

**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



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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:

**AMERICAN NATIONAL MORTGAGE
PARTNERS, LLC,**

Debtor.

In Proceedings Under
Chapter 11
Case No: 03-03803 PHX RJH

In Proceedings Under
Chapter 11
Case No: 03-03799 PHX RJH

**ORDER GRANTING "MOTION TO
ABANDON INTEREST IN REAL
PROPERTY LOCATED AT 83rd
AVENUE & MCDOWELL,
PHOENIX, ARIZONA"**

James C. Sell, the court appointed Receiver for American National Mortgage Partners and numerous entities subsequently substantively consolidated therewith (hereinafter collectively referred to as "ANMP"), (the "Receiver") having filed herein his "Motion To Abandon Interest In Real Property Located At 83rd Avenue & McDowell, Phoenix, Arizona" (the "Motion") supported by a statement of facts and requesting that this Court enter an order authorizing the abandonment of, and authorizing the Receiver to

1 execute documentation necessary to clear title to, the estate's interest in property of the
2 estate -- specifically, the real property located at 83rd Avenue and McDowell Road,
3 Phoenix, Arizona, as more fully set forth in Exhibit "A" attached (hereinafter the
4 "**Property**"); and the Motion having been duly served and noticed to parties in interest;
5 and the time for objecting thereto having expired; and no objections having been filed;
6 and good cause appearing; NOW, THEREFORE,

8 **THE COURT FINDS:**

9
10 A. On or about March 24, 2003, the Arizona Corporation Commission caused
11 to be filed, in the Superior Court in and for the State of Arizona (the "**State Court**"), a
12 Complaint (the "**Receivership Complaint**") against numerous individual defendants and
13 entities, seeking the appointment of a Receiver over the named Defendants.

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15 B. After notice and hearing, the State Court, on April 2, 2003, issued its Order
16 Appointing Receiver (the "**Receivership Order**"), appointing James C. Sell as Receiver
17 for the approximately 100 entities named in the Receivership Complaint.

18
19 C. American National Mortgage Partners, LLC and ANMP 74th ST., LLC
20 were specifically excluded from the Receivership Order due to the filing of Chapter 11
21 bankruptcy proceedings initiated in the United States Bankruptcy Court for the District of
22 Arizona, on behalf of each entity, Cause Nos. 03-03803 PHX RJH and 03-03799 PHX
23 RJH, respectively.

24
25 D. On or about May 15, 2003, after having obtained Orders Lifting the
26 Automatic Stay of 11 U.S.C. § 362 in the Bankruptcy Proceedings, this Court issued its

1 First Amended Order Appointing Receiver for the sole purpose of including American
2 National Partners, LLC and ANMP 74th ST., LLC as additional parties subject to the
3 Receivership Order. James C. Sell was appointed under the First Amended Order as
4 Receiver for these two entities, and was to serve as the responsible party for these entities
5 in the pending bankruptcy cases.¹
6

7 E. The intent of the Receivership Order was to allow for the Receiver to
8 marshal and protect the assets of the Receivership Estate and to preserve their value for
9 the benefit of the investors.

10 F. The Receivership Order provides as follows:

11 “... until further Order of this Court, the Receiver shall have
12 complete and exclusive control, possession, and custody of all
13 receivership assets.”

14 G. By Amended Order dated August 9, 2005, this Court issued its order
15 substantively consolidating all of the non-debtor Receivership Entities into this
16 bankruptcy case.

17 H. James C. Sell is the State Court appointed Receiver and/or responsible
18 party for the Debtor.

19 I. The Motion was made pursuant to 11 U.S.C. § 554, Rule 6007(b),
20 F.R. Bank.P. and Rule 6007-1, Local Rules of Bankruptcy Procedure for the District of
21 Arizona.
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25 ¹ On or about August 22, 2003, the Court entered the Second Order Appointing Receiver,
26 which was entered for the specific purpose of naming additional parties. The terms of
this Order do not affect the pending Motion.

1 J. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

2 K. This Court has jurisdiction over the persons and subject matter involved
3 herein and has authority to enter appropriate orders and judgments.

4 L. Corporate Fiducial Services, Inc., and/or I-10 Investors, LLC., receivership
5 entities which have been subsequently substantively consolidated in this proceeding,
6 claim or purport to claim an interest in the Property.
7

8 M. Any interest in the Property that Corporate Fiducial Services, Inc., and/or I-
9 10 Investors, LLC, may claim or have was acquired through a transfer of the Property
10 interest outside the existing chain of title.
11

12 N. Colday Arizona, Inc., ("**Colday**") acquired title to the Property through a
13 Special Warranty Deed executed on August 11, 1993, pursuant to a conveyance from Si
14 Mon Plaza Corporation.

15 O. No subsequent transfer from Colday appears of record.

16 P. On or about May 25, 2001, I-10 Investors, LLC, quit claimed the Property
17 to Corporate Fiducial Services, Inc., another ANMP entity.
18

19 Q. At the time of transfer, I-10 Investors appeared to have no prior interest in
20 the Property, there being no previous transfer of an interest in the Property to it.

21 R. The Property was purportedly subsequently transferred to Taylor R.
22 Coleman, Managing Member of I-10 Investors.
23

24 S. Subsequently, Paul J. Meka, as Trustee for an ANMP related entity,
25 purportedly assigned a beneficial interest in 83rd Avenue and I-10 Trust to the Deer
26

1 Valley Trust, another ANMP entity (the entity for which Paul J. Meka is a Trustee and
2 the Deer Valley Trust, collectively, the “Trust Entities”).

3 T. The Deer Valley Trust was purportedly secured by the Property.

4 U. Although each of the above referenced transfers appears of record, having
5 been recorded with the Maricopa County Recorder’s Office, each transfer appears
6 invalid, having resulted from the initial transfer outside the chain of title by an ANMP
7 entity which never held title to the subject property.
8

9 V. After careful review of the title documents, the Receiver has expressed his
10 belief that the debtor never had, nor has now, a valid interest in the Property.
11

12 W. The Estate has no interest in the Property.

13 X. The Property is burdensome to the bankruptcy estate.
14

15 IT IS ORDERED:

- 16 1. The Motion be and it hereby is granted;
- 17 2. Authorizing abandonment of any interest in the Property which the estate
18 may have, pursuant to 11 U.S.C. § 554;
- 19 3. Authorizing the Receiver to execute and deliver a Quit Claim deed to
20 Colday clearing title to the Property; and
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4. Directing James C. Sell, as Receiver for the Trust Entities, to execute and deliver to Colday a Quit Claim deed conveying any purported interest the Trust Entities have in the Property.

DATED this ___ day of _____, 2005.

Bankruptcy Judge

GRANTED

EXHIBIT "A"

Parcel D, THE PLAZA AT 83RD, according to Book 316 of Maps, page 47, records of Maricopa County, Arizona;

EXCEPT that part of Parcel D described as follows:

BEGINNING at the Southwest corner of said Parcel D;

THENCE North 02 degrees 44 minutes 55 seconds West along the West line of said Parcel D, a distance of 284.15 feet;

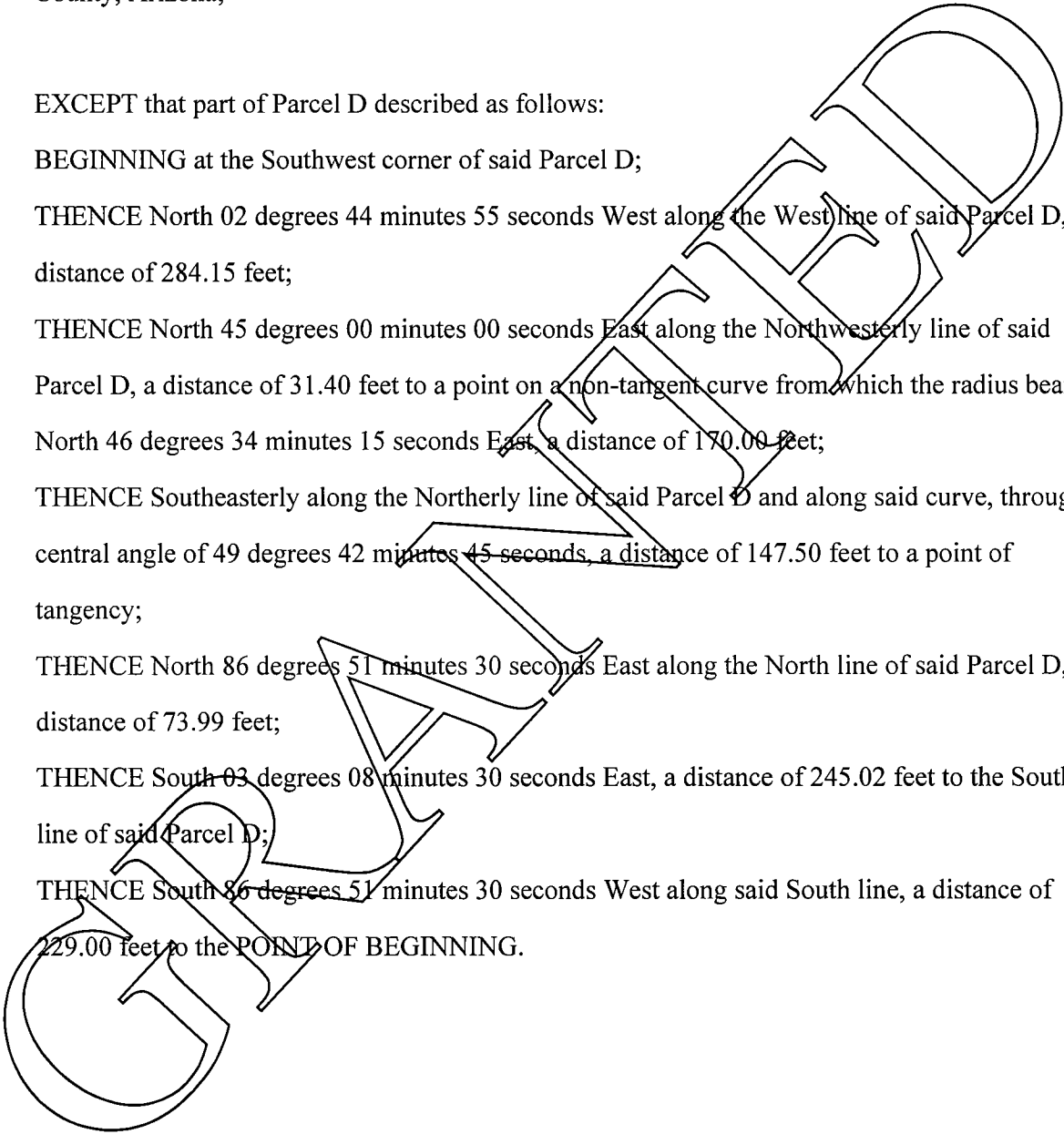
THENCE North 45 degrees 00 minutes 00 seconds East along the Northwesternly line of said Parcel D, a distance of 31.40 feet to a point on a non-tangent curve from which the radius bears North 46 degrees 34 minutes 15 seconds East, a distance of 170.00 feet;

THENCE Southeasterly along the Northerly line of said Parcel D and along said curve, through a central angle of 49 degrees 42 minutes 45 seconds, a distance of 147.50 feet to a point of tangency;

THENCE North 86 degrees 51 minutes 30 seconds East along the North line of said Parcel D, a distance of 73.99 feet;

THENCE South 03 degrees 08 minutes 30 seconds East, a distance of 245.02 feet to the South line of said Parcel D;

THENCE South 86 degrees 51 minutes 30 seconds West along said South line, a distance of 229.00 feet to the POINT OF BEGINNING.



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Janet K. Forster

From: ecf_support@azb.uscourts.gov
Sent: Thursday, December 08, 2005 10:12 AM
To: Courtmail@azb.uscourts.gov
Subject: 2:03-bk-03799-RJH Order on Motion to Compel Abandonment

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U.S. Bankruptcy Court

District of Arizona

Notice of Electronic Filing

The following transaction was received from Kobet, Mary entered on 12/8/2005 at 10:11 AM AZ and filed on 12/7/2005

Case Name: ANMP 74TH ST., LLC

Case Number: 2:03-bk-03799-RJH

Document Number: 387

Docket Text:

Order Granting Motion to Compel Abandonment (Related Doc # [298]) signed on 12/7/2005 . (Kobet, Mary)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:F:\ECF\MKobet\112478-signed[1].pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=875559564 [Date=12/8/2005] [FileNumber=7678831-0]
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