. No reply will be filed. The Court will assess any appropriate sanction if the Court finds that any party or attorney engaged in unreasonable, groundless, abusive or obstructionist discovery.

9:03 a.m. Matter concludes.