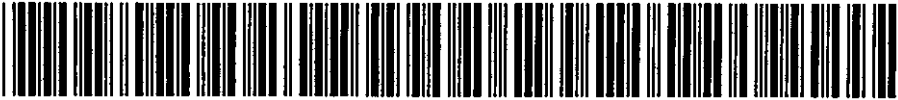
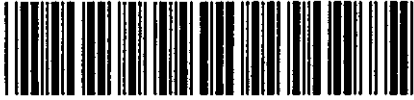


USDC SCAN INDEX SHEET



CAG 12/6/04 8:49

3:04-CV-02295 SEC V. EMVEST MORTGAGE FUND

31

NTCF.

ORIGINAL

1 MOLLY M. WHITE, Cal. Bar No. 171448-
 2 KELLY BOWERS, Cal. Bar No. 164007
 3 VICTORIA A. LEVIN, Cal. Bar No. 166616
 4 SUSAN F. HANNAN, Cal. Bar No. 97804

FILED

DEC -3 AM 8:25

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

5 Attorneys for Plaintiff
 6 Securities and Exchange Commission
 7 Randall R. Lee, Regional Director
 8 Sandra J. Harris, Associate Regional Director
 9 Briane Nelson Mitchell, Associate Regional Director
 10 5670 Wilshire Boulevard, 11th Floor
 11 Los Angeles, California 90036
 12 Telephone: (323) 965-3998
 13 Facsimile: (323) 965-3908

Case DEPUTY

NUNC PRO TUNC

DEC 02 2004

14 UNITED STATES DISTRICT COURT
 15 SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

16 SECURITIES AND EXCHANGE
17 COMMISSION,

18 Plaintiff,

19 v.

20 EMVEST MORTGAGE FUND, LLC,
 21 EMVEST, INC., and MILON LYLE
 22 BROCK,

23 Defendants.

Case No. 04-CV-2295 DMS (LSP)

PLAINTIFF'S NOTICE OF
ERRATA

31

1 After Plaintiff filed its Reply Brief Supporting Entry of Preliminary
2 Injunction and Permanent Receiver ("Reply Brief"), counsel for Plaintiff learned
3 that the citations to the deposition transcript of J. Stephen Hawkins in the Reply
4 Brief and in the Declaration of Alka Patel in support thereof, are off by one page.
5 To assist the Court and the parties in reviewing these documents, please note the
6 following corrections:

7 **In the Reply Brief**

8 Page 2, line 3: "pp. 25:16-26:24" should be "pp. 24:16-25:24."

9 Page 2, line 4: "pp. 26:25-28:19" should be "pp. 25:25-27:19."

10 Page 2, line 7: "pp. 86:9-87:3" should be "pp. 85:9-86:3."

11 Page 2, line 10: "pp. 29:16-31:5 & 33:14-34:4" should be "pp. 28:16-30:5 &
12 32:14-33:4."

13 Page 2, line 15: "pp. 37:25-40:7" should be "pp. 36:25-39:7."

14 Page 2, line 20: "pp. 91:15-92:24" should be "pp. 90:15-91:24."

15 Page 2, line 22: "pp. 42:18-43:11" should be "pp. 41:18-42:11."

16 Page 2, line 24 (footnote 1): "pp. 93:15-94:18" should be "pp. 92:15-93:18."

17 Page 2, line 25 (footnote 1): "pp. 93:23-94:7" should be "pp. 92:23-93:7."

18 Page 2, lines 27-28 (footnote 2): "pp. 56:25-57:21" should be "pp. 55:25-
19 56:21."

20 Page 2, line 28 (footnote 2): "pp. 84:8-85:24" should be "pp. 83:8-84:24."

21 Page 3, line 5: "pp. 87:21-88:3" should be "pp. 86:21-87:3."

22 Page 3, line 8: "pp. 79:7-82:8" should be "pp. 78:7-81:8."

23 Page 3, line 10: "pp. 78:12-79:5" should be "pp. 77:12-78:5."

24 Page 3, line 12: "pp. 32:22-33:7 & 50:18-51:12" should be "pp. 31:22-32:7
25 & 49:18-50:12."

26 Page 3, lines 15-16: "pp. 73:6-76:15" should be "pp. 72:6-75:15."

27 Page 3, line 17: "pp. 52:13-55:10" should be "pp. 51:13-54:10."

28 Page 4, lines 1-2: "pp. 62:22-63:6" should be "pp. 61:22-62:6."

1 Page 4, line 8: "pp. 66:7-23" should be "p. 65:7-23."

2 Page 4, lines 10-11: "p. 17:25-20:3; 66:7-68:12" should be "pp. 16:25-19:3
3 & 65:7-67:12."

4 Page 4, lines 14-15: "pp. 68:13-69:3" should be "pp. 67:13-68:3."

5 Page 4, line 17: "p. 73:6-76:15" should be "pp. 72:6-75:15."

6 Page 5, line 27 (footnote 5): "pp. 32:22-33:7 & 50:18-51:12" should be "pp.
7 31:22-32:7 & 49:18-50:12."

8
9 **Declaration of Alka N. Patel in Support of Reply Brief**

10 Page 1, line 24: "pp. 91:15-92:24" should be "pp. 90:15-91:24."

11 Page 2, line 5: "pp. 87:21-88:3" should be "pp. 86:21-87:3."

12 Page 2, line 7: "pp. 83:7-8; 87:20-89:11" should be "pp. 82:7-16 & 86:21-
13 88:11."

14 Page 2, line 9: "pp. 83:7-85:24" should be "pp. 82:7-84:24."

15 Page 2, line 20: "pp. 66:7-67:22; 79:7-82:18" should be "pp. 65:7-66:22 &
16 78:7-81:18."

17 Page 3, line 1: "pp. 76:7-15" should be "pp. 75:7-15."

18 Page 3, line 3: "pp. 73:6-76:15" should be "pp. 72:6-75:15."


19 Page 3, line 6: "pp. 52:13-55:10" should be "pp. 51:13-54:10."

20 Page 3, line 7: "pp. 52:13-22" should be "pp. 51:13-22."

21 Page 3, line 9: "pp. 22:15-23:22; 37:9-20" should be "pp. 21:15-22:22 &
22 36:9-20."

23 Page 3, lines 11-12: "pp. 29:16-31:5; 33:14-34:4" should be "pp. 28:16-30:5
24 & 32:14-33:4."

25
26 DATED: December 2, 2004


Molly M. White
Attorney for Plaintiff Securities and
Exchange Commission

PROOF OF SERVICE

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

3 **U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire**
4 **Boulevard, 11th Floor, Los Angeles, California 90036-3648**
Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

5 On December 2, 2004, I served the document entitled **PLAINTIFF'S NOTICE**
6 **OF ERRATA** upon the parties to this action addressed as stated on the attached
service list:

7 **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for
8 collection and mailing today following ordinary business practices. I am
9 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.

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

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

15 **HAND DELIVERY:** I caused to be hand delivered each such envelope to
16 the office of the addressee.

17 **FEDERAL EXPRESS BY AGREEMENT OF ALL PARTIES:** By
18 placing in sealed envelope(s) designated by Federal Express with delivery
fees paid or provided for, which I deposited in a facility regularly maintained
19 by Federal Express or delivered to a Federal Express courier, at Los
Angeles, California.

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

21 **FAX (BY AGREEMENT ONLY):** By transmitting the document by
22 facsimile transmission. The transmission was reported as complete and
without error.

23 **(Federal)** I declare that I am employed in the office of a member of the bar
24 of this Court, at whose direction the service was made. I declare under
penalty of perjury that the foregoing is true and correct.

25 Date: December 2, 2004

Magnolia M. Marcelo
26 MAGNOLIA M. MARCELO

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 (LSP)**
4 **(LA-2894)**

5 **SERVICE LIST**

6 Robert A. Cocchia, Esq.
7 B. Luke Pistorius, Esq.
8 McKenna Long & Aldridge LLP
9 Symphony Towers
10 750 B Street, Suite 3300
11 San Diego, CA 92101
12 Facsimile: (619) 595-5450
13 *Attorney for Defendants Emvest Mortgage Fund, LLC, Emvest, Inc.,*
14 *and Milton Lyle Brock*

15 David Adelman, Esq.
16 James R. Felton, Esq.
17 Greenberg & Bass, LLP
18 16000 Ventura Boulevard, Suite 1000
19 Encino, CA 91436
20 Facsimile: (818)986-6534
21 *Attorney for Temporary Receiver Dennis M. Murphy*

22 Dennis M. Murphy, CPA, CIRA
23 630 N. Rosemead Boulevard, Suite 100
24 Pasadena, CA 91107
25 Facsimile: (626) 794-7298
26 *Temporary Receiver*