

1 Lawrence E. Wilk, #006510  
2 **JABURG & WILK, P.C.**  
3 3200 North Central Avenue, Suite 2000  
4 Phoenix, Arizona 85012  
5 (602) 248-1000  
6 Attorneys for James C. Sell, Receiver

6 SUPERIOR COURT OF ARIZONA  
7 MARICOPA COUNTY

8 ARIZONA CORPORATION  
9 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 RECEIVER'S MOTION  
TO ALLOW RECEIVER TO  
COMMENCE CERTAIN ACTIONS**

(Assigned to the Honorable J. Richard  
Gama)

15  
16 James C. Sell, the Court appointed Receiver ("Receiver"), hereby requests an  
17 expedited hearing on his Motion to Allow Receiver to Commence Certain Actions.  
18

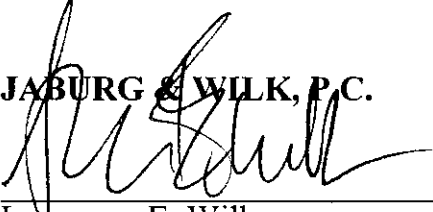
19 As a result of the Receiver's investigation of the books and records of American  
20 National Mortgage Partners, L.L.C. and its related entities, the Receiver has determined  
21 that there may be certain actions available to the investors of American National  
22 Mortgage Partners, L.L.C. which may be subject to Statute of Limitations issues if not  
23 filed immediately. Specifically, the Receiver has asked for leave of this court to bring an  
24 action, pursuant to an assignment of the claims from the investors, against various lending  
25 institutions and individuals.  
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JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

1 In order to ensure that the interests of the investors are adequately represented and  
2 protected the Receiver believes that these actions need to be brought on or before March  
3 3, 2005, the 2 year anniversary of the bankruptcy filings and/or April 2, 2005, the two-  
4 year anniversary of the Receivership proceeding. In order to ensure that these actions are  
5 timely filed, the Receiver respectfully requests that this matter be set on an expedited  
6 basis to facilitate the appropriate orders being entered in a timely manner so as to allow  
7 for the actions to be filed.  
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10 Based upon the foregoing, the Receiver respectfully requests that the court grant an  
11 expedited hearing on his Motion to Allow Receiver to Commence Certain Actions.  
12 Attached hereto as Exhibit A, is the proposed Notice to be delivered, together with a copy  
13 of the pending Motion, to all investors in American National Mortgage Partners, L.L.C.  
14 and its related Receivership entities. Due to the significance of Receiver's Motion,  
15 Receiver shall use the expanded mailing list.  
16

17 DATED this 19 day of January, 2005.  
18

19  
20 **JABURG & WILK, P.C.**  
  
21  
22 Lawrence E. Wilk  
23 Attorneys for James C. Sell, Receiver  
24

25 **ORIGINAL** filed and **COPY**  
26 of the foregoing hand-delivered  
27 this 19 day of January, 2005 to:  
28 The Honorable Richard J. Gama  
MARICOPA COUNTY SUPERIOR COURT  
101 West Jefferson, ECB 611  
Phoenix, Arizona 85003-2243

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**COPIES** of the foregoing mailed  
this 19 day of January, 2005 to:

Wendy L. Coy, Esq.  
Arizona Corporation Commission, Securities Division  
1300 West Washington, 3<sup>rd</sup> Floor  
Phoenix, Arizona 85007

Elizabeth Amorosi  
OFFICE OF THE UNITED STATES TRUSTEE  
P.O. Box 36170  
Phoenix, Arizona 85067-6170

Michael R. Palumbo, Esq.  
JENNINGS, STROUSS & SALMON, P.L.C.  
The Collier Center, 11<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004-2385

Stanford E. Lerch, Esq.  
Anthony E. DePrima, Esq.  
LERCH & DEPRIMA, P.L.C.  
1700 East Thomas Road, Suite B  
Phoenix, Arizona 85016-0001

James P. Kneller  
6901 E. First Street, #201  
Scottsdale, AZ 85251

Bryan F. Murphy  
BURCH & CRACCHIOLO, P.A.  
702 E. Osborn Rd., #200  
Phoenix, AZ 85014

Peter Michael Salcido, Esq.  
RENAUD, COOK AND DRURY, P.A.  
40 North Central Ave., Suite 1600  
Phoenix, Arizona 85004-4424

Donald M. Peters, Esq.  
Miller, LaSota & Peters, P.L.C.  
5225 North Central Ave., Suite 235  
Phoenix, Arizona 85012-1452

Mark D. Chester, Esq.  
CHESTER & SCHEIN, P.C.  
8777 North Gainey Center Drive, Suite 191  
Scottsdale, Arizona 85258

1 Dustin T. Dudley, Esq.  
2 ISRAEL AND GERITY, P.L.L.C.  
3 2375 East Camelback Rd., Suite 500  
Phoenix, Arizona 85016-0001

4 Eric Strasser  
5 2700 North Hayden Rd., #2013  
6 Scottsdale, Arizona 85262

7 Christopher T. Graver, Esq.  
8 KELLER, ROHRBACK, P.L.C.  
9 3101 North Central Ave., Suite 900  
10 Phoenix, Arizona 85012-2641

11 Dale C. Schian, Esq.  
12 Mark C. Hudson, Esq.  
13 SCHIAN WALKER, P.L.C.  
14 3550 North Central Ave., Suite 1600  
15 Phoenix, Arizona 85012-2113

16 Alan A. Meda, Esq.  
17 STINSON MORRISON HECKER  
18 1850 N. CENTRAL AVE., #2100  
19 Phoenix, Arizona 85067-6379

20 Richard C. Gramlich, Esq.  
21 Kim E. Hutchinson Cahill, Esq.  
22 CARMICHAEL & POWELL, P.C.  
23 7301 North 16<sup>th</sup> Street, Suite #103  
24 Phoenix, Arizona 85020-5297

25 David Dow, Esq.  
26 MOHR HACKETT PEDERSON BLAKELEY & RANDOLPH  
27 2800 N. Central, #1100  
28 Phoenix, AZ 85004-1043

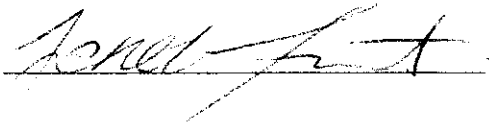
Col. William Edwards  
P.O. Box 1272  
Litchfield Park, AZ 85340-1272

Monte and Betty Muex  
10126 E. Cochise Drive  
Scottsdale, Arizona 85258

Lyman Davis  
920 West Wagner Drive  
Gilbert, AZ 85233

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James C. Sell  
2222 E. Camelback Road, #110  
Phoenix, Arizona 85016



JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

**EXHIBIT "A"**

1 Lawrence E. Wilk, #006510  
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14 Defendants.

Case No: CV2003-005724

**NOTICE OF HEARING**

(Assigned to the Honorable J. Richard Gama)

15 **NOTICE IS HEREBY GIVEN** that a hearing will be held on the \_\_\_ day of  
16 \_\_\_\_\_, 2005, at \_\_\_\_\_, before the Honorable J. Richard Gama, Maricopa County  
17 Superior Court, 101 W. Jefferson, Courtroom No. 611, Phoenix, Arizona 85003, on the  
18 attached *Motion to Allow Receiver to Commence Certain Actions*.

19 **PLEASE READ CAREFULLY. THE ATTACHED**  
20 **MOTION SEEKS TO SIGNIFICANTLY AFFECT YOUR**  
21 **RIGHTS.**

22  
23 **THE ATTACHED MOTION SEEKS TO ASSIGN YOUR**  
24 **INDIVIDUAL RIGHTS TO PROCEED AGAINST THE**  
25 **ENTITIES AND INDIVIDUALS ENUMERATED**  
26 **THEREIN (THE "DEFENDANTS") TO THE**  
27 **RECEIVER WHO WILL BRING ACTIONS BASED**  
28 **UPON THE CAUSES OF ACTION SET FORTH**

JABURG & WILK, P.C.  
ATTORNEY AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

JABURG & WILK, P.C.  
ATTORNEY AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

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THEREIN (THE "ACTIONS") FOR THE BENEFIT OF ALL NON-OBJECTING, NON-INSIDER CREDITORS, INVESTORS, SHAREHOLDERS, MEMBERS, PARTNERS AND TRUSTS (THE "DEFRAUDED PARTIES").

YOU MAY "OPT-OUT" OF THIS MOTION AND PRESERVE THE RIGHT TO BRING YOUR OWN ACTION(S) AGAINST THE DEFENDANTS, AT YOUR OWN EXPENSE, BY FILING AN OBJECTION WITH THE COURT BY THE OBJECTION DATE SET FORTH HEREIN.

FAILURE TO OBJECT BY THE OBJECTION DATE WILL BE DEEMED AN ASSIGNMENT OF YOUR RIGHTS TO BRING THE ACTIONS AGAINST THE DEFENDANTS TO THE RECEIVER FOR THE BENEFIT OF ALL DEFRAUDED PARTIES AND WILL BE DEEMED AN AGREEMENT BY YOU TO EXECUTE ANY ADDITIONAL DOCUMENTS NECESSARY TO EVIDENCE SAME OR AS NECESSARY FOR THE RECEIVER TO PROSECUTE SUCH ACTIONS.

FAILURE TO OBJECT BY THE OBJECTION DATE WILL RESULT IN YOUR BEING FOREVER ESTOPPED, PRECLUDED AND PREVENTED FROM BRINGING ANY ACTION AGAINST THE



J. ABURG & WILK, P.C.  
ATTORNEY AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

- 1 Phoenix, Arizona 85016-0001
- 2 James P. Kneller
- 3 7509 E. First Street
- 4 Scottsdale, AZ 85251
- 5 Bryan F. Murphy
- 6 BURCH & CRACCHIOLO, P.A.
- 7 702 E. Osborn Rd., #200
- 8 Phoenix, AZ 85014
- 9 Peter Michael Salcido, Esq.
- 10 RENAUD, COOK AND DRURY, P.A.
- 11 40 North Central Ave., Suite 1600
- 12 Phoenix, Arizona 85004-4424
- 13 Donald M. Peters, Esq.
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- 15 5225 North Central Ave., Suite 235
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- 22 ISRAEL AND GERITY, P.L.L.C.
- 23 2375 East Camelback Rd., Suite 500
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- 34 SCHIAN WALKER, P.L.C.
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- 37
- 38

1 Alan A. Meda, Esq.  
2 STINSON MORRISON HECKER  
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7 CARMICHAEL & POWELL, P.C.  
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12 2800 N. Central, #1100  
13 Phoenix, AZ 85004-1043

14 Col. William Edwards  
15 P.O. Box 1272  
16 Litchfield Park, AZ 85340-1272

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18 920 West Wagner Drive  
19 Gilbert, AZ 85233

20 James C. Sell  
21 2222 E. Camelback Road, #110  
22 Phoenix, Arizona 85016

23 The Service List Annexed to the Motion as Exhibit C.  
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