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7 SUPERIOR COURT OF ARIZONA

8 MARICOPA COUNTY

9 ARIZONA CORPORATION COMMISSION,

Case No: CV2003-005724

10 Plaintiff,

**MOTION FOR ORDER ESTABLISHING
OFFICIAL SERVICE LIST AND MOTION
TO LIMIT NOTICE**

11 v.

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

(Assigned to the Honorable J. Richard Gama)

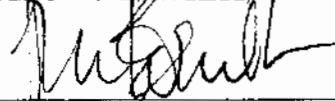
14 Defendants.

15 James C. Sell, the Court appointed Receiver in the above-referenced matter, through
16 counsel of record undersigned, hereby requests that this Court enter an Order (1) establishing the
17 official service list for this case, and (2) limiting the future notices to those parties set forth
18 herein, and to those individuals and entities subsequently requesting notice in accordance with
19 this motion.

20 The motion is based upon the following memorandum of points and authorities.

21 DATED this 2nd day of December, 2003.

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

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25 Lawrence E. Wilk
26 Attorneys for James C. Sell

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MEMORANDUM OF POINTS AND AUTHORITIES

1. **Procedural Background**

1. On or about March 24, 2003, the Arizona Corporation Commission caused to be filed, in the Superior Court in and for the State of Arizona, a Complaint in the above-captioned matter against numerous individual defendants and entities, seeking the appointment of a Receiver over the named Defendants (the "Arizona Corporation Commission proceeding").

2. After notice and hearing, the Court, on April 2, 2003, issued its Order Appointing Receiver, appointing James C. Sell as Receiver for the approximately 100 entities named in the Receivership Complaint.

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

4. On or about May 15, 2003, after having obtained Orders Lifting the Automatic Stay of 11 U.S.C. § 362 in the Bankruptcy Proceedings, this Court issued its First Amended Order Appointing Receiver for the sole purpose of including American National Partners, LLC and ANMP 74TH ST., LLC as additional parties subject to the Receivership Order. James C. Sell was appointed under the First Amended Order as Receiver for these two entities, and was to serve as the responsible party for these entities in the pending bankruptcy proceedings.

5. On or about August 22, 2003, the Court entered the Second Order Appointing Receiver, which was entered for the specific purpose of naming additional parties.

6. Pursuant to the terms of the Orders Appointing Receiver, certain actions undertaken by the Receiver require Court approval. In order to obtain such approval, the Receiver anticipates having to file motions seeking Court intervention and Court orders. The Receiver further anticipates noticing these motions to interested parties. Currently, notice is being delivered to all investors of American National Mortgage Partners and additional named defendants, interested parties and parties who have entered an

1 appearance in the Arizona Corporation Commission proceeding. At the current time, the
2 mailing list requires over 350 notices to be delivered in furtherance of any pleadings filed
3 in either the State Court proceeding or Bankruptcy Court proceedings.

4 **II. Relief Being Requested**

5 The Receiver, by filing this Motion, hereby seeks to reduce unnecessary
6 administrative expenses resulting from service of papers on all parties currently on the
7 master mailing list. As discussed below, except to the extent that State law or Bankruptcy
8 law mandates notice to all parties, the Receiver proposes that the Court limit the required
9 notice to (1) those parties who have entered an appearance in the Arizona Corporation
10 Commission proceeding (See attached Exhibit "A"); (2) to the official unsecured creditors
11 committee in the American National Mortgage Partners and ANMP 74th Street bankruptcy
12 proceedings; (3) the United States Trustee's Office; and (4) to those parties who
13 specifically request, in writing, notice subsequent to an entry of an Order Approving this
14 Motion.

15 In support of this Motion, the Receiver advises the Court that there are at least 340
16 investors, exclusive of parties in interest, involved in these cases, such that mailing notices
17 concerning all matters is impractical and would impose an enormous administrative and
18 economic burden upon the Debtors. To date, the Receiver has filed several pleadings
19 which have required notice and have provided mailing to all investors and parties-in-
20 interest. Responses received to date have been limited to those parties who will still
21 receive notice under this proposal. The Receiver anticipates that in the future numerous
22 filings are to be made¹.

23 Accordingly, the Receiver proposes that the Court enter an Order providing that all
24 future notice be provided as follows:

- 25 1. Mailing to all parties who have entered an appearance in the above-
26 referenced matter;

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28 ¹ Contemporaneously with the filing of this Motion, the Receiver has filed 4 additional motions to be heard by
the Court, and which will require notice.

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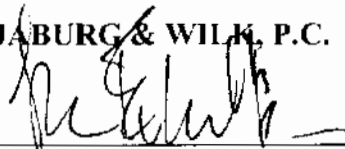
2. Mailing to the official unsecured creditor's committee in the American National Mortgage Partners Bankruptcy and ANMP 74th Street Bankruptcy;
3. The United States Trustee's Office;
4. Mailing to those parties who would request, in writing, notice;
5. Posting all pleadings on the internet at the Receiver's website: WWW.AMERICANNATIONALRECEIVERSHIP.COM and WWW.2BEAM.COM/ANMP (the official site for the unsecured creditors committee).

The Receiver acknowledges that certain matters will require notice to all investors and parties in interest. Specifically, the Receiver shall provide notice to all investors of any pleadings which determine the treatment of investor claims and/or distribution of proceeds.

The request provides all parties the opportunity to receive notice of all pleadings that are filed, either directly, or through access to the official websites set forth herein.

WHEREFORE, the Receiver respectfully requests that the Court enter an Order limiting notice as set forth in this motion with respect to all matters filed in this Court.

DATED this 2nd day of December, 2003.

JABURG & WILK, P.C.


Lawrence E. Wilk
Attorneys for James C. Sell

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1 ORIGINAL filed and COPY
2 of the foregoing hand-delivered
3 this 3^d day of December, 2003 to:

3 The Honorable Richard J. Gama
4 MARICOPA COUNTY SUPERIOR COURT
5 101 West Jefferson, ECB 611
6 Phoenix, Arizona 85003-2243

6 COPIES of the foregoing mailed
7 this 3rd day of December, 2003 to:

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