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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 SECURITIES AND EXCHANGE
10 COMMISSION,

11 Plaintiff,

12 v.

13 EMVEST MORTGAGE FUND, LLC,
14 EMVEST, INC., and MILON LYLE BROCK,

15 Defendants.

Case No. 04 CV 2295 DMS (RBB)

**SECURITIES AND EXCHANGE
COMMISSION'S RESPONSE TO
RECEIVER'S TWENTY-SECOND
VERIFIED REPORT AND PETITION
FOR INSTRUCTIONS**

Special Briefing Schedule Ordered

Date: July 22, 2011
Time: 1:30 p.m.
Courtroom: 10 (Hon. Dana M. Sabraw)

1 Pursuant to the Court's February 3, 2011 Order Re: Receiver's Twenty-First Report, the
2 Securities and Exchange Commission ("Commission") files this Response to the Receiver's
3 Twenty-Second Verified Report and Petition for Instructions (the "Twenty-Second Report"). The
4 Commission has no objections or comments to the Twenty-Second Report, except to state that the
5 Commission believes the Receiver's fee reduction is appropriate. It appears that the Court-
6 appointed receiver is winding down the receivership in a reasonable manner.

7
8 DATED: July 5, 2011

Respectfully submitted,

9
10 /s/ Molly M. White
11 Attorney for Plaintiff
12 Securities and Exchange Commission
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PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On July 5, 2011, I caused to be served the document entitled **SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO RECEIVER'S TWENTY-SECOND VERIFIED REPORT AND PETITION FOR INSTRUCTIONS** on all the parties to this action addressed as stated on the attached service list:

OFFICE MAIL: By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

PERSONAL DEPOSIT IN MAIL: By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

EXPRESS U.S. MAIL: Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

HAND DELIVERY: I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

UNITED PARCEL SERVICE: By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

ELECTRONIC MAIL: By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

E-FILING: By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

FAX: By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: July 5, 2011

/s/ Molly M. White
MOLLY M. WHITE

1 **SEC v. EMVEST MORTGAGE FUND, LLC, et al.**
2 **United States District Court – Southern District of California**
3 **Case No. 04 CV 2295 DMS (POR)**
4 **LA-2864**

5 **SERVICE LIST**

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12 ***Attorney for Permanent Receiver Dennis M. Murphy***

13 Dennis M. Murphy, CPA, CIRA **(served by email and U.S. Mail)**
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18 ***Permanent Receiver***

Responses and Replies

[3:04-cv-02295-DMS -RBB SEC v. Emvest Mortgage Fund, et al](#) **CASE CLOSED on 05/17/2006**
REFER, SEALDC, TERMED, TRIAL

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered by White, Molly on 7/5/2011 at 11:05 AM PDT and filed on 7/5/2011

Case Name: SEC v. Emvest Mortgage Fund, et al
Case Number: [3:04-cv-02295-DMS -RBB](#)
Filer: Securities and Exchange Commission
WARNING: CASE CLOSED on 05/17/2006
Document Number: [526](#)

Docket Text:

[RESPONSE re \[525\] Notice \(Other\) to Receiver's Twenty-Second Verified Report and Petition for Instructions filed by Securities and Exchange Commission. \(White, Molly\)](#)

3:04-cv-02295-DMS -RBB Notice has been electronically mailed to:

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