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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)
9 KINGRY, Superintendent of the Arizona)
Department of Financial Institutions,)

10 Plaintiff,)

11 v.)

12 LANDMARC CAPITAL &)
INVESTMENT COMPANY,)

13 Defendant.)

Cause No. CV2009-020595

PETITION NO. 19

PETITION FOR AMENDED ORDER
APPOINTING PERMANENT RECEIVER
AND INJUNCTION

(Assigned to Judge Sam Myers)

14 _____
15 Petitioner, Lauren Kingry¹, Superintendent of the Arizona Department of Financial
16 Institutions, as Receiver, petitions the Court as follows:

17 1. On July 10, 2009, this Court entered its *Order Appointing Permanent Receiver*
18 *and Injunction* (“Receivership Order”) placing Landmarc Capital & Investment Company
19 (“Landmarc”) into permanent Receivership and appointing the Superintendent of the

20 _____
21 ¹ On April 6, 2010, Lauren Kingry was appointed by the Governor of the State of Arizona as Superintendent of the
Arizona Department of Financial Institutions and replaced Thomas L. Wood who had been serving as the Acting
Superintendent. Pursuant to Rule 25(e)(1), Ariz.R.Civ.P., Lauren Kingry, Superintendent of the Arizona Department of
Financial Institutions, is automatically substituted as the Plaintiff and as the Receiver in this action.

1 Department of Financial Institutions as its Receiver. The Receivership Order sets forth the
2 powers and duties of the Receiver, and the restrictions placed upon all others when dealing
3 with the Receiver, Landmarc and the Receivership Assets.

4 2. In furtherance of the Receiver's obligation to recover assets of Landmarc for
5 the benefit of its creditors, the Receiver sought, and on February 27, 2010, obtained an Order
6 of this Court placing Hayden Investments, LLC, Desert Trails Holdings, LLC, Arizona
7 Valuation Company, LLC, Hayden Insurance, LTD and Desert Trails Insurance Co. in
8 Receivership, and all of their assets and entities that each owns and controls, under the
9 control of the Petitioner, as Superintendent of the Arizona Department of Financial
10 Institutions and Receiver.

11 3. The Receiver believes that all of the provisions of this Court's July 10, 2009
12 Order as it relates to Landmarc should also apply to the entities placed into Receivership on
13 February 27, 2010. Although the Receiver believes that the Order entered on February 27,
14 2010 by implication does this, in dealing with third parties it is easier and creates fewer issues
15 if the Receivership Order expressly identifies all of the entities in Receivership.

16 4. The Receiver believes that amending this Court's July 10, 2009 *Order*
17 *Appointing Permanent Receiver and Injunction* to include Hayden Investments, LLC, Desert
18 Trails Holdings, LLC, Arizona Valuation Company, LLC, Hayden Insurance, LTD and
19 Desert Trails Insurance Co. will provide the Receiver with an Order that sets forth all of the
20 Receiver's powers and duties, and the restrictions placed upon all third parties when dealing
21 with the Receiver, the Receivership entities, and Receivership property.

