

1 MOLLY M. WHITE, Cal. Bar No. 171448
Email: whitem@sec.gov

2 Attorney for Plaintiff
3 Securities and Exchange Commission
Rosalind R. Tyson, Regional Director
4 Michele Wein Layne, Associate Regional Director
Andrew G. Petillon, Associate Regional Director
5 5670 Wilshire Boulevard, 11th Floor
Los Angeles, California 90036
6 Telephone: (323) 965-3998
Facsimile: (323) 965-3908

7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 **SECURITIES AND EXCHANGE**
COMMISSION,

12 Plaintiff,

13 v.

14 **EMVEST MORTGAGE FUND, LLC,**
15 **EMVEST, INC., and MILON LYLE BROCK,**

16 Defendants.

Case No. 04 CV 2295 DMS (RBB)

SECURITIES AND EXCHANGE
COMMISSION'S RESPONSE TO
RECEIVER'S FIFTEENTH VERIFIED
REPORT

Special Briefing Schedule Ordered

Date: February 13, 2009
Time: 1:30 p.m.
Courtroom: 10 (Hon. Dana M. Sabraw)

1 Pursuant to the Court's October 20, 2008 Order Re: Receiver's Fourteenth Report, the
2 Securities and Exchange Commission ("Commission") files this Response to the Receiver's
3 Fifteenth Verified Report (the "Fifteenth Report"). The Commission has no objection to the
4 Fifteenth Report.

5 Specifically, the Commission does not oppose the Receiver's request that the Receiver
6 receive an additional 10% of the fees that the Receiver has incurred to date but that have been
7 reserved pursuant to the Court's Minute Order dated February 24, 2006. In accordance with the
8 February 24, 2006 Minute Order, the Receiver has been paid only 75% of the fees that the
9 Receiver has incurred to date. The remaining 25% of fees are, in essence, held in reserve in the
10 event that the Court determines that the Receiver should not be paid his entire fee. The
11 Commission understands that the Receiver is asking the Court to authorize the payment of an
12 additional 10% of the Receiver's fees to date (thus reducing the reserve to 15% of the historic
13 fees), and that, going forward, the Receiver will resume his receipt of 75% of the Receiver's
14 future fees (and the remaining 25% of the fees will be held in reserve). Given the duration of the
15 receivership, and that the receivership has continued longer than the parties anticipated due to
16 factors beyond the Receiver's control, the Commission does not oppose the Receiver's request.
17 If the Court determines that it is appropriate to reduce the fees paid to the Receiver, the Court can
18 still draw on the remaining 15% of the historic fees to date, plus 25% of the fees going forward.

19
20 DATED: February 4, 2009

s/ Molly M. White
Attorney for Plaintiff
Securities and Exchange Commission
E-mail: whitem@sec.gov

PROOF OF SERVICE

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

U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On February 4, 2009, I caused to be served the document entitled **SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO RECEIVER'S FIFTEENTH VERIFIED REPORT** on all the parties to this action addressed as stated on the attached service list:

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

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

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

HAND DELIVERY: I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

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

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

FAX: By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

(Federal) I declare under penalty of perjury that I am a member of the bar of this Court and that the foregoing is true and correct.

Date: February 4, 2009

/s/ Molly M. White
MOLLY M. WHITE

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 (POR)**
4 **LA-2864**

5 **SERVICE LIST**

6 **Christian D. Humphreys, Esq. (served by email and U.S. Mail)**
7 **Randy S. Grossman, 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 **Email: chumphreys@mckennalong.com**
14 **Email: rgrossman@mckennalong.com**
15 ***Attorney for Defendants Emvest Mortgage Fund, LLC, Emvest, Inc.,***
16 ***and Milon Lyle Brock***

17 **James R. Felton, Esq. (served by email and U.S. Mail)**
18 **Greenberg & Bass, LLP**
19 **16000 Ventura Boulevard, Suite 1000**
20 **Encino, CA 91436**
21 **Facsimile: (818)986-6534**
22 **Email: jfelton@greenbass.com**
23 ***Attorney for Permanent Receiver Dennis M. Murphy***

24 **Dennis M. Murphy, CPA, CIRA (served by email and U.S. Mail)**
25 **630 N. Rosemead Boulevard, Suite 100**
26 **Pasadena, CA 91107**
27 **Facsimile: (626) 794-7298**
28 **Email: dmurphy@dennismurphycpa.com**
Permanent Receiver