

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Guttilla Murphy Anderson
Ariz. Firm No. 00133300
Patrick M. Murphy (Ariz. No. 002964)
City North
5415 E. High St., Suite 200
Phoenix, Arizona 85054
Email: pmurphy@gamlaw.com
Phone: (480) 304-8300
Fax: (480) 304-8301

Attorneys for the Receiver

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARICOPA COUNTY

STATE OF ARIZONA ex rel. LAUREN)
KINGRY, Superintendent of the Arizona)
Department of Financial Institutions,)
Plaintiff,)
v.)
LANDMARC CAPITAL &)
INVESTMENT COMPANY,)
Defendant.)

Cause No. CV2009-020595
NOTICE OF NO OBJECTION AND
MOTION FOR ENTRY OF ORDER
DENYING CLAIM BY CYNTHIA FERA
RE: PETITION NO. 52
(Assigned to the Honorable Eileen Willett)

Lauren Kingry, as the court appointed Receiver, respectfully hereby notifies the Court that no response or objection has been timely filed and served by Cynthia Fera with regard to Petition No. 52 and the Receiver's recommendation therein that Ms. Fera's Claim (No. 6713) be denied.

On October 19, 2011, a duly noticed hearing was held before the Court regarding the Receiver's *Petition No. 52- Receiver's Claim Report on Certain Borrower Claims Where the*

1 *Claimants Have Not Provided Substantiation For Their Claim*¹. Claimant Cynthia Fera
2 appeared at this hearing and stated that she had recently hired an attorney and requested a
3 continuance for her to file a response or objection to *Petition No. 52*. The Court granted Ms.
4 Fera an additional thirty (30) days to file and serve a response or objection to the Receiver's
5 recommendation that her claim be denied. The Court then approved the Receiver's other
6 recommendations regarding the denial of other claims addressed by *Petition No. 52*.

7 Per the Court's Minute Entry of October 19, 2011, the deadline date for Ms. Fera to
8 file a response or objection was November 18, 2011. No response or objection has been filed
9 or served by Ms. Fera. Until Ms. Fera's objection is resolved the Receiver is unable to
10 dispose of this property.

11 Accordingly, the Receiver respectfully requests that the Court grant the relief
12 requested in *Petition No. 52* and deny Claim No. 6713 filed by Cynthia Fera because the
13 claim is not supported by information sufficient to enable the Receiver to properly evaluate
14 the claim and the claimant has failed to respond and provide substantiation of her claim.

15 Respectfully submitted this 7th day of December, 2011.

16 GUTTILLA MURPHY ANDERSON

17 /s/Patrick M. Murphy
18 Patrick M. Murphy
Attorneys for the Receiver

19 _____
20 ¹ The Receiver filed, served and noticed *Petition No. 52* on August 23, 2011. Thereafter Ms. Fera
21 sent the Receiver a letter purporting to object to his recommendation that her claim be denied. On
October 4, 2011, the Receiver filed with the Court and served on all interested parties the *Receiver's
Report on Objections to the Receiver's Claims Report on Certain Borrower Claims, Re: Petition 52*
in which he reported on Ms. Fera's objection and another objection and again recommended that Ms.
Fera's claim be denied.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Original of the foregoing e-filed
This 7th day of December, 2011 with:

Clerk of the Court
201 West Jefferson, Fourth Floor
Phoenix, AZ 85003

Copy of the foregoing mailed/e-mailed
this 7th day of December, 2011 to:

Cynthia Fera
11001 North 99th Avenue
Suite 116-27
Peoria, Arizona 85345

All persons on the attached Master Service List.

By: /s/Cindy Ambrozic

1157-001(114409)

MASTER SERVICE LIST

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

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

CV2009-020595

(Rev. October 20, 2011)

The Honorable Eileen Willett
Maricopa County Superior Court
Central Court Building
201 West Jefferson, Room 4B
Phoenix, Arizona 85003

Lauren Kingry, Superintendent
Department of Financial Institutions
LKingry@azdfi.gov
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018

Thomas J. Giallanza, Deputy Receiver
TGiallanza@lcmortgage.com
14555 North Scottsdale Road, #340
Scottsdale, AZ 85254

Lawrence J. Warfield, Special Deputy
Receiver
LWarfield@warfieldcpas.com
14555 North Scottsdale Road, #340
Scottsdale, Arizona 85254

Craig Raby
Arizona Attorney General
1275 West Washington
Phoenix, AZ 85007

Patrick M. Murphy
Guttilla Murphy Anderson, P.C.
PMurphy@gamlaw.com
5415 East High St., Ste. 200
Phoenix, Arizona 85054
Attorneys for the Receiver

Howard Meyers
Burch & Cracchiolo, PA
702 E. Osborn Rd. #200
P.O. Box 16882
Phoenix, Arizona 85014-5281

John G. Ryan
JRyan@rrulaw.com;
landrosiuk@rrulaw.com
Troy Dodge
TDodge@rrulaw.com

Tim Dietz

TDietz@rrulaw.com

Ryan Rapp & Underwood, P.L.C.
3200 N. Central Avenue, Suite 1600
Phoenix, AZ 85012-2681

Attorney for TBM Associates, LLC,
Eugene and Lenore Schupak Family
Trust, dated April 4, 1991, Mark A.
Greenberg, Geoff & Katie Ball, Lydia
Ball c/o Dr. Richard Ball, Deborah Ball

Neal H. Bookspan
Jaburg & Wilk, P.C.
nhb@jaburgwilk.com
3200 N. Central Avenue, Suite 2000
Phoenix, Arizona 85012
Attorney for J.D. Mellberg Financial,
Josh Mellberg and Landmarc Capital
Partners, LLC

David Crantz
12884 N. 136th Street
Scottsdale, Arizona 85259

David N. Ramras
Ramras Law Offices, PC
David@ramraslaw.com
2375 East Camelback Road
Suite 500
Phoenix, Arizona 85016
Attorneys for Oxford Investment Partners,
LLC., PK Holdings, LLC, Rhonda Kaye
Solheim Family Trust U/A, Spruce Avenue
Ltd. Partnership, LLP, OxTox Holdings,
LLC, and 1977 Gill Trust U/A 12/07/77

Daniel R. Price
Law Offices of Dan Price
dan@dpricelaw.com
535 Cowper Street, Second Floor
Palo Alto, California 94301
Attorneys for Oxford Investment Partners,
LLC.

Patrick R. Barrowclough
Atkinson Hamill & Barrowclough, P.C.
Patrick.barrowclough@azbar.org
3550 N. Central, Suite 1150
Phoenix, AZ 85012-2111
Attorneys for Madelene Kepes, Trustee of
The Madelene Kepes Revocable Living
Trust, Dated May 22nd 1984 as Amended

Henk Taylor
Lewis and Roca, LLP
40 North Central Avenue
Phoenix, Arizona 85004-4429
Htaylor@lrlaw.com
Attorney for TBM Associates

Roy Kyle
Lewis and Roca, LLP
One South Church Avenue
Suite 700
Tucson, Arizona 85701-1611
Roy_Kyle@lrlaw.com
Attorney for TBM Associates

Helen and Stephen Gubin Charitable
Remainder Trust and the Gubin Family
Trust dated May 27, 1992
c/o Steve Gubin
2211 East Camelback Road, #906
Phoenix, Arizona 85016
steve@gubin.net

John R. Clemency, Esq.
Julie Rystad, Esq.
GALLAGHER & KENNEDY, PA
2575 East Camelback Road
Phoenix, Arizona 85016
john.clemency@gknet.com
julie.rystad@gknet.com
Attorneys for Monterey Capital Co., LLC

Russell Piccoli
Mariscal, Weeks, McIntyre &
Friedlander, P.A.
Russ.piccoli@mwmf.com
2901 North Central Avenue
Suite 200
Phoenix, Arizona 85012-2705
Attorneys for Landmarc Capital Partners,
LLC

Jamie C. Eisenfeld
Cheifetz Iannitelli Marcolini, P.C.
jce@cimlaw.com
111 West Monroe, 17th Floor
Phoenix, Arizona 85003
Attorneys for LDM Acceptance Company,
LDM Acceptance Company Pension Plan,
Manny Daskal and Dr. and Mrs. Barry Wiss

1157-001(85963)