

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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**DOCKETING STATEMENT**

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Case Name: **Heritage Capital Management v. Wing, et al.**

Appeal No. (if available) **08-4224**

Court/Agency Appeal From: **District of Utah**

Court/Agency Docket No.: **1:08cv00012** District Judge: **Dee Benson**

Party or Parties filing Notice of Appeal/Petition: **Heritage Capital Management, LLC; Covenant Bancorp, Inc.; Covenant Capital, LLC; Heritage Orcas Partners, LP; Heritage Orcas VL Partners; and Boundary Bay Capital, LLC**

**I. TIMELINESS OF APPEAL OR PETITION FOR REVIEW**

**A. APPEAL FROM DISTRICT COURT**

1. Date notice of appeal filed: **December 16, 2008**

a. Was a motion filed for an extension of time to file the notice of appeal? If so, give the filing date of the motion, the date of any order disposing of the motion, and the deadline for filing notice of appeal: **No**

b. Is the United States or an officer or an agency of the United States a party to this appeal? **No**

2. Authority fixing time limit for filing notice of appeal:

Fed. R. App. 4 (a)(1)(A) **X** Fed. R. App. 4(a)(6) \_\_\_\_\_

Fed. R. App. 4 (a)(1)(B) \_\_\_\_\_ Fed. R. App. 4(b)(1) \_\_\_\_\_

Fed. R. App. 4 (a)(2) \_\_\_\_\_ Fed. R. App. 4(b)(3) \_\_\_\_\_

Fed. R. App. 4 (a)(3) \_\_\_\_\_ Fed. R. App. 4(b)(4) \_\_\_\_\_

Fed. R. App. 4 (a)(4) \_\_\_\_\_ Fed. R. App. 4(c) \_\_\_\_\_  
Fed. R. App. 4 (a)(5) \_\_\_\_\_  
Other:

3. Date final judgment or order to be reviewed was filed and **entered** on the district court docket: **November 17, 2008**
4. Does the judgment or order to be reviewed dispose of **all** claims by and against **all** parties? *See* Fed. R. Civ. P. 54(b). **No**

**(If the order being appealed is not final, please answer the following questions in this section.)**

- a. If not, did district court direct entry of judgment in accordance with Fed. R. Civ. P. 54(b)? When was this done? **No**
  - b. If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. § 1292(a)? **Yes**
  - c. If none of the above applies, what is the **specific** statutory basis for determining that the judgment or order is appealable? **n/a**
5. Tolling Motions. *See* Fed. R. App. P. 4(a)(4)(A); 4(b)(3)(A).
    - a. Give the filing date of any motion under Fed. R. Civ. P. 50(b), 52(b), 59, 60, including any motion for reconsideration, and in a criminal appeal any motion for judgment of acquittal, for arrest of judgment or for new trial, filed in the district court: **n/a**
    - b. Has an order been entered by the district court disposing of that motion, and, if so, when? **n/a**
  6. Bankruptcy Appeals. (To be completed only in appeals from a judgment, order or decree of a district court in a bankruptcy case or from an order of the Bankruptcy Appellate Panel.)

Are there assets of the debtor subject to administration by a district or bankruptcy court? n/a

Please state the approximate amount of such assets, if known. n/a

**B. REVIEW OF AGENCY ORDER** (To be completed only in connection with petitions for review or applications for enforcement filed directly with the Court of Appeals.)

1. Date petition for review was filed: n/a
2. Date of the order to be reviewed: n/a
3. Specify the statute or other authority granting the court of appeals jurisdiction to review the order: n/a
4. Specify the time limit for filing the petition (cite specific statutory section or other authority): n/a

**C. APPEAL OF TAX COURT DECISION**

1. Date notice of appeal was filed: n/a  
(If notice was filed by mail, attach proof of postmark.)
2. Time limit for filing notice of appeal: n/a
3. Date of entry of decision appealed: n/a
4. Was a timely motion to vacate or revise a decision made under the Tax Court's Rules of Practice, and if so, when? *See* Fed. R. App. P. 13(a). n/a

**II. LIST ALL RELATED OR PRIOR RELATED APPEALS IN THIS COURT WITH APPROPRIATE CITATION(S).** If none, please so state.

None

**III. GIVE A BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW.**

The Securities and Exchange Commission (the “SEC”) initiated this lawsuit to prosecute allegations of securities fraud by the Defendant Val Southwick and his affiliated companies. The district court appointed a receiver, and, in the order appointing the receiver, stayed all legal action against the receivership estate. Appellants, the Covenant Group, were in the process of prosecuting nonjudicial foreclosures against commercial real estate properties in Nevada on which the Covenant Group had a valid recorded lien. Because there was some ambiguity about whether the injunction applied to these properties, the Covenant Group made a motion to the district court to clarify that the stay did not apply to these properties and, in the alternative, that if the properties were part of the receivership estate, to lift the stay with regard to these properties. The district court determined that the entities holding title to the properties are receivership entities, a finding the Covenant Group does not appeal. However, the district court also refused to modify or lift the stay with regard to the nonjudicial foreclosures, even though the subject properties are completely encumbered by valid, recorded liens, with no possible equity remaining for the receivership estate. The district court said, in effect, that it was going to ignore any distinction between secured and unsecured claims because some of the unsecured creditors had also been promised by Mr. Southwick that their claim would be secured. The district court made this ruling despite the fact that the Uniform Fraudulent Transfer Act (*See* UTAH CODE ANN. § 25-6-1 *et seq.*; NEV. REV. STAT. § 112.140 *et seq.*), under which the Receiver is proceeding, expressly provides that the Act does not apply to a valid security interest. This is the ruling that the Covenant Group is appealing. The potential effect on the underlying value of the liens is significant, and the threat of loss is imminent. The receiver now intends to sell the properties at extremely low prices. In such a sale, the Covenant Group will not be able to protect its interests like it could in a foreclosure, namely by credit bidding against its recorded liens, taking possession, and waiting to sell the properties under better market conditions.

#### **IV. ISSUES RAISED ON APPEAL.**

1. What is the appropriate test for the district court in determining whether to modify or dissolve an injunction imposing a stay of legal proceedings in another jurisdiction?
2. When the validity of a recorded security interest is undisputed, can a

district court fail to distinguish between secured and unsecured claims and maintain an injunction against nonjudicial foreclosures of property titled in a court-appointed receiver?

**V. ADDITIONAL INFORMATION IN CRIMINAL APPEALS.**

- A. Does this appeal involve review under 18 U.S.C. § 3742(a) or (b) of the sentence imposed? n/a
- B. If the answer to question in A is yes, does the defendant also challenge the judgment of conviction? n/a
- C. Describe the sentence imposed. n/a
- D. Was the sentence imposed after a plea of guilty? n/a
- E. If the answer to D is yes, did the plea agreement include a waiver of appeal and/or collateral challenges? n/a
- F. Is defendant on probation or at liberty pending appeal? n/a
- G. If the defendant is incarcerated, what is the anticipated release date if the judgment of conviction is fully executed? n/a

**NOTE:** In the event expedited review is requested, the defendant shall consider whether a transcript of any portion of the trial court proceedings is necessary for the appeal. Necessary transcripts must be ordered at the time of appeal by completing and delivering the transcript order form to the clerk of the district court when a notice of appeal is filed. Defendant/appellant must refrain from ordering any unnecessary transcript as this will delay the appeal. If the court orders this appeal expedited, it will set a schedule for preparation of necessary transcripts, for designation and preparation of the record on appeal, and for filing briefs. If issues other than sentencing are raised by this appeal, the court will decide whether bifurcation is desirable.

**VI. INDICATE WHETHER ORAL ARGUMENT IS DESIRED IN THIS APPEAL.**

Yes. Oral argument will materially aid the Court in understanding the facts

and issues.

**VII. ATTORNEY FILING DOCKETING STATEMENT:**

Name: Peter W. Billings Telephone: 801-531-8900

Firm: Fabian & Clendenin

Address: 215 South State Street, Suite 1200  
Salt Lake City, Utah 84111-2323

**PLEASE IDENTIFY ON WHOSE BEHALF THE DOCKETING STATEMENT IS FILED:**

- A.  Appellant
- Petitioner
- Cross-Appellant

**B. PLEASE IDENTIFY WHETHER THE FILING COUNSEL IS**

- Retained Attorney
- Court-Appointed
- Employed by a government entity  
(please specify \_\_\_\_\_)
- Employed by the Office of the Federal Public Defender.

/s/ Peter W. Billings

Signature

Attorney at Law

December 29, 2008

Date

**NOTE:** A copy of the court or agency docket sheet, the final judgment or order appealed from, any pertinent findings and conclusions, opinions, or orders, any motion filed under Fed. R. Civ. P. 50(b), 52(b), 59, or 60, including any motion for reconsideration, for judgment of acquittal, for arrest of judgment, or for new trial, and the dispositive order(s), any motion for extension of time to file

notice of appeal and the dispositive order, and the notice of appeal or petition for review **must be attached to all copies of the Docketing Statement**, except as otherwise provided in Section 1 of the instructions.

The Docketing Statement must be e-filed with the Clerk care of [esubmission@ca10.uscourts.gov](mailto:esubmission@ca10.uscourts.gov). In addition, within two business days, counsel must forward one hard copy of the statement, with attachments, to the court.

This Docketing Statement must be accompanied by proof of service.

The following Certificate of Service may be used.

## CERTIFICATE OF SERVICE

I, Timothy K. Clark, attorney for Appellants, hereby certify that on this 29th day of December, 2008, I sent a copy of the foregoing **Docketing Statement** to the following:

Mark L. Callister  
CALLISTER NEBEKER &  
McCULLOUGH  
10 E. South Temple  
Suite 900  
Salt Lake City, UT 84133  
*Attorneys for Connie Cannon,  
Helen Cannon, Ivan Cannon,  
Ronald Cannon, the Dorothy L.  
Koch Trust, Cherie B. Koch,  
Richard Koch, Sherie Koch,  
William R. Koch, the Richard and  
Sherie Koch Living Trust dated  
06/01/99, the William B. Koch  
and Cherie B. Koch Exemption  
Trust dated 10/06/87, and Vegas  
White Truck & Equipment*

David K. Broadbent  
Mona Lyman Burton  
Katherine Norman Hansen  
HOLLAND & HART  
60 E. South Temple  
Suite 200  
Salt Lake City, UT 84111  
*Attorneys for Grubb & Ellis  
Realty Investors*

Matthew Q. Callister  
CALLISTER & REYNOLDS  
823 LAS VEGAS BLVD SOUTH  
LAS VEGAS, NV 89101  
*Attorneys for Connie Cannon,  
Helen Cannon, Ivan Cannon,  
Ronald Cannon, the Dorothy L.  
Koch Trust, Cherie B. Koch,  
Richard Koch, Sherie Koch,  
William R. Koch, the Richard and  
Sherie Koch Living Trust dated  
06/01/99, the William B. Koch  
and Cherie B. Koch Exemption  
Trust dated 10/06/87, and Vegas  
White Truck & Equipment*

Jerome Romero  
JONES WALDO HOLBROOK &  
McDONOUGH  
170 S. Main Street  
Suite 1500  
Salt Lake City, UT 84101  
*Attorneys for Jonathan H. Horne,  
as Trustee for the Jonathan H.  
Horne, M.D., P.C., Retirement  
Plan Trust Fund, and Oak Valley  
Investments*

Samuel S. Harkness  
Richard A. Van Wagoner  
Max D. Wheeler  
SNOW CHRISTENSEN &  
MARTINEAU  
10 Exchange Place  
11th Floor  
P.O. Box 45000  
Salt Lake City, UT 84145  
*Attorneys for Val E. Southwick*

Karen L. Martinez  
William B. McKean  
Thomas M. Melton  
SECURITIES AND EXCHANGE  
COMMISSION  
15 W. South Temple  
Suite 1800  
Salt Lake City, UT 84101  
*Attorneys for the Securities and  
Exchange Commission*

Rodney R. Parker  
SNOW CHRISTENSEN &  
MARTINEAU  
10 Exchange Place  
11th Floor  
P.O. Box 45000  
Salt Lake City, UT 84145  
*Attorneys for MMS Capital  
Investments LLC, John D.  
Southwick, Marilyn Southwick,  
and Val E. Southwick*

Sally B. McMinimee  
Jared N. Parrish  
Robert G. Wing  
PRINCE YEATES &  
GELDZAHLER  
175 E. 400 South  
Suite 900  
Salt Lake City, UT 84111  
*Attorneys for Robert G. Wing,  
Receiver*

by way of United States mail, first-class postage prepaid.

/s/ Timothy K. Clark  
Signature

December 29, 2008  
Date

# ATTACHMENT 1

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

2008 NOV 17 P 2:37

DISTRICT OF UTAH

**SECURITIES AND EXCHANGE  
COMMISSION,**

Plaintiff,

vs.

**VESCOR CAPITAL CORP.,** a Nevada corporation, **VESCOR CAPITAL, INC.,** a Nevada corporation, **VESCORP CAPITAL, LLC,** a Nevada limited liability company, **VESCORP CAPITAL IV-A, LLC,** a Nevada limited liability company, **VESCORP CAPITAL IV-M, LLC,** a Nevada limited liability company, and **VAL E. SOUTHWICK,**

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART THE MOTION OF THE COVENANT GROUP TO CLARIFY AND/OR LIFT STAY AND DENYING THE MOTION TO MODIFY OF OAK VALLEY INVESTMENTS**

Civil No. 1:08cv00012

Judge Dee Benson

On October 5, 2008 at 3:30 p.m., the Court heard the Motion to Clarify the Scope of the Stay, and, if Necessary, to Lift the Stay filed by Heritage Capital Management, LLC, Covenant Bancorp, Inc., Covenant Capital, LLC, Heritage Orcas Partners, LP, Heritage Orcas VL Partners, LP, and Boundary Bay Capital, LLC (collectively, "The Covenant Group"). The Court also heard the Motion for Relief and/or Modification of Stay filed by Oak Valley Investments, L.P. and Jonathan H. Horne, M.D., as Trustee for the Jonathan H. Horne, M.D., P.C. Retirement Plan Trust Fund (collectively, "Oak Valley").

The Covenant Group was represented by Peter W. Billings and Timothy K. Clark of Fabian & Clendenin. The United States Securities and Exchange Commission was represented by Thomas M. Melton and Karen Martinez. Val Southwick and Marilyn Southwick were represented by Rod Parker of Snow, Christensen & Martineau. Oak Valley was represented by Jerome Romero of Jones Waldo Holbrook & McDonough. The Receiver for the Vescor entities, Robert G. Wing was present and was represented by M. David Eckersley and Sally B. McMinimee of Prince, Yeates & Geldzahler. The Court, having reviewed all memoranda and having heard oral argument, hereby orders:

1. The Covenant Group's Motion to Clarify the Scope of the Stay, and, if Necessary, to Lift the Stay is granted in part and denied in part. Its Motion to Lift the Stay is denied.
2. The Receiver is authorized to market any real property held by the estate, subject to the obligations in U.S.C.A. § 2001, which allow, among other things, for interested parties to make an objection to any proposed sale. If any sale is approved by the Court, all of the liens on the real property shall attach to the proceeds of the sale. The validity and priority of these liens will be determined at a later time by the Court.
3. The Receiver is directed to file with this Court within 90 days a progress report relating to the sale of the property.
4. The Stay is clarified; the Covenant Group may proceed with any tort claims it may have against Douglas Malan, William Plise, and Christopher Layton.

5. The Motion for Relief and/or Modification of Stay filed by Oak Valley is denied.

6. The Order Appointing a Receiver is modified to specify that the assets of Val Southwick are part of the receivership estate.

7. The Order Appointing a Receiver is modified to include the following additional named receivership entities. This list is not exhaustive and other entities may be added pursuant to the Court's order as they are discovered:<sup>1</sup>

Development Advisory Services, LLC  
Horizon Ridge Office Park, LLC  
7101 Silver Lake, LLC  
7101 Silver Lake/40, LLC  
7101 Silver Lake/60, LLC  
ADL 1, LLC  
Annenberg Capital, LLC  
Apex 3, LLC  
Apex Capital 3, LLC  
Apex Capital CCN 1, LLC  
Apex Capital CCN 2, LLC  
Apex Capital CCN 23, LLC  
Apex Capital CCN 3, LLC  
Apex Capital CCN 4, LLC  
Apex Capital CCN 5, LLC  
Apex Capital CCN 6, LLC  
Apex Foot Hills, LLC  
Apex Holdings 1, LLC  
Apex Holdings 2, LLC  
Apex Holdings 23, LLC  
Apex Holdings 3, LLC  
Apex Holdings 4, LLC  
Apex Holdings 5, LLC  
Apex Holdings 6, LLC  
Apex Land Holdings, LLC

Apex Industrial Properties, LLC  
Apex MM, Inc.  
Apex Miners Mesa, LLC  
Apex Northern Highlands, LLC  
Apex Number One, LLC  
Apex Solo Mountain, LLC  
Apex Vegas Vista, LLC  
BDL 2, LLC  
Baron Von Tiltup, LLC  
Bay View Community Center, LLC  
Berkshire Assets, LLC  
CLP Properties, LLC  
Consulting Alternatives, LLC  
Commercial Center North, LLC  
DKR Holdings, LLC  
Development Advisory Services, LLC  
EDL 5, LLC  
Edgewood Assets, LLC  
Eleuthera Equity, LLC  
Emerald Crest Condominium Association, LLC  
Emerald Crest Holdings, LLC  
Five Star Lending, LLC  
GHC Equities, LLC  
Glenbrook Capital, LLC

<sup>1</sup> In addition to the entities listed in ¶ 7, the Receiver claims ownership of the following entities and/or their assets. The Receiver's ownership is disputed and will be resolved in later proceedings: Apex Capital I, LLC; Apex Central, LLC; Cromwell Property Management, LLC; Siena Office Park 2, LLC; Siena Office Park 3, LLC; Siena Vista, LLC; SOP 871, LLC; OS, LLC;

Growth Vision, LLC  
HB Equities, LLC  
Horizon Ridge Office Park, LLC  
IDL 9, LLC  
Industrial Rail Owners Association  
(Corp.)  
International Transitional Housing,  
LLC  
IR Holdings I, LLC  
IR Holdings III, LLC  
JDL 10, LLC  
J & V, LLC  
Kenton Investments, LLC  
Kojo Seacliff, LLC  
London I, LLC  
MMS Capital Investments, LLC  
MMS Holdings, LLC  
Montana Freeport Holdings, LLC  
Nevada Development Advisory, LLC  
Odyssey Equity, LLC  
One Mortgage Ltd., Inc.  
Oxford First Capital, LLC  
Paladin Development Services, LLC  
R.O.C.S.E.V. Capital, LLC  
Santa Clara, LLC  
SEV Administrative Trust  
Siena Executive Suites Holdings,  
LLC  
Siena Heights II, LLC  
Siena Heights, LLC  
Siena Office Park 1, LLC  
Siena Office Park 4, LLC  
Siena Office Park, LLC  
Signatory, LLC  
Silver State Lending, LLC  
SOP Capital, LLC  
SOP MM, Inc.  
Southwick Insurance Trust  
Stonefield Holdings, LLC  
Sunset Curve Holdings, LLC  
SV Assets, LLC  
SV Lending, LLC  
Towicks, LLC  
Transitional Alternatives LLC  
Trillium Assets, LLC

Val Edmund Southwick Family  
Trust dtd 8/2/86  
VDC Commercial Mortgage, LLC  
VesCor Capital Corp.  
VesCor Capital Inc.  
VesCor Development, LLC  
VesCor Development 2, LLC  
VesCor Development 3, LLC  
VesCor Preferred Equity, LLC  
VesCor, Ltd.  
VesCorp Capital IV-A, LLC  
VesCorp Capital IV-HR, LLC  
VesCorp Capital IV-M, LLC  
VesCorp Capital IV-ND, LLC  
VesCorp Capital, LLC  
Vescorp IV, Inc.  
Vegas Vista VI, LLC  
Vegas Vista 6 Holdings, LLC

DATED THIS 17th day of November, 2008

By the Court:

A handwritten signature in cursive script that reads "Dee Benson". The signature is written in black ink and is positioned above a horizontal line.

District Court Judge

# ATTACHMENT 2

Peter W. Billings, #330  
Timothy K. Clark, #10778  
FABIAN & CLENDENIN,  
A Professional Corporation  
215 South State Street, Suite 1200  
Salt Lake City, Utah 84111-2323  
Telephone: (801) 531-8900  
pbillings@fabianlaw.com  
tclark@fabianlaw.com

Attorneys for Heritage Capital Management, LLC; Covenant Bancorp, Inc.; Covenant Capital, LLC; Heritage Orcas Partners, LP; Heritage Orcas VL Partners, LP; and Boundary Bay Capital, LLC

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

VESCOR CAPITAL CORP., a Nevada corporation; VESCOR CAPITAL, INC., a Nevada corporation; VESCORP CAPITAL, LLC, a Nevada limited liability company; VESCORP CAPITAL IV-A, LLC, a Nevada limited liability company; VESCORP CAPITAL IV-M, LLC, a Nevada limited liability company; and VAL E. SOUTHWICK,

Defendants.

**NOTICE OF APPEAL**

Civil No. 1:08cv00012

Hon. Dee Benson

TO THE CLERK OF THE ABOVE-CAPTIONED DISTRICT COURT:

Pursuant to Rule 3 of the Federal Rules of Appellate Procedure, notice is hereby given that Heritage Capital Management, LLC; Covenant Bancorp, Inc.; Covenant Capital, LLC; Heritage Orcas Partners, LP; Heritage Orcas VL Partners, LP; and Boundary Bay Capital, LLC (the "Covenant Group"), parties in interest, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the "Order Granting in Part and Denying in Part the Motion of the Covenant Group to Clarify and/or Lift Stay and Denying the Motion to Modify of Oak Valley Investments" (the "Order") entered on November 17, 2008.

DATED this 16th day of December, 2008.

/s/ Peter W. Billings \_\_\_\_\_  
Peter W. Billings  
Timothy K. Clark  
FABIAN & CLENDENIN  
A Professional Corporation

# ATTACHMENT 3

APPEAL

**Electronic Case Filing System  
District of Utah (Northern)  
CIVIL DOCKET FOR CASE #: 1:08-cv-00012-DB**

Securities & Exchange Commission v. Vescor Capital Corp  
et al

Assigned to: Judge Dee Benson

Case in other court: Tenth Circuit, 08-04224

Cause: 15:0077 Securities Fraud

Date Filed: 02/06/2008

Jury Demand: None

Nature of Suit: 850

Securities/Commodities

Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Securities & Exchange Commission**

represented by **Karen L. Martinez**

SECURITIES AND EXCHANGE  
COMMISSION

15 W SOUTH TEMPLE STE 1800

SALT LAKE CITY , UT 84101

(801)524-5796

Email: martinezk@sec.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Thomas M Melton**

SECURITIES AND EXCHANGE  
COMMISSION (UT)

15 W SO TEMPLE STE 1800

SALT LAKE CITY , UT 84101

(801)524-5796

Email: meltont@sec.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**William B. McKean**

SECURITIES AND EXCHANGE  
COMMISSION (UT)

15 W SO TEMPLE STE 1800

SALT LAKE CITY , UT 84101

(801)524-5796

Email: mckeanw@sec.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Vescor Capital Corp**  
*a Nevada corporation*

**Defendant**

**Vescor Capital**  
*a Nevada corporation*

**Defendant**

**Vescorp Capital**  
*a Nevada limited liability company*

**Defendant**

**Vescorp Capital IV-A**  
*a Nevada limited liability company*

**Defendant**

**Vescorp Capital IV-M**  
*a Nevada limited liability company*

**Defendant**

**Val E. Southwick**

represented by **Max D. Wheeler**  
SNOW CHRISTENSEN &  
MARTINEAU  
10 EXCHANGE PLACE 11TH  
FLOOR  
PO BOX 45000  
SALT LAKE CITY , UT 84145-5000  
(801)521-9000  
Email: intakeclerk@scmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard A. Van Wagoner**  
SNOW CHRISTENSEN &  
MARTINEAU  
10 EXCHANGE PLACE 11TH  
FLOOR  
PO BOX 45000  
SALT LAKE CITY , UT 84145-5000  
(801)521-9000  
Email: rvanwagoner@scmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Rodney R. Parker**  
SNOW CHRISTENSEN &  
MARTINEAU  
10 EXCHANGE PLACE 11TH  
FLOOR  
PO BOX 45000

SALT LAKE CITY , UT 84145-5000  
(801)521-9000  
Email: rparker@scmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Samuel S. Harkness**  
SNOW CHRISTENSEN &  
MARTINEAU  
10 EXCHANGE PLACE 11TH  
FLOOR  
PO BOX 45000  
SALT LAKE CITY , UT 84145-5000  
(801)521-9000  
Email: intakeclerk@scmlaw.com  
*ATTORNEY TO BE NOTICED*

**Movant**

**Oak Valley Investments**

represented by **Jerome Romero**  
JONES WALDO HOLBROOK &  
MCDONOUGH (SLC)  
170 S MAIN ST STE 1500  
SALT LAKE CITY , UT 84101  
(801)521-3200  
Email: jromero@joneswaldo.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Jonathan H. Horne**  
*As Trustee for the Johathan H. Horne,  
M.D. P.C. Retirement Plan Trust Fund*

represented by **Jerome Romero**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Ivan Cannon**  
*an individual*

represented by **Mark L. Callister**  
CALLISTER NEBEKER &  
MCCULLOUGH  
10 E SOUTH TEMPLE STE 900  
SALT LAKE CITY , UT 84133  
(801)530-7300  
Email: mlc@cnmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
CALLISTER & REYNOLDS  
823 LAS VEGAS BLVD SOUTH  
LAS VEGAS , NV 89101  
(702)385-3343

Email: mqc@callisterreynolds.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Helen Cannon**  
*an individual*

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**William R. Koch**  
*an individual*

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Cherie B. Koch**  
*an individual*

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**William B. Koch and Cherie B. Koch**  
**Exemption Trust Dated 10/6/87**

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*

*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Richard Koch**  
*an individual*

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Sherie Koch**  
*an individual*

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Richard and Sherie Koch Living  
Trust Dated 6/1/99**

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Dorothy L Koch Trust**

represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Movant****Ronald Cannon**  
*an individual*represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED***Movant****Connie Cannon**  
*an individual*represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED***Movant****Vegas White Truck & Equipment**  
*a Nevada Corporation*represented by **Mark L. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Matthew Q. Callister**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED***Movant****Heritage Capital Management**  
*LLC*represented by **Peter W. Billings**  
FABIAN & CLENDENIN  
215 S STATE ST STE 1200  
SALT LAKE CITY , UT 84111-2323  
(801)531-8900  
Email: pbillings@fabianlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Timothy K. Clark**  
FABIAN & CLENDENIN  
215 S STATE ST STE 1200

SALT LAKE CITY , UT 84111-2323  
(801)531-8900  
Email: tclark@fabianlaw.com  
*ATTORNEY TO BE NOTICED*

**Movant**

**Covenant Bancorp**

represented by **Peter W. Billings**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy K. Clark**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Covenant Capital  
LLC**

represented by **Peter W. Billings**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy K. Clark**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Heritage Orcas Partners  
LP**

represented by **Peter W. Billings**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy K. Clark**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Heritage Orcas VL Partners  
LP**

represented by **Peter W. Billings**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy K. Clark**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Boundary Bay Capital  
LLC**

represented by **Peter W. Billings**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy K. Clark**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Grubb & Ellis Realty Investors**

represented by **David K. Broadbent**  
HOLLAND & HART (UT)  
60 E SOUTH TEMPLE STE 2000  
SALT LAKE CITY , UT 84111-1031  
(801)595-7800  
Email: dbroadbent@hollandhart.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mona Lyman Burton**  
HOLLAND & HART (UT)  
60 E SOUTH TEMPLE STE 2000  
SALT LAKE CITY , UT 84111-1031  
(801)595-7822  
Email: mburton@hollandhart.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Katherine Norman Hansen**  
HOLLAND & HART (UT)  
60 E SOUTH TEMPLE STE 2000  
SALT LAKE CITY , UT 84111-1031  
(801)799-5895  
Email: knhansen@hollandhart.com  
*ATTORNEY TO BE NOTICED*

V.

**Objector**

**Marilyn Southwick**

represented by **Rodney R. Parker**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Objector**

**John D. Southwick**

represented by **Rodney R. Parker**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Objector**

**MMS Capital Investments LLC**

represented by **Rodney R. Parker**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

V.

**Receiver**

**Robert G. Wing**

represented by **Jared N. Parrish**  
 PRINCE YEATES & GELDZAHLER  
 175 E 400 S STE 900  
 SALT LAKE CITY , UT 84111  
 (801)524-1000  
 Email: jnp@princeyeates.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Robert G. Wing**  
 PRINCE YEATES & GELDZAHLER  
 175 E 400 S STE 900  
 SALT LAKE CITY , UT 84111  
 (801)524-1000  
 Email: rgw@princeyeates.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Sally B. McMinimee**  
 PRINCE YEATES & GELDZAHLER  
 175 E 400 S STE 900  
 SALT LAKE CITY , UT 84111  
 (801)524-1000  
 Email: sbm@princeyeates.com  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/06/2008	<a href="#">1</a>	COMPLAINT against Vescor Capital Corp, Vescor Capital, Vescorp Capital, Vescorp Capital IV-A, Vescorp Capital IV-M, Val E. Southwick (Fee Status: Waived), filed by Securities & Exchange Commission. (Attachments: # <a href="#">1</a> Civil Cover Sheet) Assigned to Judge Judge Dee Benson(rpd) (Entered: 02/06/2008)
02/07/2008	<a href="#">2</a>	ACKNOWLEDGMENT OF SERVICE Executed <i>February 6, 2008</i> Acknowledgment filed by Securities & Exchange Commission. Vescor Capital Corp served on 2/6/2008, answer due 2/26/2008; Vescor Capital served on 2/6/2008, answer due 2/26/2008; Vescorp Capital served on 2/6/2008, answer due 2/26/2008; Vescorp Capital IV-A served on 2/6/2008, answer due 2/26/2008; Vescorp Capital IV-M served on 2/6/2008, answer due 2/26/2008; Val E. Southwick served on 2/6/2008, answer due 2/26/2008. (Attachments: # <a href="#">1</a> Exhibit Summons in a Civil Action: Val E. Southwick, # <a href="#">2</a> Exhibit Summons in a Civil Action: Vescor Capital Corp., # <a href="#">3</a> Exhibit Summons in a

		Civil Action: Vescor Capital, Inc., # <a href="#">4</a> Exhibit Summons in a Civil Action: VesCorp Capital IV-A, LLC, # <a href="#">5</a> Exhibit Summons in a Civil Action: VesCorp Capital IV-M, LLC, # <a href="#">6</a> Exhibit Summons in a Civil Action: Vescor Capital, LLC)(Melton, Thomas) (Entered: 02/07/2008)
02/11/2008	<a href="#">3</a>	NOTICE of Appearance by Max D. Wheeler on behalf of Val E. Southwick (Wheeler, Max) (Entered: 02/11/2008)
02/11/2008	<a href="#">4</a>	NOTICE of Appearance by Richard A. Van Wagoner on behalf of Val E. Southwick (Van Wagoner, Richard) (Entered: 02/11/2008)
02/11/2008	<a href="#">5</a>	NOTICE of Appearance by Rodney R. Parker on behalf of Val E. Southwick (Parker, Rodney) (Entered: 02/11/2008)
02/11/2008	<a href="#">6</a>	NOTICE of Appearance by Samuel S. Harkness on behalf of Val E. Southwick (Harkness, Samuel) (Entered: 02/11/2008)
02/25/2008	<a href="#">7</a>	Stipulated MOTION for Injunctive Relief Against Defendant Val E. Southwick, by Securities & Exchange Commission. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order Imposing Injunctive Relief against Defendant Val E. Southwick)(Melton, Thomas) Modified on 2/25/2008 - Changed event from a stipulation to a motion (rlr). (Entered: 02/25/2008)
02/26/2008	<a href="#">8</a>	ORDER granting <a href="#">7</a> Motion to Impose Injunctive Relief Against Defendant Val E. Southwick. Signed by Judge Dee Benson on 2/26/2008. (rlr) (Entered: 02/26/2008)
02/26/2008	<a href="#">9</a>	MOTION to Stay <i>Litigation</i> filed by Plaintiff Securities & Exchange Commission. (Attachments: # <a href="#">1</a> Exhibit Exhibit "A": Entity List, # <a href="#">2</a> Exhibit Exhibit "B": Proposed Notice of Stay, # <a href="#">3</a> Exhibit Exhibit "C": Currently pending litigation against Southwick and/or Entities, # <a href="#">4</a> Exhibit Exhibit "D": Proposed Order Granting Motion for Stay of Litigation)(Melton, Thomas) (Entered: 02/26/2008)
02/26/2008	<a href="#">10</a>	MEMORANDUM in Support re <a href="#">9</a> MOTION to Stay <i>Litigation</i> filed by Plaintiff Securities & Exchange Commission. (Melton, Thomas) (Entered: 02/26/2008)
02/27/2008	<a href="#">11</a>	CERTIFICATE OF SERVICE by Securities & Exchange Commission re <a href="#">9</a> MOTION to Stay <i>Litigation</i> (Melton, Thomas) (Entered: 02/27/2008)
03/03/2008	<a href="#">12</a>	MOTION for Joinder re <a href="#">9</a> MOTION to Stay <i>Litigation</i> filed by Defendant Val E. Southwick. (Parker, Rodney) (Entered: 03/03/2008)
03/05/2008	<a href="#">13</a>	MOTION to Intervene filed by Movants Oak Valley Investments, Jonathan H. Horne. (rlr) (Entered: 03/06/2008)
03/05/2008	<a href="#">14</a>	MEMORANDUM in Support re <a href="#">13</a> MOTION to Intervene filed by Movants Oak Valley Investments, Jonathan H. Horne. (rlr) (Entered: 03/06/2008)
03/24/2008	<a href="#">15</a>	MEMORANDUM in Opposition re <a href="#">13</a> MOTION to Intervene filed by Plaintiff Securities & Exchange Commission. (Attachments: # <a href="#">1</a> Exhibit Application for Writ of Execution and Writ of Execution)(Melton, Thomas) (Entered: 03/24/2008)

03/25/2008	<a href="#">16</a>	CERTIFICATE OF SERVICE by Securities & Exchange Commission re <a href="#">15</a> Memorandum in Opposition to Motion (Melton, Thomas) (Entered: 03/25/2008)
04/02/2008	<a href="#">17</a>	REPLY to Response to Motion re <a href="#">13</a> MOTION to Intervene filed by Movants Oak Valley Investments, Jonathan H. Horne. (Romero, Jerome) (Entered: 04/02/2008)
04/08/2008	<a href="#">18</a>	REPORT OF ATTORNEY PLANNING MEETING. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Scheduling Order)(Melton, Thomas) (Entered: 04/08/2008)
04/09/2008	<a href="#">19</a>	<b>NOTICE OF HEARING ON MOTION</b> re: <a href="#">13</a> MOTION to Intervene, <a href="#">9</a> MOTION to Stay <i>Litigation</i> : (Notice generated by chambers) Motion Hearing set for 4/11/2008 10:00 AM in Room 246 before Judge Dee Benson. (yre) (Entered: 04/09/2008)
04/09/2008	<a href="#">20</a>	DOCKET TEXT ORDER granting <a href="#">12</a> Motion for Joinder. Signed by Judge Dee Benson on 4/9/2008. No attached document. (yre) (Entered: 04/09/2008)
04/11/2008	<a href="#">21</a>	Minute Order. Proceedings held before Judge Dee Benson:After arguments were heard and discussion held, Crt ruled: Denying the motion to stay. Court made findings on the record. denying <a href="#">9</a> Motion to Stay; Motion Hearing held on 4/11/2008 re <a href="#">9</a> MOTION to Stay <i>Litigation</i> filed by Securities & Exchange Commission. Attorney for Plaintiff: Thomas Melton, Attorney for Defendant Max D. Wheeler. Court Reporter: Ed Young. (reb) (Entered: 04/16/2008)
05/02/2008	<a href="#">22</a>	Stipulated MOTION to Appoint Receiver filed by Plaintiff Securities & Exchange Commission. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Melton, Thomas) (Entered: 05/02/2008)
05/02/2008	<a href="#">23</a>	MEMORANDUM in Support re <a href="#">22</a> Stipulated MOTION to Appoint Receiver filed by Plaintiff Securities & Exchange Commission. (Melton, Thomas) (Entered: 05/02/2008)
05/05/2008	<a href="#">24</a>	SCHEDULING ORDER: Amended Pleadings due by 4/30/2008. Joinder of Parties due by 7/31/2008. Fact Discovery due 5/29/09 and Expert Discovery due by 7/31/2009. Motions due by 11/30/2009. Final Pretrial Conference set for 4/20/2010 02:30 PM in Room 246 before Judge Dee Benson. 10 Day Bench Trial set for 5/3/2010 08:30 AM in Room 246 before Judge Dee Benson. Signed by Magistrate Judge David Nuffer on 5/3/08. (ce) (Entered: 05/05/2008)
05/05/2008	<a href="#">25</a>	ORDER granting <a href="#">22</a> Motion to Appoint Receiver. Robert G. Wing appointed. Signed by Judge Dee Benson on 5/05/08. (jwt) (Entered: 05/05/2008)
05/23/2008	<a href="#">26</a>	MOTION To Sell Property filed by Receiver Robert G. Wing. (Wing, Robert) (Entered: 05/23/2008)
05/23/2008	<a href="#">27</a>	MEMORANDUM in Support re <a href="#">26</a> MOTION To Sell Property filed by Receiver Robert G. Wing. (Wing, Robert) (Entered: 05/23/2008)
05/27/2008	<a href="#">28</a>	MEMORANDUM in Support re <a href="#">26</a> MOTION To Sell Property <i>Proposed Order to Sell</i> filed by Receiver Robert G. Wing. (Wing, Robert) (Entered: 05/27/2008)

		05/27/2008)
06/24/2008	<a href="#">29</a>	MOTION Relief and/or Modification of Stay filed by Movants Oak Valley Investments, Jonathan H. Horne. (Romero, Jerome) (Entered: 06/24/2008)
06/24/2008	<a href="#">30</a>	MEMORANDUM in Support re <a href="#">29</a> MOTION Relief and/or Modification of Stay filed by Movants Oak Valley Investments, Jonathan H. Horne. (Romero, Jerome) (Entered: 06/24/2008)
07/03/2008	<a href="#">31</a>	ORDER granting <a href="#">26</a> Motion to Sell Receivership Property. Receiver shall sell personal property in the possession of the Receiver, at a public auction, to be conducted by StateWide Liquidators and Auctioneers on 6/14/2008, at the Vescor offices located at 4590 Harrison Boulevard, Suite 200, Ogden, Utah. Signed by Judge Dee Benson on 6/30/2008. (rlr) (Entered: 07/03/2008)
07/08/2008	<a href="#">32</a>	MEMORANDUM in Opposition re <a href="#">29</a> MOTION Relief and/or Modification of Stay filed by Plaintiff Securities & Exchange Commission. (Attachments: # <a href="#">1</a> Exhibit Exhibit A: Oak Valley Investments)(Melton, Thomas) (Entered: 07/08/2008)
07/08/2008	<a href="#">33</a>	CERTIFICATE OF SERVICE by Securities & Exchange Commission re <a href="#">32</a> Memorandum in Opposition to Motion (Melton, Thomas) (Entered: 07/08/2008)
07/08/2008	<a href="#">34</a>	NOTICE of Joinder by Val E. Southwick re <a href="#">32</a> Memorandum in Opposition to Motion <i>for Relief from Stay</i> <a href="#">29</a> (Parker, Rodney) (Entered: 07/08/2008)
07/15/2008	<a href="#">35</a>	REPLY to Response to Motion re <a href="#">29</a> MOTION Relief and/or Modification of Stay filed by Movants Oak Valley Investments, Jonathan H. Horne. (Romero, Jerome) (Entered: 07/15/2008)
07/31/2008	<a href="#">36</a>	NOTICE of Depositions by Robert G. Wing of <i>Brian Y. Horne and Kevin Kunz</i> (Wing, Robert) (Entered: 07/31/2008)
07/31/2008	<a href="#">37</a>	MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movants Ivan Cannon, Helen Cannon, William R. Koch, Cherie B. Koch, William B. Koch and Cherie B. Koch Exemption Trust Dated 10/6/87, Richard Koch, Sherie Koch, Richard and Sherie Koch Living Trust Dated 6/1/99, Dorothy L Koch Trust, Ronald Cannon, Connie Cannon, Vegas White Truck & Equipment (alt) (Entered: 08/01/2008)
08/01/2008	<a href="#">38</a>	NOTICE of Appearance by Mark L. Callister on behalf of Ivan Cannon, Helen Cannon, William R. Koch, Cherie B. Koch, William B. Koch and Cherie B. Koch Exemption Trust Dated 10/6/87, Richard Koch, Sherie Koch, Richard and Sherie Koch Living Trust Dated 6/1/99, Dorothy L Koch Trust, Ronald Cannon, Vegas White Truck & Equipment (Callister, Mark) (Entered: 08/01/2008)
08/01/2008	<a href="#">39</a>	MEMORANDUM in Support re <a href="#">37</a> MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movants Ivan Cannon, Helen Cannon, William R. Koch, Cherie B. Koch, William B. Koch and Cherie B. Koch Exemption Trust Dated 10/6/87, Richard Koch, Sherie Koch, Richard and Sherie Koch Living Trust Dated 6/1/99, Dorothy L Koch Trust, Ronald Cannon, Connie Cannon, Vegas

		White Truck & Equipment. (Attachments: # <a href="#">1</a> Exhibit 1 - First Amended Complaint, # <a href="#">2</a> Exhibit 2 - May 5, 2008 Order Appointing A Receiver, # <a href="#">3</a> Exhibit 3 - June 10, 2008 Letter from Counsel for Receiver to Counsel for Movants, # <a href="#">4</a> Exhibit 4 - June 10, 2008 Notice of Order Staying Proceeding and Request for Notice)(Callister, Mark) (Entered: 08/01/2008)
08/01/2008	<a href="#">40</a>	<b>NOTICE OF HEARING ON MOTION</b> re: <a href="#">29</a> MOTION Relief and/or Modification of Stay : (Notice generated by chambers) Motion Hearing set for 9/18/2008 02:30 PM in Room 246 before Judge Dee Benson. (reb) (Entered: 08/01/2008)
08/01/2008	<a href="#">41</a>	MOTION to Clarify Scope of/to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver, filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital (alt) (Entered: 08/01/2008)
08/01/2008	<a href="#">42</a>	MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movant Grubb & Ellis Realty Investors (alt) (Entered: 08/01/2008)
08/01/2008	<a href="#">43</a>	MEMORANDUM in Support re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Billings, Peter) (Entered: 08/01/2008)
08/01/2008	<a href="#">44</a>	AFFIDAVIT of Jerry Smith in Support re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Attachments: # <a href="#">1</a> Exhibit Recorded Documents, # <a href="#">2</a> Exhibit Recorded Documents, # <a href="#">3</a> Exhibit Recorded Documents, # <a href="#">4</a> Exhibit Recorded Documents, # <a href="#">5</a> Exhibit Recorded Documents, # <a href="#">6</a> Exhibit Recorded Documents, # <a href="#">7</a> Exhibit Recorded Documents, # <a href="#">8</a> Exhibit Recorded Documents, # <a href="#">9</a> Exhibit 9a-Recorded Documents, # <a href="#">10</a> Exhibit 9b-Recorded Documents)(Billings, Peter) (Entered: 08/01/2008)
08/01/2008	<a href="#">45</a>	MEMORANDUM in Support re <a href="#">42</a> MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movant Grubb & Ellis Realty Investors. (Attachments: # <a href="#">1</a> Exhibit A (partial 1), # <a href="#">2</a> Exhibit A (final partial), # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit B (partial 2), # <a href="#">5</a> Exhibit B (partial final), # <a href="#">6</a> Exhibit C, # <a href="#">7</a> Exhibit D)(Hansen, Katherine) (Entered: 08/01/2008)
08/04/2008	<a href="#">46</a>	NOTICE of Appearance by David K. Broadbent on behalf of Grubb & Ellis Realty Investors (Broadbent, David) (Entered: 08/04/2008)
08/04/2008	<a href="#">47</a>	NOTICE of Appearance by Mona Lyman Burton on behalf of Grubb & Ellis Realty Investors (Burton, Mona) (Entered: 08/04/2008)
08/04/2008	<a href="#">48</a>	NOTICE of Appearance by Timothy K. Clark on behalf of Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital (Clark, Timothy) (Entered: 08/04/2008)

08/04/2008	<a href="#">49</a>	NOTICE of Appearance by Sally B. McMinimee on behalf of Robert G. Wing (McMinimee, Sally) (Entered: 08/04/2008)
08/04/2008	<a href="#">50</a>	MOTION to Seal Document filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order to File Under Seal)(McMinimee, Sally) (Entered: 08/04/2008)
08/04/2008	<a href="#">51</a>	MEMORANDUM in Support re <a href="#">50</a> MOTION to Seal Document filed by Receiver Robert G. Wing. (McMinimee, Sally) (Entered: 08/04/2008)
08/06/2008	<a href="#">52</a>	MOTION for Admission Pro Hac Vice of Matthew Q. Callister, Registration fee \$ 15, receipt number 10880000000000737292, filed by Movants Ivan Cannon, Helen Cannon, William R. Koch, Cherie B. Koch, William B. Koch and Cherie B. Koch Exemption Trust Dated 10/6/87, Richard Koch, Sherie Koch, Richard and Sherie Koch Living Trust Dated 6/1/99, Dorothy L Koch Trust, Ronald Cannon, Connie Cannon, Vegas White Truck & Equipment. (Attachments: # <a href="#">1</a> Exhibit A - Pro Hac Vice Application, # <a href="#">2</a> Exhibit B - Electronic Case Filing Registration Form, # <a href="#">3</a> Text of Proposed Order) (Callister, Mark) (Entered: 08/06/2008)
08/07/2008	<a href="#">53</a>	ORDER granting <a href="#">52</a> Motion for Admission Pro Hac Vice of Matthew Q. Callister for Ivan Cannon, Helen Cannon, William R. Koch, Cherie B. Koch, William B. Koch and Cherie B. Koch Exemption Trust Dated 10/6/87, Richard Koch, Sherie Koch, Richard and Sherie Koch Living Trust Dated 6/1/99, Dorothy L Koch Trust, Ronald Cannon, Connie Cannon and Vegas White Truck & Equipment. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at <a href="http://www.utd.uscourts.gov">http://www.utd.uscourts.gov</a> . Signed by Judge Dee Benson on 8/7/2008. (rlr) (Entered: 08/07/2008)</i>
08/14/2008	<a href="#">54</a>	<b>***AMENDED***NOTICE OF HEARING ON MOTION</b> re: <a href="#">29</a> MOTION Relief and/or Modification of Stay, <a href="#">37</a> MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver, <a href="#">42</a> MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver, <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver : (Notice generated by chambers) Motion Hearing set for 9/18/2008 02:30 PM in Room 246 before Judge Dee Benson. (reb) (Entered: 08/14/2008)
08/25/2008	<a href="#">55</a>	ORDER granting <a href="#">50</a> Motion to File Document Under Seal. The Receiver is allowed to file invoices under seal. Signed by Judge Dee Benson on 8/25/2008. (rlr) (Entered: 08/25/2008)
08/25/2008	<a href="#">56</a>	Ex Parte (Not Sealed) MOTION Take Control of Account and Transfer Receivership Funds filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Wing, Robert) (Entered: 08/25/2008)
08/25/2008	<a href="#">57</a>	Ex Parte (Not Sealed) MEMORANDUM in Support re <a href="#">56</a> Ex Parte (Not Sealed) MOTION Take Control of Account and Transfer Receivership Funds filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit)(Wing, Robert) (Entered: 08/25/2008)
08/26/2008	<a href="#">58</a>	Stipulated MOTION for Extension of Time to File Response/Reply as to <a href="#">41</a>

		MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Wing, Robert) (Entered: 08/26/2008)
08/28/2008	<a href="#">59</a>	Stipulated MOTION for Extension of Time Motion to Clarify this Court's Order Appointing a Receiver filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(McMinimee, Sally) (Entered: 08/28/2008)
08/28/2008	<a href="#">60</a>	Stipulated MOTION for Extension of Time Motion for Relief from Order Appointing Receiver filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(McMinimee, Sally) (Entered: 08/28/2008)
08/29/2008	<a href="#">61</a>	Ex Parte (Not Sealed) MOTION for Leave to File Excess Pages <i>Receiver's Applicaiton for Leave to File Over-Length Reply Memorandum</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order) (McMinimee, Sally) (Entered: 08/29/2008)
08/29/2008	<a href="#">62</a>	MEMORANDUM in Opposition re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B (part 1), # <a href="#">3</a> Exhibit B (part 2))(McMinimee, Sally) (Entered: 08/29/2008)
08/29/2008	<a href="#">63</a>	DECLARATION of Jennifer Korb - Division of Securities re <a href="#">62</a> Memorandum in Opposition to Motion, filed by Robert G. Wing. (McMinimee, Sally) (Entered: 08/29/2008)
08/29/2008	<a href="#">64</a>	DECLARATION of Gil A. Miller - PricewaterhouseCoopers re <a href="#">62</a> Memorandum in Opposition to Motion, filed by Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3)(McMinimee, Sally) (Entered: 08/29/2008)
08/29/2008	<a href="#">65</a>	DECLARATION of Jeff Galyean re <a href="#">62</a> Memorandum in Opposition to Motion, filed by Robert G. Wing. (McMinimee, Sally) (Entered: 08/29/2008)
08/29/2008	<a href="#">66</a>	DECLARATION of Jonathan N. Horne re <a href="#">62</a> Memorandum in Opposition to Motion, filed by Robert G. Wing. (McMinimee, Sally) (Entered: 08/29/2008)
08/29/2008	<a href="#">67</a>	EXHIBITS/NOTICE of Filing Text of Proposed Order filed by Robert G. Wing re <a href="#">62</a> Memorandum in Opposition to Motion. (McMinimee, Sally) Modified on 9/2/2008 - Added text to reflect this is the proposed Order re entry 62 (rlr). (Entered: 08/29/2008)
08/29/2008	<a href="#">68</a>	MOTION for Joinder <i>In Opposition</i> re <a href="#">56</a> Ex Parte (Not Sealed) MOTION Take Control of Account and Transfer Receivership Funds filed by Defendant Val E. Southwick. (Attachments: # <a href="#">1</a> Exhibit A - Objection)(Parker, Rodney) (Entered: 08/29/2008)
08/29/2008	<a href="#">71</a>	NOTICE OF FILING of Correspondence from Key Bank to Jared N. Parrish Re: Order Appointing a Receiver. (rlr) (Entered: 09/02/2008)
09/02/2008	<a href="#">69</a>	NOTICE of Appearance by Rodney R. Parker on behalf of Marilyn Southwick, John D. Southwick, MMS Capital Investments LLC (Parker, Rodney) (Entered: 09/02/2008)

09/02/2008	<a href="#">70</a>	RESPONSE to Motion re <a href="#">56</a> Ex Parte (Not Sealed) MOTION Take Control of Account and Transfer Receivership Funds filed by Objectors Marilyn Southwick, MMS Capital Investments LLC. (Parker, Rodney) (Entered: 09/02/2008)
09/03/2008	<a href="#">72</a>	MOTION for Leave to File Excess Pages filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(McMinimee, Sally) (Entered: 09/03/2008)
09/03/2008	<a href="#">73</a>	MEMORANDUM in Opposition re <a href="#">42</a> MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit A)(McMinimee, Sally) (Entered: 09/03/2008)
09/03/2008	<a href="#">74</a>	AFFIDAVIT of William J. Murray in Opposition re <a href="#">42</a> MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Receiver Robert G. Wing. (McMinimee, Sally) (Entered: 09/03/2008)
09/03/2008	<a href="#">75</a>	ORDER granting <a href="#">61</a> Motion for Leave to File Excess Pages. Signed by Judge Dee Benson on 9/3/2008. (rlr) (Entered: 09/04/2008)
09/03/2008	<a href="#">76</a>	ORDER granting <a href="#">58</a> Motion for Extension of Time to File Response/Reply re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver. Replies due by 8/29/2008. Signed by Judge Dee Benson on 9/3/2008. (rlr) (Entered: 09/04/2008)
09/03/2008	<a href="#">77</a>	ORDER granting <a href="#">59</a> Motion for Extension of Time to File Response. Signed by Judge Dee Benson on 9/3/2008. (rlr) (Entered: 09/04/2008)
09/03/2008	<a href="#">78</a>	ORDER granting <a href="#">60</a> Motion for Extension of Time to File Response. Signed by Judge Dee Benson on 9/3/2008. (rlr) (Entered: 09/04/2008)
09/05/2008	<a href="#">79</a>	WITHDRAWAL OF MOTION by Movant Ivan Cannon re <a href="#">37</a> MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver MOTION to Clarify <a href="#">25</a> Order on Motion to Appoint Receiver filed by Connie Cannon, William R. Koch, Helen Cannon, Ivan Cannon, Cherie B. Koch, Sherie Koch, William B. Koch and Cherie B. Koch Exemption Trust Dated 10/6/87, Richard and Sherie Koch Living Trust Dated 6/1/99, Vegas White Truck & Equipment, Ronald Cannon, Richard Koch, Dorothy L Koch Trust. (Callister, Matthew) (Entered: 09/05/2008)
09/08/2008	<a href="#">80</a>	<b>**RESTRICTED DOCUMENT**</b> RETURN OF SERVICE Executed for Subpoena served on Barnes Banking Co. on 9/4/2008, filed by Defendant Val E. Southwick. (rlr) (Entered: 09/08/2008)
09/08/2008	<a href="#">81</a>	ORDER granting <a href="#">72</a> Motion for Leave to File Excess Pages. Signed by Judge Dee Benson on 9/8/2008. (rlr) (Entered: 09/09/2008)
09/10/2008	<a href="#">82</a>	Receiver's FINANCIAL REPORT <i>First Declaration and Request to Appoint Professionals</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit Exhibit A - Zions Bank Statement, # <a href="#">2</a> Exhibit B - Summary of Receipts and Disbursements, # <a href="#">3</a> Text of Proposed Order)(Wing, Robert) (Entered: 09/10/2008)
09/10/2008	83	MOTION Appoint Professionals filed by Receiver Robert G. Wing. <b>NOTE:</b>

		This is a combination document, see entry <a href="#">82</a> for the image. (rlr) (Entered: 09/10/2008)
09/11/2008	<a href="#">85</a>	Stipulated MOTION for Hearing re 40 Notice of Hearing on Motion <i>Currently Scheduled for 09/18/08</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Parrish, Jared) (Entered: 09/11/2008)
09/11/2008	<a href="#">86</a>	STIPULATION re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver <i>Stipulation to Extension of Time to File Reply</i> by Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Parrish, Jared) Modified on 9/12/2008 changing event type to Motion for Extension of Time to File Reply(jwt). (Entered: 09/11/2008)
09/12/2008	<a href="#">87</a>	NOTICE of Supplemental Exhibits by Robert G. Wing (Attachments: # <a href="#">1</a> Exhibit People v. Jerry Smith, # <a href="#">2</a> Exhibit Desist and Refrain Order 1-27-2000)(Parrish, Jared) (Entered: 09/12/2008)
09/15/2008	<a href="#">88</a>	ORDER granting <a href="#">86</a> Motion for Extension of Time to File Response/Reply re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver. Replies due by 9/22/2008. Signed by Judge Dee Benson on 9/15/2008. (rlr) (Entered: 09/15/2008)
09/15/2008	<a href="#">89</a>	ORDER granting <a href="#">85</a> Motion to Continue Hearing. The hearing on motions currently set for 9/18/2008 is CONTINUED to 10/3/2008 at 2:30 pm. Signed by Judge Dee Benson on 9/15/2008. (rlr) (Entered: 09/15/2008)
09/15/2008	90	<b>NOTICE OF HEARING ON MOTION</b> re: <a href="#">29</a> MOTION Relief and/or Modification of Stay, <a href="#">42</a> MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver, <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver : (Notice generated by Clerk) Motion Hearing set for 10/3/2008 02:30 PM in Room 246 before Judge Dee Benson. (rlr) (Entered: 09/15/2008)
09/18/2008	<a href="#">91</a>	Ex Parte (Not Sealed) MOTION for Leave to File Excess Pages filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Clark, Timothy) (Entered: 09/18/2008)
09/22/2008	<a href="#">92</a>	ORDER granting <a href="#">91</a> Motion for Leave to File Excess Pages. Signed by Judge Dee Benson on 9/22/2008. (rlr) (Entered: 09/22/2008)
09/22/2008	<a href="#">93</a>	REPLY to Response to Motion re <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Attachments: # <a href="#">1</a> Exhibit A)(Billings, Peter) (Entered: 09/22/2008)
09/22/2008	<a href="#">94</a>	DECLARATION of Roger Howard re <a href="#">93</a> Reply Memorandum/Reply to Response to Motion, filed by Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Attachments: # <a href="#">1</a> Exhibit A)(Billings, Peter) (Entered: 09/22/2008)

09/22/2008	<a href="#">95</a>	DECLARATION of David T. Lawlor re <a href="#">93</a> Reply Memorandum/Reply to Response to Motion, filed by Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Attachments: # <a href="#">1</a> Exhibit (s) A-B)(Billings, Peter) (Entered: 09/22/2008)
09/24/2008	96	<b>***AMENDED***NOTICE OF HEARING ON MOTION</b> re: <a href="#">29</a> MOTION Relief and/or Modification of Stay, <a href="#">42</a> MOTION for Relief re <a href="#">25</a> Order on Motion to Appoint Receiver, <a href="#">41</a> MOTION to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver : (Notice generated by chambers) Motion Hearing RESET FOR 10/3/2008 03:30 PM in Room 246 before Judge Dee Benson. <b>***THIS HEARING WAS ORIGINALLY SCHEDULED at 2:30 PM NOW ITS SCHEDULED AT 3:30 PM***</b> (reb) (Entered: 09/24/2008)
09/25/2008	<a href="#">97</a>	MOTION for Settlement <i>Approval with Church of Jesus Christ of Latter-day Saints</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(McMinimee, Sally) (Entered: 09/25/2008)
09/25/2008	<a href="#">98</a>	MEMORANDUM in Support re <a href="#">97</a> MOTION for Settlement <i>Approval with Church of Jesus Christ of Latter-day Saints</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit Settlement Agreement and General Release of All Claims)(McMinimee, Sally) (Entered: 09/25/2008)
09/26/2008	<a href="#">99</a>	STIPULATION AND MOTION FOR ENTRY OF SCHEDULING ORDER by Grubb & Ellis Realty Investors. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Broadbent, David) Modified on 9/29/2008 - Changed event from a stipulation to a motion (rlr). (Entered: 09/26/2008)
10/01/2008	<a href="#">100</a>	SCHEDULING ORDER: Amended Pleadings due by 1/23/2009. Joinder of Parties due by 1/23/2009. Fact Discovery due by 3/27/2009. Expert Discovery due by 4/10/2009. See Order for more deadlines. Signed by Judge Dee Benson on 9/30/2008. (rlr) (Entered: 10/01/2008)
10/01/2008	<a href="#">101</a>	ORDER granting <a href="#">97</a> Motion for Settlement. The Settlement Agreement and General Release of all claims entered into on by the Receiver on behalf of the defendants and the Church of Jesus Christ of Latter-day Saints is approved. Signed by Judge Dee Benson on 10/1/2008. (rlr) (Entered: 10/01/2008)
10/03/2008	<a href="#">102</a>	EXHIBITS filed by Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital re <a href="#">43</a> Memorandum in Support of Motion,. (Clark, Timothy) (Entered: 10/03/2008)
10/03/2008	109	Minute Order. Proceedings held before Judge Dee Benson: Cnsl present. After arguments were heard and discussion held, Crt ruled: Denying <a href="#">41</a> Motion to Clarify Scope of / to Lift Stay re <a href="#">25</a> Order on Motion to Appoint Receiver filed by Boundary Bay Capital, Covenant Bancorp, Heritage Orcas VL Partners, Covenant Capital, Heritage Capital Management, Heritage Orcas Partners.Granted in part and denying in part <a href="#">29</a> MOTION Relief and/or Modification of Stay filed by Oak Valley Investments, Jonathan H. Horne. Court made findings on the record. Cnsl to prepare the order. Court Reporter: Ed Young. (reb) (Entered: 10/15/2008)

10/08/2008	<a href="#">103</a>	MOTION for Settlement <i>Approval with Trustee of Vescor Bankruptcy Cases</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order) (McMinimee, Sally) (Entered: 10/08/2008)
10/08/2008	<a href="#">104</a>	MEMORANDUM in Support re <a href="#">103</a> MOTION for Settlement <i>Approval with Trustee of Vescor Bankruptcy Cases</i> filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit A - Executed Settlement Agreement)(McMinimee, Sally) (Entered: 10/08/2008)
10/08/2008	<a href="#">105</a>	ORDER re <a href="#">82</a> Receivers Financial Report, filed by Robert G. Wing. The Declaration and Report of Receiver dated 9/10/2008 is accepted and approved. It is further Ordered that the Receiver may, pursuant to paragraph II(h) of the Order Appointing Receiver for Vescor Capital pay from the assets of Vescor Capital or the receivership estate the invoices of the Receiver and his associates at Prince, Yeates & Geldzahler dated thru 7/31/2008, for reasonable fees and expenses totaling \$179,902.03 and the invoice of PricewaterhouseCoopers, LLP dated thru 7/31/2008 for reasonable fees and expenses totaling \$123,166.65.. Signed by Judge Dee Benson on 10/7/2008. (rlr) (Entered: 10/08/2008)
10/13/2008	<a href="#">106</a>	MOTION Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10 & 11) filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(McMinimee, Sally) (Entered: 10/13/2008)
10/13/2008	<a href="#">107</a>	MEMORANDUM in Support re <a href="#">106</a> MOTION Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10 & 11) filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit A)(McMinimee, Sally) (Entered: 10/13/2008)
10/13/2008	<a href="#">108</a>	DECLARATION of William J. Murray re <a href="#">106</a> MOTION Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10 & 11) filed by Robert G. Wing. (McMinimee, Sally) (Entered: 10/13/2008)
10/23/2008	<a href="#">110</a>	MEMORANDUM in Opposition re <a href="#">106</a> MOTION Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10 & 11) filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Billings, Peter) (Entered: 10/23/2008)
10/30/2008	<a href="#">111</a>	MOTION for an Order Approving Claims Procedures, Establishing Claims Deadline and Approving Claim Form filed by Receiver Robert G. Wing. (rlr) (Entered: 10/30/2008)
10/30/2008	<a href="#">112</a>	MEMORANDUM in Support re <a href="#">111</a> MOTION for an Order Approving Claims Procedures, Establishing Claims Deadline and Approving Claim Form filed by Receiver Robert G. Wing. (rlr) (Entered: 10/30/2008)
10/30/2008	<a href="#">113</a>	ORDER granting <a href="#">111</a> Motion for an Order Approving Claims Procedures, Establishing Claims Deadline and Approving Claim Form. Signed by Judge Dee Benson on 10/30/2008. (rlr) (Entered: 10/30/2008)
11/03/2008	<a href="#">114</a>	Reply MEMORANDUM in Support re <a href="#">106</a> MOTION Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10 & 11) filed by

		Receiver Robert G. Wing. (McMinimee, Sally) Modified on 11/4/2008 - Added the word reply to the title of the entry (rlr). (Entered: 11/03/2008)
11/06/2008	<a href="#">115</a>	OBJECTIONS to <i>Form of Order</i> filed by Movants Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Billings, Peter) (Entered: 11/06/2008)
11/10/2008	<a href="#">116</a>	RESPONSE re <a href="#">115</a> Objections,, to <i>Form of Receiver's Order</i> filed by Receiver Robert G. Wing. (McMinimee, Sally) (Entered: 11/10/2008)
11/17/2008	<a href="#">117</a>	ORDER granting <a href="#">106</a> Motion to Authorize Receiver to Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10 & 11). Signed by Judge Dee Benson on 11/17/2008. (rlr) (Entered: 11/17/2008)
11/17/2008	<a href="#">118</a>	ORDER re 109 Order on Motion to Clarify and/or Lift Stay and Motion to Modify Stay, Motion Hearing. Follows oral order of 10/03/2008. Signed by Judge Dee Benson on 11/17/2008. (rlr) (Entered: 11/17/2008)
11/21/2008	<a href="#">119</a>	MOTION to Transfer Personal Property to the Receivership filed by Receiver Robert G. Wing. (Attachments: # <a href="#">1</a> Text of Proposed Order)(McMinimee, Sally) (Entered: 11/21/2008)
11/21/2008	<a href="#">120</a>	MEMORANDUM in Support re <a href="#">119</a> MOTION to Transfer Personal Property to the Receivership filed by Receiver Robert G. Wing. (McMinimee, Sally) (Entered: 11/21/2008)
11/21/2008	<a href="#">121</a>	STATUS REPORT by Robert G. Wing. (McMinimee, Sally) (Entered: 11/21/2008)
12/03/2008	<a href="#">122</a>	MEMORANDUM in Opposition re <a href="#">119</a> MOTION to Transfer Personal Property to the Receivership filed by Defendant Val E. Southwick. (Parker, Rodney) (Entered: 12/03/2008)
12/05/2008	<a href="#">123</a>	ORDER granting <a href="#">103</a> Motion for Settlement. The settlement between the Receiver and the Trustee of Vescor Bankruptcy Cases is APPROVED. Signed by Judge Dee Benson on 12/5/2008. (rlr) (Entered: 12/08/2008)
12/10/2008	<a href="#">124</a>	DECLARATION of Receiver filed by Robert G. Wing. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Text of Proposed Order)(Wing, Robert) (Entered: 12/10/2008)
12/11/2008	<a href="#">125</a>	ORDER - The Declaration of receiver dated 12/10/2008 is accepted and approved, and it is further Ordered that the Receiver may, pursuant to the paragraph II(h) of the Order Appointing Receiver for Vescor Capital pay from the assets of Vescor Capital or the Receivership estate the invoices of the Receiver and his associates at Prince, Yeates & Geldzahler dated thru 10/31/2008, for reasonable fees and expenses totaling \$262,461.14, the invoice of PricewaterhouseCoopers, LLP dated thru 10/31/2008 for reasonable fees and expenses totaling \$109,854.42 and the invoice of NAI dated thru 10/31/2008 for reasonable fees and expenses totaling \$9,177.00.. Signed by Judge Dee Benson on 12/10/2008. (rlr) (Entered: 12/11/2008)
12/12/2008	<a href="#">127</a>	NOTICE of Abandonment by Robert G. Wing <i>Apex Vegas Vista Lots 10 &amp; 11</i>

		(McMinimee, Sally) (Entered: 12/12/2008)
12/15/2008	<a href="#">128</a>	REPLY to Response to Motion re <a href="#">119</a> MOTION to Transfer Personal Property to the Receivership filed by Receiver Robert G. Wing. (McMinimee, Sally) (Entered: 12/15/2008)
12/15/2008	<a href="#">129</a>	DECLARATION of Gil A. Miller re <a href="#">128</a> Reply Memorandum/Reply to Response to Motion filed by Robert G. Wing. (McMinimee, Sally) (Entered: 12/15/2008)
12/16/2008	<a href="#">130</a>	NOTICE OF INTERLOCUTORY APPEAL as to <a href="#">118</a> Order - Written Order Following Oral Order on Motion filed by Heritage Capital Management, Covenant Bancorp, Covenant Capital, Heritage Orcas Partners, Heritage Orcas VL Partners, Boundary Bay Capital. Appeals to the USCA for the 10th Circuit. Filing fee \$ 455, receipt number 1088000000000807038. (Billings, Peter) (Entered: 12/16/2008)
12/18/2008	<a href="#">131</a>	Transmission of Preliminary Record to USCA re <a href="#">130</a> Notice of Interlocutory Appeal. (Attachments: # <a href="#">1</a> Order, # <a href="#">2</a> Notice of Appeal, # <a href="#">3</a> Docket)(jmr) (Entered: 12/18/2008)
12/18/2008	<a href="#">132</a>	USCA Case Number Case Appealed to Tenth Circuit Case Number 08-4224 for <a href="#">130</a> Notice of Interlocutory Appeal, filed by Boundary Bay Capital, Covenant Bancorp, Heritage Orcas VL Partners, Covenant Capital, Heritage Capital Management, Heritage Orcas Partners. Transcript order form due 01/07/2009 for Peter W. Billings and Timothy K. Clark. (jmr) (Entered: 12/19/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
12/31/2008 10:47:34			
<b>PACER Login:</b>	sr0053	<b>Client Code:</b>	99999-1
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-00012-DB
<b>Billable Pages:</b>	15	<b>Cost:</b>	1.20