

USDC SCAN INDEX SHEET



CAG 12/7/04 14:19

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

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O.

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 7
 8 Attorneys for Receiver,
 9 Dennis Murphy

FILED

DEC 6 2004

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY *[Signature]* DEPUTY

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

"BY FAX"

10 UNITED STATES SECURITIES AND
 11 EXCHANGE COMMISSION,
 12
 13 Plaintiff,
 14
 15 vs.
 16 EMVEST MORTGAGE FUND, LLC,
 17 EMVEST, INC., and MILON LYLE BROCK,
 18
 19 Defendants.

CASE NO. 04CV2295-DMS (LSP)
 EX PARTE APPLICATION TO FILE
 DOCUMENT UNDER SEAL
 Date: December 3, 2004
 Time: 10:30 a.m.
 Ctrm: 10 (Hon. Dana M. Sabraw)

The Court Appointed Receiver, Dennis Murphy, files this ex parte application to file his Preliminary Report under seal. The Receiver is filing this topic in advance of a Court hearing set for December 3, 2004. The report contains financial information and other conclusions regarding the Defendant's financial operations.

Out of an abundance so that such Report would not be public record without this Court's permission, the Receiver simply asks for this Court's guidance. If the Court deems the information contained herein to be sufficiently private and subject to confidentiality at this time, the Receiver requests that the Court file his Report under seal. On the other hand, if the Court deems this information to be non-confidential, the Court can deny this application and file the document as any other document would be filed.

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SOUTHERN DISTRICT OF CALIFORNIA
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SOUTHERN DISTRICT OF CALIFORNIA
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This ex parte application, along with the report, has been served by fax on all parties through counsel.

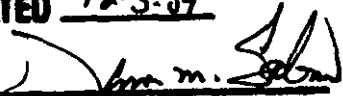
Dated: December 2, 2004

GREENBERG & BASS
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By: 
JAMES R. FELTON
Attorneys for Receiver
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IT IS SO ORDERED
DATED 12-3-04


UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE "BY FAX"

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California in the office of a member of the bar of this Court at whose direction the service was made. I am over the age of 18 and not a party to the within action. My business address is: 16000 Ventura Boulevard, Suite 1000, Encino, California 91436.

On December 2, 2004, I served the foregoing documents described as: **EX PARTE APPLICATION TO FILE DOCUMENT UNDER SEAL** on the interested parties in this action.

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

[BY MAIL] I caused such envelope to be deposited in the mail at 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 party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

[BY FACSIMILE] I transmitted a true copy of said document by facsimile machine, pursuant to Rule 2005. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Said fax transmission(s) were directed as indicated on the attached service list.


[BY PERSONAL SERVICE] I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on December 2, 2004, at Encino, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) 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.

MARGARET TYNDALL
(Type or Print Name)



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SERVICE LIST

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
v. EMVEST MORTGAGE FUND, et al.
CASE NO. 04CV23295-DMS (LSP)

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