

1 Dennis M. Murphy, CPA, CIRA  
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2 Pasadena, CA 91107  
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5 email: dmmurphy@ix.netcom.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 )  
12 EXCHANGE COMMISSION, )  
13 Plaintiff, )  
14 vs. )  
15 EMVEST MORTGAGE FUND, LLC, )  
16 EMVEST, INC., AND MILTON LYLE )  
17 BROCK, )  
18 Defendants. )

Case No. 04CV2295-DMS (LSP)  
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  
DATE: [No Hearing Required]  
TIME:  
PLACE: Courtroom 10  
(Hon. Dana M. Sabraw)

19  
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 March 16, 2004. The  
8 Applicant was appointed as Permanent Receiver by an Order entered  
9 by this Court on March 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 March 2008:

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1 Schedule of Fees:

2 <u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
3 Stephen J. Baumgartner	1.5	330	\$ 495.00
Dickson Hung	<u>4.6</u>	220	<u>1,012.00</u>
4 <b>Totals</b>	<b><u>6.1</u></b>		<b><u>\$1,507.00</u></b>

5 5. Schedule of Expenses. As itemized in Exhibit "B", for  
6 the period March 2008, expenses were:

7 - Copying - internal (.20/page)	111.00
- Notary	20.00
- Mileage	87.87
8 - Postage	64.04
- Supplies	4.29
9 <b><u>Total</u></b>	<b><u>\$287.20</u></b>

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

20 For the billing period March 2008 my firm expended 6.1  
21 hours in connection with the rendering of professional  
22 services to the client. The value of these services is  
23 \$1,507.00. Expenses for the period March 2008 were \$287.20 as  
24 itemized 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  
6 qualified to act in the capacity as Receiver for the client in  
7 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 March 7, 2008, the Receiver would be moved to a fixed Fund  
15 management fee of \$9,000.00 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 \$10,507.00) \$7,880.25 plus one hundred  
18 percent (100%) of his costs \$287.20 or a total of \$8,167.45. 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: April 25, 2008

  
24 Dennis M. Murphy, CPA, CIRA

DECLARATION OF DENNIS M. MURPHY

I, Dennis M. Murphy, declare:

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

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

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

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

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EXHIBIT "A"

PROFESSIONAL ACTIVITY SUMMARY  
CASE NAME: EMVEST  
CASE NO: 04cv2295-DMS(LSP)

	1 Total Hours 03/01/08 - 03/31/08	2 Total Amt. Avg. Billing Rate: \$247.05
LITIGATION RESPONSE(S)	1.50	\$495.00
Stephen J Baumgartner	1.50	\$495.00
TAX ISSUES	4.60	\$1,012.00
Dickson Hung	4.60	\$1,012.00
Total	6.10	\$1,507.00

PROFESSIONAL ACTIVITY SUMMARY  
CASE NAME: EMVEST  
CASE NO: 04cv2295-DMS(LSP)

	1 Total Amount March 2008
LITIGATION RESPONSE(S)	\$495.00
Stephen J Baumgartner	\$495.00
TAX ISSUES	\$1,012.00
Dickson Hung	\$1,012.00
Total	\$1,507.00

# EMVEST LITIGATION RESPONSE(S)

2:36:42PM

4/25/08

Page 1

Amount

**Activity: LITIGATION RESPONSE(S)**

3/3/08	Stephen J Baumgartner			
	EMVEST	Hours	0.10	33.00
		Rate	330.00	
	Meet w/Jim Felton on status of Middell proposed settlement (.1 hr.).			
3/7/08	Stephen J Baumgartner			
	EMVEST	Hours	0.90	297.00
		Rate	330.00	
	Analysis of Martinez docket (.6 hr.); meet w/Jim Felton (.1 hr.) to discuss Motion to Dismiss; sent follow-up email (.2 hr.).			
3/10/08	Stephen J Baumgartner			
	EMVEST	Hours	0.50	165.00
		Rate	330.00	
	Meet w/Jim Felton on status of Sam Martinez Ch. 7 and Motion to Dismiss (.2 hr.); prepare email status report on title issues related to Byington loan (.3 hr.).			
		<b>Total Time Charges</b>		<b>495.00</b>

**Activity: LITIGATION RESPONSE(S)** **495.00**

**Grand Total:** **495.00**

# EMVEST TAX ISSUES

2:36:16PM

4/25/08

Page 1

Amount

**Activity: TAX ISSUES**

3/10/08	Dickson Hung EMVEST	Hours Rate	0.90 220.00	198.00
	Research distribution information of investor Lary Floyd (.5 hr.); update information of investor Ralph Taylor (.4 hr.).			
3/12/08	Dickson Hung EMVEST	Hours Rate	0.60 220.00	132.00
	Print and answer investors' questions regarding 2007 K-1 for Timothy and Patricia Canty (.6 hr.).			
3/18/08	Dickson Hung EMVEST	Hours Rate	0.80 220.00	176.00
	Update information of investor Steven Glasier; print and email 2007 K-1s to him (.8 hr.).			
3/19/08	Dickson Hung EMVEST	Hours Rate	0.90 220.00	198.00
	Print and send 2007 K-1s to investors Leslie Forster, Forster Development Co and William Forster IRA (.9 hr.).			
3/20/08	Dickson Hung EMVEST	Hours Rate	0.40 220.00	88.00
	Update investors' information on Lacerte for Alexander Roissier and Joseph Roissier (.4 hr.).			
3/26/08	Dickson Hung EMVEST	Hours Rate	1.00 220.00	220.00
	Update investors' information; re send 2007 K-1s to three (3) investors (1.0 hr.).			

**Total Time Charges** 1,012.00

**Activity: TAX ISSUES** 1,012.00

**Grand Total:** 1,012.00

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EXHIBIT "B"

	A	B	C	D	E	F
1	<b>MONTH/YEAR</b>	<b>COPIES</b>	<b>POSTAGE</b>	<b>SUPPLIES</b>	<b>NOTARY</b>	<b>MILEAGE</b>
2						
3	MARCH 2008	555				
4	MARCH 2008		64.04			
5	FEBRUARY 2008			\$4.29		
6	MARCH 2008				\$20	
7	MARCH 2008					174
8						
9	<b>COL. TOTAL</b>	<b>\$111.00</b>	<b>\$64.04</b>	<b>\$4.29</b>	<b>\$20.00</b>	<b>\$87.87</b>
10	<b>GRAND</b>					
11						
12	<b>Column</b>	<b>555 copies</b>	<b>Includes monthly</b>	<b>Padlock</b>	<b>3/26/08</b>	<b>174 miles</b>
13	<b>Explanations</b>	<b>x \$0.20 = 111.00</b>	<b>distribution; Fee App</b>	<b>2/25/08</b>		<b>x \$.505=\$87.87</b>
14						
15						
16						
17	<b>RECAP:</b>					
18	<b>COPIES</b>	<b>\$111.00</b>				
19	<b>NOTARY</b>	<b>\$20.00</b>				
20	<b>MILEAGE</b>	<b>\$87.87</b>				
21	<b>POSTAGE</b>	<b>\$64.04</b>				
22	<b>SUPPLIES</b>	<b>\$4.29</b>				
23	<b>TOTAL</b>	<b>\$287.20</b>				



**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 April 29, 2008, 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 April 29, 2008, at Encino, California.

  
Margaret Tyndall

## SERVICE LIST

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

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