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5 SUPERIOR COURT OF ARIZONA

6 MARICOPA COUNTY

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

Cause No. CV2009-020595

AMENDED ORDER
RE: PETITION NO. 61

(Assigned to Judge Lisa Flores)

14 The Receiver having filed *Petition No. 61, Petition to Confirm Sale of Real Property*
15 *Located at 10149 East Cavedale Drive, Scottsdale, Arizona 85262 (“Petition No. 61”)*, and
16 the Court having been advised that Landmarc Capital Partners, LLC, Rhonda K. Solheim
17 IRA, The Madelene Kepes Revocable Living Trust, Dated May 22nd, 1984 as Amended, and
18 the Gubin Family Trust dated May 27, 1002, as amended (collectively referred to hereafter as
19 the “**Beneficial Owners**”) object to the proposed sale and a written objection having been
20 filed by Rhonda K. Solheim; and the Court having considered same:
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1 NOW, THEREFORE, IT IS HEREBY ORDERED denying the Receiver’s request in
2 *Petition No. 61* to approve the sale of the real property located at 10149 East Cavedale Drive,
3 Scottsdale, Arizona (“Property”).

4 IT IS FURTHER ORDERED that:

5 1. The Beneficial Owners shall pay to the Receiver within thirty (30) days of the
6 date of this Order their respective share of loan charges as follows:

<u>Beneficial Owner</u>	<u>Loan Charges Owed to Receiver</u>
Landmarc Capital Partners, LLC	\$301.19
First Trust Company of Onaga, Custodian FBO Rhonda K. Solheim, IRA	\$4,716.27
The Madelene Kepes Revocable Living Trust, Dated May 22 nd , 1984 as Amended	\$2007.38
Gubin Family Trust dated May 27, 1002, as amended	\$702.56

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14 2. If within sixty (60) days of the entry of this Order, the Beneficial Owners have
15 created a limited liability company to take title to the Property and have executed a transfer
16 agreement as required by this Court’s *Order No. 43* and *Order No. 54*, the Receiver shall
17 execute and record a quit claim deed of any and all interest held by the Receiver in the
18 Property to the limited liability company.

19 3. If the Beneficial Owners fail to create a limited liability company to take title to
20 the Property within sixty (60) days of the entry of this Order, the Receiver shall execute and
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1 deliver a quit claim deed to the following Beneficial Owners of the fee title held by the
2 Receiver in the Property in the percentages set forth below:

<u>Beneficial Owner</u>	<u>Percentage</u>
The Madelene Kepes Revocable Living Trust, Dated May 22 nd , 1984 as Amended	18.692%
Gubin Family Trust dated May 27, 1002, as amended	6.542 %

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7 4. Upon the effectiveness of paragraphs 2 or 3 as set forth above and provided no
8 party has filed a motion to amend this Order, the Receiver and the Receiver's employees,
9 agents, successors, assigns and legal representatives are hereby released and forever
10 discharged from any and all claims of any kind or nature arising out of the Loan or the
11 Property that might be asserted by any Beneficial Owner on their own behalf or on behalf of
12 their attorneys, employees, partners, agents, predecessors, successors, assigns, and legal
13 representatives.

14 5. Upon the effectiveness of paragraphs 2 or 3 as set forth above and provided no
15 party has filed a motion to amend this Order, the Receiver and the Receiver's employees,
16 agents, successors, assigns and legal representatives The Beneficial Owners shall indemnify
17 and hold harmless the Receiver and his employees, agents, successors, assigns, and legal
18 representatives from any claim or liability that may arise by reason of the transfer of the
19 Property to the Beneficial Owner but in no event shall Beneficial Owner's liability under this
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1 indemnity and hold harmless provision exceed the Beneficial Owner's respective percentage
2 share of the value of the Property.

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DATED this _____ day of _____, 2012.

Judge of the Superior Court

Granted

Signed on this day, July 23, 2012



/S/ Lisa Flores

Judicial Officer of Superior Court