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6
7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8 IN AND FOR MARICOPA COUNTY

9 STATE OF ARIZONA ex rel. LAUREN)
KINGRY, Superintendent of the Arizona)
Department of Financial Institutions,)
10 Plaintiff,)
11 v.)
12 LANDMARC CAPITAL &)
INVESTMENT COMPANY,)
13 Defendant.)
14)
15)

Cause No. CV2009-020595
PETITION NO. 27
PETITION FOR ORDER
ESTABLISHING CLAIMS
PROCEDURES

16 Lauren Kingry, as the court appointed Receiver, respectfully petitions the Court as
17 follows

18 1. On June 24, 2009, this Court entered its *Order Appointing Receiver and Order*
19 *to Show Cause*, which appointed the Superintendent of the Arizona Department of Financial
20 Institutions as Receiver of Landmarc Capital & Investment Company (“Landmarc”). On July
21 10, 2009, this Court entered its *Order Appointing Permanent Receiver and Injunction*. On
February 27, 2010, the Court entered its *Order placing Hayden Investments, LLC Desert*

1 *Trails Holdings, LLC and Arizona Valuation Company, LLC in Receivership*. On May 12,
2 2010, the Court entered its *Amended Order Appointing Permanent Receiver and Injunction*
3 (collectively “Receivership Order”).

4 2. The Receiver has made substantial progress in identifying the various claimed
5 interests of Landmarc’s lenders and other creditors and has identified a significant number
6 that are clean and appropriately transferred to a new servicing agent or distributed to
7 beneficial owners in accordance with the previous orders of the Court. To date the Receiver
8 has transferred to new servicing agents 61 clean loans pursuant to *Order No. 4*, distributed the
9 pay off proceeds from 18 clean loans to the beneficial owners pursuant to *Order No. 8*, and
10 transferred to the beneficial owners 5 clean REO pursuant to *Order No. 9*. In addition, in
11 August the Court will hear additional requests from the Receiver to resolve title issues on six
12 loans under *Petition No. 25*, and to convey or confirm the conveyance of 17 real properties to
13 Landmarc Capital Partners, LLC under *Petition No. 28*. Unfortunately there remain
14 approximately 240 loans and REO in which the respective interests of the lenders and the
15 receivership entities and their general creditors will require further judicial action to resolve.

16 3. In addition, the Receiver has made progress in identifying a large number of
17 potential claimants of Landmarc Capital & Investment Company (“Landmarc”), Hayden
18 Investments, LLC (“Hayden”) Desert Trails Holdings, LLC (“Desert Trails”) and Arizona
19 Valuation Company, LLC (“Arizona Valuation”) (collectively referred to as the
20 “Receivership Entities”). These claimants include approximately 289 persons that have
21 loaned funds to Landmarc under Warehouse Credit Facility Agreements or purchased

1 participation interests in Landmarc loans; 660 persons that have done business with
2 Landmarc or were employees of Landmarc; and 1,187 persons who applied for loans with
3 Landmarc.¹ A small number of these claimants filed litigation against one or more of the
4 Receivership Entities prior to the appointment of the Receiver, but in each case the litigation
5 has been stayed due to the pendency of this proceeding.

6 4. Accordingly, the Receiver recommends that the Court at this time approve a
7 procedure for the solicitation and adjudication of all claims against the Receivership Entities
8 and the receivership assets.

9 5. In order to accomplish the foregoing, the Receiver recommends that the Court
10 enter the proposed order lodged herewith which will establish a fair and reasonable claims
11 procedure. The Court and all persons served with a copy of this Petition are being provided
12 with a copy of the proposed order and that order best describes the procedures being
13 recommended by the Receiver. As an aid to the Court and the parties, some but not all of the
14 terms and procedures contained in the proposed order are described or explained below.

15 6. The proposed order establishes a claims bar date of September 24, 2010.

16 7. The Claims Adjudication process requires all persons asserting claims against
17 any of the Receivership Entities, the Receiver, or any Receivership Assets or other property
18 in the possession of the Receiver, to file with the Receiver a Proof of Claim on a form
19 provided by the Receiver on or before the Claims Bar Date set forth above. Initial drafts of

20 ¹ Anyone who did business with Landmarc is being treated as a potential claimant and if their identity and
21 address is known to the Receiver, they will be provided notice of the claims process. Many of these persons,
however, ended their relationship with Landmarc prior to the appointment of the Receiver or have had their
interests addressed by the previous orders of the Court, and they are not expected to have a claim to assert or to
file a proof of claim.

1 the various forms of the Proof of Claim prepared by the Receiver are attached as part of
2 Exhibit "A" to this Petition. The Receiver anticipates however that these forms may be
3 revised and modified further based on input provided by the interested parties or further
4 research by the Receiver. At the present time the Receiver anticipates and has attached hereto
5 drafts of the following types of proof of claim forms:

<u>Exhibit</u>	<u>Title</u>	<u>Description</u>
A-1	General Proof of Claim Form	For use by claimants where a specific proof of claim form is not available
A-2	Loan Participation Proof of Claim Form	For use to make a claim under a loan participation agreement
A-3	WCF Proof of Claim Form	For use to make a claim under a Warehouse Credit Facility Agreement

8. In addition, under the proposed order the Receiver will provide notice to potential claimants of the claims procedures as follows:

a. The Receiver is required to mail a written notice in the form attached as Exhibit "B-1" of the right to file a claim to all potential claimants whose identity and whereabouts is known to the Receiver; and

b. The Receiver is required to publish a notice in the form attached hereto as Exhibit "B-2" at least once in a publication with national circulation and at least four times in consecutive weeks in a publication of statewide circulation within the state of Arizona.

1 9. Although there are several legal issues that the Court will likely need to resolve
2 in this claims process, the Receiver believes that there are only two that should be resolved at
3 this stage of the process as they will affect the time and resources that will need to be devoted
4 to preparing and adjudicating the proofs of claim that are filed. Those two issues are
5 addressed below and relate to a right to post-receivership interest and the right of claimants to
6 object to the claims of other claimants.

7 10. Post- Receivership Interest.

8 For the reasons discussed below, the proposed claims procedure (see ¶ 7 of the
9 Proposed Order) provides that any claim for post-receivership interest shall be disallowed.
10 The general rule applicable to bankruptcies and receiverships is that creditors are only
11 entitled to interest pursuant to an agreement and only that amount that has accrued as of the
12 date the entity is placed in bankruptcy or receivership:

13 As a general rule, after property of an insolvent passes into the hands of a
14 receiver or of an assignee in insolvency, interest is not allowed on the claims
15 against the funds. The delay in distribution is the act of the law; it is a
16 necessary incident to the settlement of the estate.

17 *Vanston Bondholders Protective Committee v. Green*, 329 U.S. 156, 163, 67 S. Ct. 237
18 (1946). See also, *In re Inland Gas Corp.*, 241 F.2d 374, 379 (6th Cir. 1957); *Gamble v.*
19 *Wimberly*, 44 F.2d 329, 331 (4th Cir. 1930); *McGinnis v. Corporation Funding & Finance*
20 *Co.*, 8 F.2d 532 (M.D. Pa. 1925). This rule exists because, once a receivership begins, any
21 delay in the distribution of the estate to creditors is the fault of the law. *McGinnis*, 8 F.2d at
541. Interest is a penalty for a delay in payment. *Inland*, 241 F.2d at 379. Where the
power to pay is suspended by law, interest may not accrue during that time. *Id.* During this

1 suspension of the entity's power to pay, creditors should not be disadvantaged by one
2 another through legal delays attributable to time consuming procedures that are inherent in
3 the administration of a receivership. *In re New York, New Haven and Hartford Railroad*
4 *Co.*, 4 B.R. 758, 798 (D. Conn. 1980) (addressing bankruptcy filing). Because interest stops
5 accruing once an entity is placed in receivership, courts are better able to preserve and
6 protect the estate for the benefit of all. *Inland*, 241 F.2d at 379.

7 Interest is also generally not allowed because assets are usually insufficient to pay all
8 debts in full. *Gamble*, 44 F.2d at 331. Equitable distribution therefore requires that interest
9 stop accruing in order to allow all creditors to receive the maximum full amount of their
10 claims with interest until the date of insolvency. *Id.* at 333. The Receiver has concluded that
11 in this case the general unsecured creditors will only receive a pro-rata distribution of their
12 claim amount.

13 “[I]nterest on secured, as well as unsecured debts, stops as of the date of the filing of
14 the petition” *Gamble*, 44 F.2d at 333. This is consistent with the policy discussed
15 above. Post-receivership interest is not allowed because interest is a penalty that should not
16 be imposed when the power to pay is suspended by law. Therefore, the debts must remain in
17 status quo and one cannot accrue interest while the others do not. *McGinnis*, 8 F.2d at 541.

18 “The touchstone of each decision in bankruptcy, receivership and reorganization has
19 been a balance of equities between creditor and creditor or between creditors and the debtor.”
20 *Vanston*, 329 U.S. at 165, 67 S. Ct. at 241. To allow interest to some creditors and not to
21 others, or at different rates to different creditors, would result in an inequitable distribution

1 among creditors of the assets. *Emerald Inv. Co. v. A.J. Harwi Hardware Co.*, 64 P.2d 16, 17
2 (Kan. 1937). Allowing the interest would also complicate the procedure, tend to increase the
3 expense, and delay closing the proceedings. *Id.* Thus, “courts of equity in such cases quite
4 uniformly decline to allow interest pending the insolvency proceedings.” *Id.*

5 11. Objections to Claims by Other Claimants.

6 The claims procedure should permit claimants to object to other claims. Obviously a
7 general creditor has an interest in the Court’s determinations on other general creditor claims
8 and on the claims of Loan Participation Lenders and WCF Lenders since those
9 determinations will have an impact on the size of the general fund from which general
10 creditor claims will be paid. In addition, in this case, because of the proportional interests in
11 many of the loans and REO, even Loan Participation Lenders and WCF Lenders may have an
12 interest in the Court’s determination of competing claims of ownership or security interests to
13 the same loans and REO. For these reasons the proposed order provides that any claimant
14 may file an objection to any claim filed with the Receiver. (Proposed Order ¶ 9.2). The
15 Arizona courts favor the practice of permitting claimants to object to the claims of other
16 claimants. *See, Academy Life Insurance Company v. Odiorne*, 165 Ariz. 188, 797 P.2d 727
17 (1990).

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WHEREFORE, the Receiver respectfully requests that the Court enter the Order
Establishing Procedures for the Adjudication of Claims lodged with the Court.

Respectfully submitted this 22nd day of July, 2010.

GUTTILLA MURPHY ANDERSON

/s/Patrick M. Murphy

Patrick M. Murphy

Attorneys for the Plaintiff

1157-027 (95823_2)

PROOF OF CLAIM
GENERAL CLAIM
INSTRUCTION SHEET

Documentation sufficient to support your claim must be filed with this form. Failure to submit such documentation may result in your claim being denied.

If you are asserting a claim to a participation interest in a loan or a claim for obligations or security under a Warehouse Credit Facility Agreement, you must use the form for those type of claims. All other claims should be filed using this form.

Line Number

- Section (1) Print or type name of claimant, current mailing address and phone number.
- Section (2) Print or type name, current mailing address and phone number of claimant's attorney or agent, if any.
- Section (3) (a) Enter the amount for which you are making claim as of June 24, 2009. If uncertain, please indicate "unknown";
- (b) Enter the amount, if any, which you claim became due after June 24, 2009;
- (c) Enter the amount of all payments received to date; and
- (d) Enter the amount of the total claim which you are filing.
- Section (4) Please provide the date upon which the debt was incurred and also provide copies of all documents in support of the claim such as notes, guarantees, invoices, statements, contracts, and court judgments.
- Section (5) Please identify the security and the value of the security which secures your claim and any amounts for which you claim priority over general creditors of Landmarc Capital & Investment Company.
- Section (6) If your claim is a direct claim against Landmarc Capital & Investment Company, check the box at 6(a) and you need not complete the balance of item 6. If you claim that Landmarc Capital & Investment Company is liable to you for the indebtedness of another entity, check the box in 6(b) and furnish the balance of the information requested therein.
- Section (7) Please provide any and all information regarding any setoffs or counterclaims Landmarc Capital & Investment Company may have against you or your claim.

VERIFIED PROOF OF CLAIM

Landmarc Receivership

PLEASE PRINT OR TYPE THIS SECTION

(1) NAME, ADDRESS AND PHONE NUMBER OF CLAIMANT

Reference Number (from mailing page):

(2) NAME, ADDRESS AND PHONE NUMBER OF CLAIMANT'S ATTORNEY OR CONTACT PERSON, IF ANY

(3) AMOUNT OF CLAIM

- (a) State the amount of your claim as of June 24, 2009 \$ _____
- (b) Indicate amounts, if any, coming due after June 24, 2009..... \$ _____
- (c) Credit all payments received..... \$ _____
- (d) Total Claim [(a) + (b) - (c) = (d)]..... \$ _____

(4) DOCUMENTATION OF CLAIM:

- (a) Date debt was incurred: _____
- (b) Attach copies of all documents in support of this claim, such as notes, guarantees, invoices, statements, contracts, court judgments.

(5) SECURITY INTERESTS AND PRIORITY:

- (a) If any portion of your claim is secured by property titled to or controlled by Landmarc Capital & Investment Company, or any other entity, check this box []

Answer sections (b), (c), (d) below only if you checked the above box.

- (b) Set forth the identity, description and current value of any security interest or collateral securing your claim.

- (c) Attach copies of all documents on which you rely to establish that your claim is secured in whole or in part.

- (d) State the current value of all security interests or collateral you hold and provide all documentation on which you rely to establish such value.

(e) State whether you claim administrative or other priority, the amount of the claim for which priority is claimed, and the basis on which priority is claimed.

(6) INDIRECT AND CONTINGENT CLAIMS:

(a) If your claim against Landmarc Capital & Investment Company is a direct claim against the company for which no other entity is liable, check this box [].

(b) If you claim that Landmarc Capital & Investment Company is liable to you for the indebtedness of another entity, check this box [] and provide:

(i) Name and address of other entity or entities liable to you.

(ii) Documentation establishing indebtedness of such other entity to you.

(iii) Status of direct obligation, i.e., whether such obligation is current or past due, and efforts to collect such indebtedness from the direct obligor.

(iv) State whether you hold any security in collateral owned by such other entity and provide a description and copies of documentation evidencing such collateral.

(7) If you are aware of any setoffs or counterclaims Landmarc Capital & Investment Company may have against your claim, check this box [] and provide details and documentation of such setoff or counterclaim.

IMPORTANT

After you have fully completed pages 2 and 3 of this form, read and sign the Declaration below and follow the mailing instructions.

DECLARATION OF _____
(Print or Type Name)

I have read the contents of this Proof of Claim and declare under penalty of perjury that the information contained therein is true and correct in substance and in fact, to the best of the knowledge and belief of the Claimant and the undersigned. I am aware that if any of the foregoing information is false, this claim may be denied in its entirety and I may be subject to punishment for perjury.

Executed this ____ day of _____, 20____, in _____,
(City)

(State)

Signature of Claimant

_____ position or
authority to sign for claimant who is not
an individual.

AFTER COMPLETION, MAIL THIS FORM ON OR BEFORE [BAR DATE] TO:

Landmarc Receiver
P.O. Box 14050
Scottsdale, AZ 85267

PROOF OF CLAIM
LOAN PARTICIPANT LENDERS
INSTRUCTION SHEET

Unless otherwise indicated, documentation sufficient to support your claim must be filed with this form. Failure to submit such documentation may result in your claim being denied.

Section Number

- Section (1) Print or type name of claimant, current mailing address and phone number.
- Section (2) Print or type name, current mailing address and phone number of claimant's attorney or agent, if any.
- Section (3) (a) Enter the total amount of funds that you loaned to Landmarc under all participation agreements (Investor Disclosure and Purchase Agreement) that had not been fully satisfied as of June 24, 2009. If the amount entered here does not agree with the amount shown by the Receiver in the letter transmitting this claim form to you, you must provide a complete accounting as described in Section (4) and supporting documents.
- (b) Enter the number of loans or REO that you had an unsatisfied participation interest in as of June 24, 2009. If the total here does not agree with the amount shown by the Receiver in the letter transmitting this claim form to you, you must provide the detail of the loan participations in the schedule 1 that accompanies this claim form. See instructions under Section (5) for further explanations.
- Section (4) If the amounts entered in Section 3(a) and (b) do not agree with the amounts shown by the Receiver in the letter transmitting this claim form to you, you must provide a complete accounting of all funds advanced by you to LCI under each participation agreement and all principal and interest payments that you received from LCI including the dates received or paid and the amounts of each transaction. You must also provide complete copies of all participation agreements and related documents if you disagree with the amounts set forth by the Receiver. Documents evidencing funds advanced by you to LCI or paid to you by LCI under your participation agreements (cancelled checks, bank statements, wire transfer advices, etc.) do not need to be provided at this time but may be requested by the Receiver.
- Section (6) Please provide any and all information regarding any setoffs or counterclaims LCI or any Receivership Entity may have against you or your claim.

**VERIFIED PROOF OF CLAIM
LOAN PARTICIPATION LENDER**

Landmarc Receivership

PLEASE PRINT OR TYPE ALL INFORMATION

(1) NAME, ADDRESS AND PHONE NUMBER OF CLAIMANT

Reference Number (from mailing page):

(2) NAME, ADDRESS AND PHONE NUMBER OF CLAIMANT'S ATTORNEY OR CONTACT PERSON, IF ANY

(3) AMOUNT OF LOAN PARTICIPANT CLAIM

(a) State the total paid to LCI under loan participation agreements as of June 24, 2009:\$ _____

(b) State the total of all loan participation agreements in effect on June 24, 2009:\$ _____

(4) DOCUMENTATION OF CLAIM:

Where required by the instructions or requested in writing by the Receiver, you must provide copies of all documents in support of your claim.

(5) LOAN PARTICIPATIONS:

If you indicated any amount in Section 3(a) you must sign and attach Schedule 1 – Loan Participant Lender Participation Interests and correct any amounts set forth therein that you believe are not correct.

(6) OFFSETTING OBLIGATIONS TO LCI OR ANOTHER RECEIVERSHIP ENTITY:

(a) State the amount you owe to LCI or any other Receivership Entity as of the date of the claim:\$ _____

(b) If you are aware of any other setoffs or counterclaims LCI or a Receivership Entity may have against you or your claim, check this box [] and provide details and documentation of such setoff or counterclaim.

(c) Describe the nature of the obligation set forth in 6(a).

IMPORTANT

After you have fully completed this form, read and sign the Declaration below and follow the mailing instructions.

DECLARATION OF _____
(Print or Type Name)

I have read the contents of this Proof of Claim and declare under penalty of perjury that the information contained therein is true and correct in substance and in fact, to the best of the knowledge and belief of the Claimant and the undersigned. I am aware that if any of the foregoing information is false, this claim may be denied in its entirety and I may be subject to punishment for perjury.

Executed this _____ day of _____, 200____, in _____,
(City)

(State)

Signature of Claimant

_____ position or
authority to sign for claimant who is not
an individual.

AFTER COMPLETION, MAIL THIS FORM ON OR BEFORE [BAR DATE] TO:

Landmarc Receiver
P.O. Box 14050
Scottsdale, AZ 85267

PROOF OF CLAIM
WAREHOUSE CREDIT FACILITY LENDERS
INSTRUCTION SHEET

Unless otherwise indicated, documentation sufficient to support your claim must be filed with this form. Failure to submit such documentation may result in your claim being denied.

Section Number

- Section (1) Print or type name of claimant, current mailing address and phone number.
- Section (2) Print or type name, current mailing address and phone number of claimant's attorney or agent, if any.
- Section (3) (a) Enter the total amount of principal owed to you by Landmarc under all WCF Agreements as of June 24, 2009. If the amount entered here does not agree with the amount shown by the Receiver in the letter transmitting this claim form to you, you must provide a complete accounting as described in Section (4) and supporting documents.
- (b) Enter the total amount of interest owed to you by Landmarc under all WCF Agreements as of June 24, 2009. If the amount entered here does not agree with the amount shown by the Receiver in the letter transmitting this claim form to you, you must provide a complete accounting as described in Section (4) and supporting documents.
- (c) Enter the total of (a) and (b) and provide a detailed breakdown in Schedule 1; and
- (d) Enter the amount of (c) that you claim is secured by a security or other interest in a loan or REO owned or controlled by the receivership estate. If the total here does not agree with the amount shown by the Receiver in the letter transmitting this claim form to you, you must indicate the value of the security claimed in the schedule 1 that accompanies this claim form. See instructions under Section (5) for further explanations.
- Section (4) If the amounts entered in Section 3(1a), (b), and (c) do not agree with the amounts shown by the Receiver in the letter transmitting this claim form to you, you must provide a complete accounting of all funds advanced by you to LCI under each WCF Agreement and all principal repayments and interest payments that you received from LCI including the dates received or paid and the amounts of each transaction. You must also provide complete copies of all WCF Agreements and all amendments or modifications thereto if you disagree with the amounts set forth by the Receiver. Documents evidencing funds advanced by you to LCI or paid to you by LCI under your WCF Agreements (cancelled checks, bank statements, wire transfer advices, etc.) do not need to be provided at this time but may be requested by the Receiver.
- Section (5) If part or all of your claim is secured by a perfected security interest or ownership interest in a loan or REO, mark the box in 5(a) and read and correct, if necessary, the Schedule 2 – WCF Lenders Ownership & Perfected Security Interests which is provided to you by the Receiver with this claim form. If you disagree and change any of the amounts or other information set forth in Schedule 2 you must provide a complete explanation in an attached written statement and provide copies of all documents that support your change. If you change any of the values assigned to your claimed secured interest and the Court affirms the existence of your secured interest, the Receiver may elect to pay you that amount for your security interest or accept your valuation amount.
- Section (6) Please provide any and all information regarding any setoffs or counterclaims LCI or any Receivership Entity may have against you or your claim.

**VERIFIED PROOF OF CLAIM
WAREHOUSE CREDIT FACILITY LENDER**

Landmarc Receivership

PLEASE PRINT OR TYPE ALL INFORMATION

(1) NAME, ADDRESS AND PHONE NUMBER OF CLAIMANT

Reference Number (from mailing page):

(2) NAME, ADDRESS AND PHONE NUMBER OF CLAIMANT'S ATTORNEY OR CONTACT PERSON, IF ANY

(3) AMOUNT OF WCF CLAIM

(a) State the total principal owed to you as of June 24, 2009 under all WCF Agreements: \$ _____

(b) State the total accrued interest owed to you as of June 24, 2009 under all WCF Agreements: \$ _____

(c) Total Principal and Interest Claimed [(a) + (b) = (c)] (Detail in Sch 1)..... \$ _____

(d) Total amount of the Claim that is secured by an interest in a loan or REO: (Detail in Sch 2)..... \$ _____

(4) DOCUMENTATION OF CLAIM:

Where required by the instructions or requested in writing by the Receiver, you must provide copies of all documents in support of your claim.

(5) SECURITY INTERESTS AND PRIORITY:

(a) If any portion of your claim is secured by property titled to or controlled by LCI, or any other Receivership Entity, check this box [].

(a) If you checked the box in 5(a), you must sign and attach Schedule 2 –WCF Lender Ownership & Perfected Security Interests and correct any amounts set forth therein that you believe are not correct.

(6) OFFSETTING OBLIGATIONS TO LCI OR ANOTHER RECEIVERSHIP ENTITY:

(a) State the amount you owe to LCI or any other Receivership Entity as of the date of the claim: \$ _____

(b) If you are aware of any other setoffs or counterclaims LCI or a Receivership Entity may have against you or your claim, check this box [] and provide details and documentation of such setoff or counterclaim.

(c) Describe the nature of the obligation set forth in 6(a).

IMPORTANT

After you have fully completed this form, read and sign the Declaration below and follow the mailing instructions.

DECLARATION OF _____
(Print or Type Name of the Person signing this Proof of Claim)

I have read the contents of this Proof of Claim and declare under penalty of perjury that the information contained therein is true and correct in substance and in fact, to the best of the knowledge and belief of the Claimant and the undersigned. I am aware that if any of the foregoing information is false, this claim may be denied in its entirety and I may be subject to punishment for perjury.

Executed this ____ day of _____, 2010, in _____, _____.
(City) (State)

Signature of Claimant

_____ position or
authority to sign for claimant who is not
an individual.

AFTER COMPLETION, MAIL THIS FORM ON OR BEFORE [BAR DATE] TO:

Landmarc Receiver
P.O. Box 14050
Scottsdale, AZ 85267

State of Arizona ex rel. v. Landmarc Capital & Investment Company
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR MARICOPA COUNTY
Cause No. CV2009-020595

NOTICE OF RIGHT TO FILE PROOF OF CLAIM

Notice is hereby given that any person who has a claim against the receivership entities or receivership assets or other property in the possession of the Receiver in the above case, including those who borrowed from or loaned money to Landmarc Capital & Investment Company, Hayden Investments, LLC, Desert Trails Holdings, LLC, or Arizona Valuation Company, LLC, shall on or before September 24, 2010, file a Proof of Claim with the court appointed receiver in the above action, on a form provided by the Receiver. Any claim not filed by the above date shall be barred forever. The appropriate proof of claim form and answers to questions regarding the claims procedure can be obtained by going to www.lcimortgage.com or by writing to Thomas J. Giallanza, Deputy Receiver, 14555 N. Scottsdale Road, Suite # 340, Scottsdale, AZ 85254. DO NOT CONTACT THE COURT OR THE CLERK OF THE COURT.

Dated _____, 2010.
Sam Myers, Judge of the
Arizona Superior Court

**State of Arizona ex rel. v. Landmarc Capital & Investment
Company**

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARICOPA COUNTY
Cause No. CV2009-020595

NOTICE OF RIGHT TO FILE PROOF OF CLAIM

Notice is hereby given that any person who has a claim against the receivership entities or receivership assets or other property in the possession of the Receiver in the above case, including those who borrowed from or loaned money to Landmarc Capital & Investment Company, Hayden Investments, LLC, Desert Trails Holdings, LLC, or Arizona Valuation Company, LLC, shall on or before **September 24, 2010**, file a Proof of Claim with the court appointed receiver in the above action, on a form provided by the Receiver. Any claim not filed by the above date shall be barred forever. The appropriate proof of claim form and answers to questions regarding the claims procedure can be obtained by going to www.lcimortgage.com or by writing to Thomas J. Giallanza, Deputy Receiver, 14555 N. Scottsdale Road, Suite # 340, Scottsdale, AZ 85254. **DO NOT CONTACT THE COURT OR THE CLERK OF THE COURT.**

Dated _____, 2010.

Sam Myers, Judge of the Arizona Superior Court