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

10 Plaintiff,

v.

11 LANDMARC CAPITAL &)
INVESTMENT COMPANY,)

12 Defendant.)

Cause No. CV2009-020595

ORDER RE: PETITION NO. 23

(Assigned to Judge Sam Myers)

13)
14)
15)
16 The Receiver having filed *Petition No. 23*, and the Court having considered same, and
17 it appearing to the Court that the matters requested by *Petition No. 23* are reasonable, just and
18 appropriate:

19 NOW, THEREFORE, IT IS HEREBY ORDERED:

20 1. Declaring that the loan proceeds paid to the Receiver in satisfaction of the loan
21 previously made by Landmarc Capital & Investment Company to the Phoenix Jewish
Community Kivel Nursing Home, an Arizona non-profit corporation ("Kivel Loan") are

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1 beneficially owned by R.V. and D.J. Hicklin Trust, Sandra S. Fuller Revocable Trust, Burton
2 S. Kruglick Trust, and Kay Investments, LLC in the percentages set forth in *Petition No. 23*.

3 2. Authorizing Thomas J. Giallanza, on behalf of Landmarc Capital & Investment
4 Company as its Deputy Receiver and on behalf of Landmarc Capital Partners, LLC in his
5 capacity as Deputy Receiver of Landmarc Capital & Investment Company as the Manager of
6 Landmarc Capital Partners, LLC, to execute such releases, reconveyances and other
7 documents as may be necessary to vest fee title in the real property which was the security to
8 the Kivel Loan in the name of Phoenix Jewish Community Kivel Nursing Home, an Arizona
9 non-profit corporation.

10 3. Distribute the proceeds from the pay off of the Kivel Loan presently held in
11 Landmarc's trust account as follows:

- 12 a. To Landmarc Capital & Investment Company the sum of \$1,000.00
13 representing expenses relating to this loan due to Landmarc;
- 14 b. To the Burton Kruglick Trust \$27,472.53 as its share of the May 2009
15 principal repayment that was not previously disbursed;
- 16 c. The balance of funds as follows:
- 17 (1) \$333,060.71 to R.V. and D.J. Hicklin Trust;
- 18 (1) \$112,060.71 to Sandra S. Fuller Revocable Trust;
- 19 (1) \$148,026.98 to Burton S. Kruglick Trust; and

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(1) \$80,274.02 to Kay Investments, LLC upon final resolution of any
claim by the Receiver against Kay Investments, LLC.

Dated this 21 day of June, 2010.

HONORABLE SAM J. MYERS

Judge of the Superior Court

1157-001(95948)