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5 Attorneys for the Receiver

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 STATE OF ARIZONA ex rel. LAUREN)
KINGRY, Superintendent of the Arizona)
9 Department of Financial Institutions,)

10 Plaintiff,)

11 v.)

12 LANDMARC CAPITAL &)
INVESTMENT COMPANY,)

13 Defendant.)

Cause No. CV2009-020595

ORDER APPROVING PROCEDURES
FOR THE SALE OF CERTAIN
INTERESTS IN REAL PROPERTY
VALUED AT LESS THAN \$100,000
WITHOUT FURTHER ORDER OF THE
COURT

RE: PETITION NO. 21

(Assigned to Judge Sam Myers)

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15 _____
16 The Receiver having filed *Petition No. 21*, and the Court having considered same, and
17 it appearing to the Court that the matters requested by *Petition No. 21* are reasonable, just and
18 appropriate:

19 NOW, THEREFORE, IT IS HEREBY ORDERED that the Receiver may market and
20 sell without further notice or order of this Court any of the real properties identified in Exhibit
21

1 3 to *Petition No. 21*, or any other interest in real property which constitutes a Receivership
2 Asset (“Property”) in this case, upon the following conditions:

3 1. All fee title to the Property is held in the name of one of more of the following:
4 Landmarc Capital & Investment Company, Hayden Investments, LLC, Desert Trails
5 Holdings, LLC, Arizona Valuation Company, LLC, or any other person placed in
6 receivership by order of this court (“Receivership Entity”);

7 2. The Receiver does not have actual knowledge of the existence of an adverse
8 claim of ownership or security interest in the Property, including without limitation a claim of
9 ownership or other interest by a loan participation lender or a claimed security or other
10 interest by a Warehouse Credit Facility lender;

11 3. The Receiver is in possession of a written appraisal by a licensed Arizona
12 appraiser dated within 12 months of the date of the purchase contract that sets forth a market
13 value for the Property of \$100,000 or less or a range of values for the Property in which the
14 highest value in the range is \$100,000 or less;

15 4. Under the terms of the purchase contract for the sale of the Property, the sale
16 price is not less than 85% of the appraised value as set forth in the written appraisal required
17 herein and the sales commission paid to the real estate agents does not exceed 6%; and

18 5. Any secured lien on the Property is satisfied at the time of the sale.

19 IT IS FURTHER ORDERED that:

20 1. Thomas J. Giallanza, as Deputy Receiver, is authorized to execute all deeds,
21 affidavits and other documents in connection with any sale pursuant to this order; and

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2. The Receiver shall periodically report to the Court regarding all sales of real property, including those sold pursuant to this order.

Dated this _____ day of _____, 2010.

Judge of the Superior Court

1157-001 (95262_2)