

1 | Dennis M. Murphy, CPA, CIRA
2 | 630 N Rosemead Bl #100
3 | Pasadena, CA 91107
4 | voice: (626) 794-0288
5 | fax: (626) 794-7298
6 | email: dmurphy@dennismurphycpa.com
7 | web site: www.emvest.info

Electronically
Filed 2/8/2011

8 | Permanent Receiver for:
9 | Emvest Mortgage Fund, LLC and
10 | Emvest, Inc.

11 | UNITED STATES DISTRICT COURT
12 | SOUTHERN DISTRICT OF CALIFORNIA

11 | UNITED STATES SECURITIES AND	)	Case No. 04CV2295-DMS (RBB)
12 | EXCHANGE COMMISSION,)	
13 |	)	MONTHLY FEE APPLICATION
14 | Plaintiff,	)	FOR PAYMENT OF
15 | vs.	)	PROFESSIONAL FEES AND
16 |	)	REIMBURSEMENT OF COSTS AND
17 | EMVEST MORTGAGE FUND, LLC,	)	EXPENSES FOR DENNIS M.
18 | EMVEST, INC., AND MILTON LYLE	)	MURPHY, RECEIVER;
19 | BROCK,	)	DECLARATION OF DENNIS M.
	)	MURPHY IN SUPPORT THEREOF
)	
	)	DATE: [No Hearing Required]
	)	TIME:
	)	PLACE: Courtroom 10
	)	(Hon. Dana M. Sabraw)

20 | TO THE HONORABLE DANA M. SABRAW, UNITED STATES DISTRICT
21 | JUDGE, AND TO ALL PARTIES IN INTEREST:

22 | Dennis M. Murphy (hereinafter "Applicant") respectfully
23 | represents:

24 | 1. Appointment. The Applicant is Dennis M. Murphy, CPA,
25 | CIRA (Certified Insolvency and Restructuring Advisor). The
26 | Applicant is a sole practitioner, who employs five accountants
27 | and has a practice specializing in forensic accounting, taxes,
28 | and general business consulting. Members of the firm have

1 extensive experience in representing creditors, debtors,
2 trustees, and committees in litigation and bankruptcy cases. The
3 Applicant's address is 630 N Rosemead Bl, #100, Pasadena, CA
4 91107.

5 The appointment of Applicant as Temporary Receiver for
6 Emvest Mortgage Fund, LLC, and for Emvest, Inc. was granted by an
7 Order from this Court which was entered on November 16, 2004.
8 The Applicant was appointed as Permanent Receiver by an Order
9 entered by this Court on December 3, 2004.

10 2. Summary of Advance Fees Paid and Costs Reimbursed.

11 No advance fees or costs were paid or reimbursed.

12 3. Professional Fees. The firm charges for its
13 professional services based upon time, nature, extent, and value
14 of such services and the cost of comparable services in the
15 Southern California area. Presently, the expenses for which the
16 firm customarily charges its clients include only photocopying
17 and telecopying charges, long distance telephone (at cost),
18 outside tax/computer services (at cost), postage and any unusual
19 expenses (i.e. travel, court costs, special mailing charges and
20 messenger services).

21 4. Time Reports. The names, actual hours spent, hourly
22 rates, and dollar totals of the individuals whose services form
23 the basis for the fees requested in the application are provided
24 for the period January 2011:

25 / / /

26 / / /

27 / / /

28 / / /

<u>Schedule of Fees:</u>			
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Dennis M Murphy	.6	400	\$ 240.00
Stephen J Baumgartner	<u>8.2</u>	350	<u>2,870.00</u>
Totals	<u>8.8</u>		<u>\$3,110.00</u>

5. Schedule of Expenses. As itemized in Exhibit "B", for the period January 2011, expenses were:

- Copying - internal (.20/page)	\$ 28.00
- Postage	3.42
- FedEx	85.50
- Notary	40.00
- Yahoo Emvest.info	12.95
- Storage	<u>400.00</u>
Total	<u>\$569.87</u>

6. Detailed Billing Report. Exhibit "A" includes a copy of the firm's time reports and records kept in the regular course of business, reflecting the services rendered and the expenses incurred by the firm in connection with representing the client in this case. The firm's time reports are prepared by the accountant performing the described service. The time reports are organized on a daily basis and no entry is made for a service until at least one-tenth of an hour is spent separately or in aggregate with other services performed for that client by the reporting individual.

For the billing period January 2011 my firm expended 8.8 hours in connection with the rendering of professional services to the client. The value of these services is \$3,110.00. Expenses for the period January 2011 were \$569.87 as itemized above.

7. Disinterested Person. I have made diligent inquiry into this matter and after such inquiry I have determined that neither I nor any of the other members of my firm have any

1 connection with the client herein, its members, its creditors or
2 any other party in interest in this case.

3 Neither I, nor any employee of my firm has any interest
4 adverse to the client in any matter related to this case. I have
5 also made inquiry and have determined that my employees and I are
6 considered "disinterested persons", and accordingly I am qualified
7 to act in the capacity as Receiver for the client in this case.

8 8. Posting on Web Site. As done for the previous Fee
9 Applications, in lieu of serving this Fee Application on all of
10 the approximately 200 investors in the Emvest Mortgage Fund, this
11 Fee Application is being posted on the Receiver's web site
12 (www.emvest.info).

13 WHEREFORE, based upon Judge Sabraw's Order dated
14 Unknown at this time, the Receiver would be moved to a fixed Fund
15 management fee of \$5,000.00 per month for the duration of the
16 Fund's tenure, the Receiver is drawing seventy-five percent (75%)
17 of his monthly fees (75% x \$8,110.00) \$6,082.50 plus one hundred
18 percent (100%) of his costs \$569.87 or a total of \$6,652.37. The
19 fee, however, would not cover non-operation activities such as
20 court appearances and claims litigation. At the end of the
21 litigation, the Receiver and his Counsel shall submit their final
22 comprehensive fee application(s).

23 DATED: February 4, 2011


24 _____
25 Dennis M. Murphy, CPA, CIRA
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"

PROFESSIONAL ACTIVITY SUMMARY

CASE NAME: EMVEST

CASE NO: 04cv2295-DMS(LSP)

	1 Total Hours 1/01/11 - 1/31/11	2 Total Amt. Avg. Billing Rate: \$353.41
LITIGATION CONSULTING	8.80	\$3,110.00
Dennis M Murphy.	0.60	\$240.00
Stephen J Baumgartner..	8.20	\$2,870.00
Total	8.80	\$3,110.00

PROFESSIONAL ACTIVITY SUMMARY

CASE NAME: EMVEST

CASE NO: 04cv2295-DMS(LSP)

	1 Total Amount Jan 2011
LITIGATION CONSULTING	\$3,110.00
Dennis M Murphy.	\$240.00
Stephen J Baumgartner..	\$2,870.00
Total	\$3,110.00

EMVEST LITIGATION CONSULTING

1:37:32PM

2/4/2011

Page 1

Amount

Activity: LITIGATION CONSULTING

1/10/2011	Dennis M Murphy. EMVEST	Hours Rate	0.20 400.00	80.00
	Call w/Stephen Baumgartner re Zohn Trust Deed reconveyance (.2 hr.).			
1/10/2011	Stephen J Baumgartner.. EMVEST	Hours Rate	0.20 350.00	70.00
	Call w/Dennis Murphy re Zohn Trust Deed reconveyance (.2 hr.).			
1/12/2011	Dennis M Murphy. EMVEST	Hours Rate	0.20 400.00	80.00
	Read and sign Amendment to Settlement on Zohn (.2 hr.).			
1/12/2011	Stephen J Baumgartner.. EMVEST	Hours Rate	0.60 350.00	210.00
	Preparation of Substitution of Trustee and Full Reconveyance for Zohn loan (.6 hr.).			
1/21/2011	Stephen J Baumgartner.. EMVEST	Hours Rate	6.10 350.00	2,135.00
	Analysis of escrow file to reconcile Byington cloud on title (2.8 hrs.); call w/Michael Hinkle at First American Title to resolve title issue (.3 hr.); call w/Randy Sutton at First American Title on Byington title matter (.8 hr.); preparation of detailed email to Randy Sutton with exhibits to resolve title issue (2.2 hrs.).			
1/24/2011	Stephen J Baumgartner.. EMVEST	Hours Rate	0.90 350.00	315.00
	Call w/Randy Sutton at First American Title twice (.2 hr. + 3 hr.) on data needed for title decision; call w/Stacey Barrack on Concord escrow to determine what is needed to close (.4 hr.).			
1/26/2011	Stephen J Baumgartner.. EMVEST	Hours Rate	0.40 350.00	140.00
	Email and follow-up phone call on closing Concord escrow (.4 hr.).			
1/27/2011	Dennis M Murphy. EMVEST	Hours Rate	0.20 400.00	80.00
	Review Stipulation against Foothill (.2 hr.).			

Total Time Charges **3,110.00**

Activity: LITIGATION CONSULTING **3,110.00**

Grand Total: **3,110.00**

9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "B"

	A	B	C	D	E	F	G
1							
2	MONTH/YEAR	COPIES	POSTAGE	FEDEX	NOTARY	YAHOO	STORAGE
3							
4	JANUARY 2011	\$28.00					
5	JANUARY 2011		\$3.42				
6	JANUARY 2011			\$85.50			
7	JANUARY 2011				\$40.00		
8	JANUARY 2011					\$12.95	
9	JANUARY 2011						\$400.00
10							
11	COL. TOTAL	\$28.00	\$3.42	\$85.50	\$40.00	\$12.95	\$400.00
12	GRAND						
13							
14	Column	140 copies	Fee App;	1/12/11	1/13/11	Emvest.info	
15	Explanations	x \$0.20 =	Pmts	1/13/11	1/25/11		
16		\$28.00		1/25/11			
17							
18							
19	RECAP:						
20	COPIES	\$28.00					
21	POSTAGE	\$3.42					
22	FEDEX	\$85.50					
23	NOTARY	\$40.00					
24	YAHOO	\$12.95					
25	STORAGE	\$400.00					
26	TOTAL	\$569.87					

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is **16000 Ventura Boulevard, Suite 1000, Encino, California 91436.**

On February 8, 2011, I served the foregoing document described as **MONTHLY FEE APPLICATION FOR PAYMENT OF PROFESSIONAL FEES AND REIMBURSEMENT OF COSTS AND EXPENSES FOR DENNIS M. MURPHY, RECEIVER; DECLARATION OF DENNIS M. MURPHY IN SUPPORT THEREOF** on the interested parties in this action.

- by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

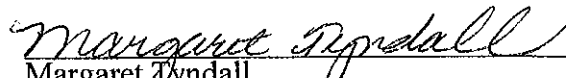
- BY REGULAR MAIL:** I deposited such envelope in the mail at 16000 Ventura Boulevard, Suite 1000, Encino, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

- BY FACSIMILE MACHINE:** I transmitted a true copy of said document(s) by facsimile machine, and no error was reported. Said fax transmission(s) were directed as indicated on the service list.
- BY OVERNIGHT MAIL:** I deposited such documents at the Overnite Express or Federal Express Drop Box located at 16000 Ventura Boulevard, Suite 1000, Encino, California. The envelope was deposited with delivery fees thereon fully prepaid.
- BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).

I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 8, 2011, at Encino, California.


Margaret Dyndall

SERVICE LIST

United States Securities and Exchange Commission
v. Emvest Mortgage Fund, et al.
Case No. 04CV2295-DMS(RBB)

Molly M. White, Esq.
Securities and Exchange Commission
5670 Wilshire Blvd., 11th Floor
Los Angeles, CA 90036
(323) 965-3908 (FAX)

Magnolia Marcelo, Esq.
Securities and Exchange Commission
5670 Wilshire Blvd., 11th Floor
Los Angeles, CA 90036
(323) 965-3908 (FAX)

David R. Clark, Esq.
The Clark Law Firm, APLC
1520 Wood Duck Lane
Meadow Vista, CA 95722
(530) 878-3609 (FAX)

Dennis M. Murphy, CPA, CIRA
630 N. Rosemead Blvd., Suite 100
Pasadena, CA 91107
(626) 794-7298 (FAX)

Notices

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 Felton, James on 2/8/2011 at 3:30 PM PST and filed on 2/8/2011

Case Name: SEC v. Emvest Mortgage Fund, et al

Case Number: 3:04-cv-02295-DMS -RBB

Filer: Dennis M Murphy

WARNING: CASE CLOSED on 05/17/2006

Document Number: 515

Docket Text:

NOTICE by Dennis M Murphy *Monthly Fee Application for Payment of Professional Fees and Reimbursement of Costs and Expenses for Dennis M. Murphy, Receiver (January, 2011); Declaration of Dennis M. Murphy in Support Thereof (with exhibits and Proof of Service)*
(Felton, James)

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

David Robert Clark Drclarklaw@att.net

James R Felton jfelton@greenbass.com, twilliams@greenbass.com

Joseph Jr Scanlan , A jas@millermorton.com, lac@millermorton.com

Molly M White whitem@sec.gov

Raymond Roy Lee leesd@aol.com

Robert Anthony Cocchia rcocchia@mckennalong.com, lwhitaker@mckennalong.com

3:04-cv-02295-DMS -RBB Electronically filed documents must be served conventionally by the filer to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1106146653 [Date=2/8/2011] [FileNumber=4863451-0]
[c0133699e104187eb2c448c92a86cd749869d3d6cef83c632987599582d53ce63c06
41d032724d84561b4fa75e0641ce67c904c2a0722540b5093751023ea20c]]