1	Guttilla Murphy Anderson Ariz. Firm No. 00133300  Ryan W. Anderson (Ariz. No. 020974) City North 5415 E. High St., Suite 200 Phoenix, Arizona 85054 Email: randerson@gamlaw.com Phone: (480) 304-8300 Fax: (480) 304-8301  Attorneys for the Receiver  IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA	
2		
3		
4		
5		
6		
7	IN AND FOR THE COUNTY OF MARICOPA	
8	STATE OF ARIZONA ex rel. LAUREN KINGRY, Superintendent of the Arizona Department of Financial Institutions,	Cause No. CV2009-020595
005-830	Plaintiff,	PETITION NO. 19
(480) 304-8300	v.	PETITION FOR AMENDED ORDER
11	LANDMARC CAPITAL & INVESTMENT COMPANY,	APPOINTING PERMANENT RECEIVER AND INJUNCTION
12	Defendant.	) (Assigned to Judge Sam Myers)
14	Petitioner, Lauren Kingry <sup>1</sup> , Superintendent of the Arizona Department of Financial Institutions, as Receiver, petitions the Court as follows:	
15		
16	1. On July 10, 2009, this Court entered its Order Appointing Permanent Receiver	
17	and Injunction ("Receivership Order") placing Landmarc Capital & Investment Company	
18	("Landmarc") into permanent Receivership and appointing the Superintendent of the	
19		
20	On April 6, 2010, Lauren Kingry was appointed by the C	Governor of the State of Arizona as Superintendent of the
2.1	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

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

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

- 2. In furtherance of the Receiver's obligation to recover assets of Landmarc for the benefit of its creditors, the Receiver sought, and on February 27, 2010, obtained an Order of this Court placing Hayden Investments, LLC, Desert Trails Holdings, LLC, Arizonal Valuation Company, LLC, Hayden Insurance, LTD and Desert Trails Insurance Co. in Receivership, and all of their assets and entities that each owns and controls, under the control of the Petitioner, as Superintendent of the Arizona Department of Financial Institutions and Receiver.
- 3. The Receiver believes that all of the provisions of this Court's July 10, 2009 Order as it relates to Landmarc should also apply to the entities placed into Receivership on February 27, 2010. Although the Receiver believes that the Order entered on February 27, 2010 by implication does this, in dealing with third parties it is easier and creates fewer issues if the Receivership Order expressly identifies all of the entities in Receivership.
- 4. The Receiver believes that amending this Court's July 10, 2009 Order Appointing Permanent Receiver and Injunction to include Hayden Investments, LLC, Desert Trails Holdings, LLC, Arizona Valuation Company, LLC, Hayden Insurance, LTD and Desert Trails Insurance Co. will provide the Receiver with an Order that sets forth all of the Receiver's powers and duties, and the restrictions placed upon all third parties when dealing with the Receiver, the Receivership entities, and Receivership property.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

21

5. The Receiver contemplates that new entities or subsidiaries may be placed into Receivership through the course of the administration of this Receivership. Accordingly, the Receiver has included in the proposed Amended Receivership Order the following: "any person or entity added to this Receivership by subsequent order of the Court by the Receivership Defendants" into the initial paragraph of the Receivership Order to enable the expansion of the Receivership without the need to amend the Receivership Order.

WHEREFORE, the Receiver respectfully requests that the Court amend the Order Appointing Permanent Receiver and Injunction entered by the Court on July 10, 2009, to include Hayden Investments, LLC, Desert Trails Holdings, LLC, Arizona Valuation Company, LLC, Hayden Insurance, LTD and Desert Trails Insurance Co., and that all other provisions of the July 10, 2009 Receivership Order remain unchanged and in full force and effect.

Respectfully submitted this 27 day of April, 2010.

**GUTTILLA MURPHY ANDERSON** 

neys for the Plaintiff

20

1157-001(94978)