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7 SUPERIOR COURT OF ARIZONA

8 MARICOPA COUNTY

9 ARIZONA CORPORATION COMMISSION,

10 Plaintiff,

11 v.

12 AMERICAN NATIONAL MORTGAGE  
13 PARTNERS, L.L.C., et al.

14 Defendants.

Case No: CV2003-005724

**MOTION FOR EXPEDITED HEARING  
ON PLAINTIFF'S MOTION TO  
AUTHORIZE SETTLEMENT  
REGARDING 998 E. INDIAN SCHOOL  
TRUST**

(Assigned to the Honorable J. Richard Gama)

15 James C. Sell, Court appointed Receiver, ("Receiver"), by and through its attorney  
16 undersigned hereby request an expedited hearing on its *Motion to Authorize Settlement*  
17 *Regarding 998 E. Indian School Trust* filed concurrently herewith.

18 The proposed settlement resolves certain issues regarding real property commonly  
19 known as 998 E. Indian School Road, Phoenix, Arizona ("Property"), and the  
20 Receivership's interest in a Lease-Option and rents collected in connection with the  
21 Property. Accordingly, the settlement agreement is subject to approval by this Court.

22 There is currently a Trustee's Sale pending on the Property, and issues have arisen  
23 regarding rents received by the Receivership pursuant to the Lease-Option. The  
24 Settlement Agreement allows the Trustee's Sale to move forward and settles the issues  
25 concerning the rents. It is imperative that this matter be heard on an expedited basis so  
26 that the Receivership will not be held liable for any further liability under the Lease, and  
27 so that the Receiver will not incur additional attorneys fees and costs to protect the  
28 Receivership's interest in the Property and Lease.

1 Accordingly, Receiver respectfully requests that this Court set an expedited hearing  
2 on the *Motion to Authorize Settlement Agreement Regarding 998 E. Indian School Trust*.

3 DATED this 5 day of February, 2004.

4 **JABURG & WILK, P.C.**

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7 Lawrence E. Wilk, Esq.  
8 Attorneys for James C. Sell

9 **ORIGINAL** filed and **COPY**  
10 of the foregoing hand-delivered  
11 this 6<sup>th</sup> day of February, 2004 to:

12 The Honorable Richard J. Gama  
13 MARICOPA COUNTY SUPERIOR COURT  
14 101 West Jefferson, ECB 611  
15 Phoenix, Arizona 85003-2243

16 **COPIES** of the foregoing mailed  
17 this 6<sup>th</sup> day of February, 2004 to:

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- 21 COPY of the foregoing hand-delivered and/or faxed this 6<sup>th</sup> day  
22 of February, 2004 to:
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- 26 James C. Sell  
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*Court Appointed Receiver*  
28 Jonica R. Swan