

1 Dennis M. Murphy, CPA, CIRA
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2 Pasadena, CA 91107
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4 fax: (626) 794-7298
5 email: dmurphy@dennismurphycpa.com
6 web site: www.emvest.info

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

10 UNITED STATES DISTRICT COURT
11 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		)	EXPENSES FOR DENNIS M.
18	EMVEST MORTGAGE FUND, LLC,	)	MURPHY, RECEIVER;
19	EMVEST, INC., AND MILTON LYLE	)	DECLARATION OF DENNIS M.
20	BROCK,	)	MURPHY IN SUPPORT THEREOF
21)	
22		)	DATE: [No Hearing Required]
23		)	TIME:
24	Defendants.	)	PLACE: Courtroom 10
25		)	(Hon. Dana M. Sabraw)

26 TO THE HONORABLE DANA M. SABRAW, UNITED STATES DISTRICT
27 JUDGE, AND TO ALL PARTIES IN INTEREST:

28 Dennis M. Murphy (hereinafter "Applicant") respectfully
represents:

1. Appointment. The Applicant is Dennis M. Murphy, CPA,
CIRA (Certified Insolvency and Restructuring Advisor). The
Applicant is a sole practitioner, who employs five accountants
and has a practice specializing in forensic accounting, taxes,
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 December 2011:

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1 Schedule of Fees:

2 <u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
	<u>0.0</u>		<u>00.00</u>
3 Totals	<u>0.0</u>		<u>\$00.00</u>

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

6 - Copying - internal (.20/page)	\$ 14.20
- Postage	1.72
7 - FedEx	10.05
- Notary	10.00
8 - Yahoo Emvest.info	12.95
- Storage	<u>400.00</u>
9 Total	<u>\$448.92</u>

10 6. Detailed Billing Report. Exhibit "A" (None this
11 month) includes a copy of the firm's time reports and records kept
12 in the regular course of business, reflecting the services
13 rendered and the expenses incurred by the firm in connection with
14 representing the client in this case. The firm's time reports are
15 prepared by the accountant performing the described service. The
16 time reports are organized on a daily basis and no entry is made
17 for a service until at least one-tenth of an hour is spent
18 separately or in aggregate with other services performed for that
19 client by the reporting individual.

20 For the billing period December 2011 my firm expended
21 0.0 hours in connection with the rendering of professional
22 services to the client. The value of these services is \$00.00.
23 Expenses for the period December 2011 were \$448.92 as itemized
24 above.

25 7. Disinterested Person. I have made diligent inquiry
26 into this matter and after such inquiry I have determined that
27 neither I nor any of the other members of my firm have any
28 connection with the client herein, its members, its creditors or

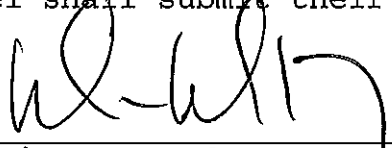
1 any other party in interest in this case.

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

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

12 WHEREFORE, based upon Judge Sabraw's Order dated around
13 July 1, 2011, the Receiver would be moved to a fixed Fund
14 management fee of \$1,000.00 per month for the duration of the
15 Fund's tenure, the Receiver is drawing seventy-five percent (75%)
16 of his monthly fees (75% x \$1,000.00) \$750.00 plus one hundred
17 percent (100%) of his costs \$448.92 or a total of \$1,198.92. The
18 fee, however, would not cover non-operation activities such as
19 court appearances and claims litigation. At the end of the
20 litigation, the Receiver and his Counsel shall submit their final
21 comprehensive fee application(s).

22 DATED: January 4, 2012



Dennis M. Murphy, CPA, CIRA

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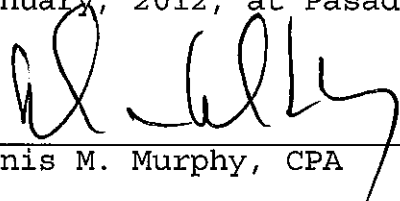
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5. This application documents total compensation for services rendered for December 2011 in the sum of \$750.00 for fees and the sum of \$448.92 for costs, for a total of \$1,198.92.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on this 4th day of January, 2012, at Pasadena, California.



Dennis M. Murphy, CPA

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EXHIBIT "A"

(None This Month)

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EXHIBIT "B"

EMVEST Court Costs/Expenses Dec 2011

3:20:49PM

1/4/2012

Page 1

Client: EMVEST

			<u>Amount</u>
12/31/2011	Dennis M Murphy.		
	CASE ADMINISTRATION	Quantity	1.00
	Notary paid on document on 12/23/11 for Chicago Title Co.	Price	10.00
			10.00*
12/31/2011	Dennis M Murphy.		
	CASE ADMINISTRATION	Quantity	1.00
	FedEx delivery to Chicago Title Co 12/23/11.	Price	10.05
			10.05*
12/31/2011	Dennis M Murphy.		
	CASE ADMINISTRATION	Quantity	1.00
	Copies 71 pages @\$\$.20 a page=\$14.20.	Price	14.20
			14.20*
12/31/2011	Dennis M Murphy.		
	CASE ADMINISTRATION	Quantity	1.00
	Postage for Fee App and payment(s) made by Receiver.	Price	1.72
			1.72*
12/31/2011	Dennis M Murphy.		
	CASE ADMINISTRATION	Quantity	1.00
	Fee per month for Yahoo Emvest.info.	Price	12.95
			12.95*
12/31/2011	Dennis M Murphy.		
	CASE ADMINISTRATION	Quantity	1.00
	Storage fee per month.	Price	400.00
			400.00*

* Expense amounts include tax and markups.

Total Expense Charges **448.92**

Client: EMVEST **448.92**

Grand Total: **448.92**

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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 January 12, 2012, 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 January 12, 2012, at Encino, California.


Margaret Tyndall

SERVICE LIST

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

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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 1/12/2012 at 9:19 AM PST and filed on 1/12/2012

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: 543

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 (December, 2011); Declaration of Dennis M. Murphy in Support Thereof (with 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, sag@suppalaw.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=1/12/2012] [FileNumber=5833903-0
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