

1 Dennis M. Murphy, CPA, CIRA
630 N Rosemead Bl #100
2 Pasadena, CA 91107
3 voice: (626) 794-0288
fax: (626) 794-7298
4 email: dmmurphy@ix.netcom.com
web site: www.emvest.info
5
6 Permanent Receiver for:
Emvest Mortgage Fund, LLC and
Emvest, Inc.
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES SECURITIES AND) Case No. 04CV2295-DMS (RBB)
EXCHANGE COMMISSION,)
12)
Plaintiff,)
13 vs.)
14)
EMVEST MORTGAGE FUND, LLC,)
EMVEST, INC., AND MILTON LYLE)
15 BROCK,)
16)
17)
Defendants.)
18)
19)

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 October 2010:

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<u>Schedule of Fees:</u>			
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Dennis M Murphy	<u>8.8</u>	400	<u>\$3,520.00</u>
Totals	<u>8.8</u>		<u>\$3,520.00</u>

5. Schedule of Expenses. As itemized in Exhibit "B", for the period October 2010, expenses were:

- Copying - internal (.20/page)	\$ 12.40
- Postage	2.64
- FedEx	75.67
- Mileage	37.00
- Parking	11.00
- Yahoo Emvest.info	12.95
- Storage	<u>400.00</u>
Total	<u>\$551.66</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 October 2010 my firm expended 8.8 hours in connection with the rendering of professional services to the client. The value of these services is \$3,520.00. Expenses for the period October 2010 were \$551.66 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

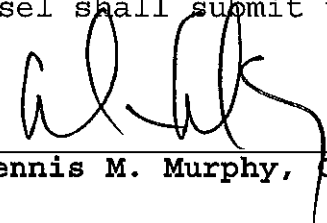
1 connection with the client herein, its members, its creditors or
2 any other party in interest in this case.

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 \$8,520.00) \$6,390.00 plus one hundred
18 percent (100%) of his costs \$551.66 or a total of \$6,941.66. 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: November 9, 2010



Dennis M. Murphy, CPA, CIRA

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3 DECLARATION OF DENNIS M. MURPHY

4 I, Dennis M. Murphy, declare:

5 1. I am a Certified Public Accountant (CPA) and a
6 Certified Insolvency and Restructuring Advisor (CIRA), employed as
7 Permanent Receiver for Emvest Mortgage Fund, LLC and for Emvest,
8 Inc., which was approved by this Court by Order entered on or
9 about December 3, 2004. My business is located at 630 N Rosemead
10 Bl, #100, Pasadena, CA 91107.

11 2. I have read the foregoing MONTHLY FEE APPLICATION FOR
12 PAYMENT OF PROFESSIONAL FEES AND REIMBURSEMENT OF COSTS AND
13 EXPENSES FOR DENNIS M. MURPHY; DECLARATIONS OF DENNIS M. MURPHY IN
14 SUPPORT THEREOF. The matters stated herein relating to my own
15 hours are true of my own personal knowledge, and upon information
16 and belief, the hours spent by other employees and the costs
17 incurred are also accurate.

18 3. I am the designated professional responsible for
19 overseeing the billing in this matter and for assuring compliance.

20 4. No arrangement has been made, directly or indirectly,
21 and no understanding exists, for a division of compensation herein
22 between Applicant and any other person, contrary to federal or
23 state law.

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5. This application documents total compensation for

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services rendered for October 2010 in the sum of \$6,390.00 for

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fees and the sum of \$551.66 for costs, for a total of \$6,941.66.

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I declare under penalty of perjury under the laws of the

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United States and the State of California that the foregoing is

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true and correct.

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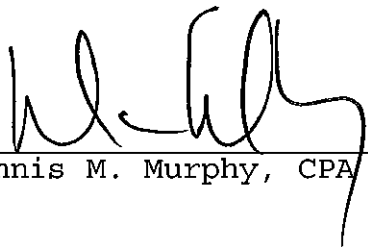
Executed on this 9th day of November, 2010, at Pasadena,

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California.

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Dennis M. Murphy, CPA

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EXHIBIT "A"

PROFESSIONAL ACTIVITY SUMMARY

CASE NAME: EMVEST

CASE NO: 04cv2295-DMS(LSP)

	1 Total Hours 10/01/10 - 10/31/10	2 Total Amt. Avg. Billing Rate: \$400.00
LITIGATION CONSULTING	8.80	\$3,520.00
Dennis M Murphy.	8.80	\$3,520.00
Total	8.80	\$3,520.00

PROFESSIONAL ACTIVITY SUMMARY

CASE NAME: EMVEST

CASE NO: 04cv2295-DMS(LSP)

	1 Total Amount Oct 2010
LITIGATION CONSULTING	\$3,520.00
Dennis M Murphy.	\$3,520.00
Total	\$3,520.00

EMVEST LITIGATION CONSULTING

3:13:44PM

11/4/2010

Page 1

Amount

Activity: LITIGATION CONSULTING

10/6/2010 Dennis M Murphy.
EMVEST

Hours	8.80	3,520.00
Rate	400.00	

Mediation on Zohn with three (3) lawyers, six (6) parties and my lawyer Mr Yates Esq.
I left Pasadena 8 AM and returned at 7:50 PM (8.8 hrs.).

Total Time Charges **3,520.00**

Activity: LITIGATION CONSULTING **3,520.00**

Grand Total: **3,520.00**

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EXHIBIT "B"

	A	B	C	D	E	F	G	H
1								
2	MONTH/YEAR	COPIES	POSTAGE	FEDEX	MILEAGE	PARKING	YAHOO	STORAGE
3								
4	OCTOBER 2010	62						
5	OCTOBER 2010		\$2.64					
6	OCTOBER 2010			\$75.67				
7	OCTOBER 2010				\$37.00			
8	OCTOBER 2010					\$11.00		
9	OCTOBER 2010						\$12.95	
10	OCTOBER 2010							\$400.00
11								
12	COL. TOTAL	\$12.40	\$2.64	\$75.67	\$37.00	\$11.00	\$12.95	\$400.00
13	GRAND							
14								
15	Column	62 copies	Fee App;	10/14-21-22/10	10/6/10	10/6/10	Emvest.info	
16	Explanations	x \$0.20 =	Pmts					
17		\$12.40						
18								
19								
20	RECAP:							
21	COPIES	\$12.40						
22	POSTAGE	\$2.64						
23	FEDEX	\$75.67						
24	MILEAGE	\$37.00						
25	PARKING	\$11.00						
26	YAHOO	\$12.95						
27	STORAGE	\$400.00						
28	TOTAL	\$551.66						

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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 November 12, 2010, 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 November 12, 2010, at Encino, California.


Margaret Tyndall

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
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(530) 878-3609 (FAX)

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

Notices3:04-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 11/12/2010 at 10:43 AM PST and filed on 11/12/2010

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: 506

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 (October 2010); 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=11/12/2010] [FileNumber=4660458-0] [4a0e1e01c0a18072b960216dddffcc3c335e483744ec57526ee703bd40a4b2661fc5ffca1de6a839add681f9dd48e640e17f185d814091b3a6d0f45a15c87346]]