

1 JAMES R. FELTON, ESQ. (State Bar No. 138767)
2 GREENBERG & BASS
3 A Registered Limited Liability Partnership
4 16000 Ventura Blvd., Suite 1000
5 Encino, California 91436
6 (818) 986-5687 - (818) 986-6534 FAX

7 Attorneys for Receiver,
8 Dennis Murphy

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 UNITED STATES SECURITIES AND
13 EXCHANGE COMMISSION,

14 Plaintiff,

15 vs.

16 EMVEST MORTGAGE FUND, LLC,
17 EMVEST, INC., and MILON LYLE
18 BROCK,

19 Defendants.

CASE NO. 04CV2295-DMS (LSP)

**MONTHLY FEE APPLICATION
FOR PAYMENT OF
ATTORNEY'S FEES AND
EXPENSES; DECLARATION
OF JAMES R. FELTON IN
SUPPORT THEREOF**

Date: No Hearing Required
Time:
Ctrlm: 10
(Hon. Dana M. Sabraw)

20 By Order entered June 7, 2005, this Court requested that the Receiver and
21 counsel submit a monthly report on fees. This application shall constitute the
22 Receiver's counsel's monthly request for fees and costs. This request will cover
23 the time period from May 15, 2005 through May 31, 2005. In addition, this
24 request will cover some additional time in April and May for a related piece of
25 litigation involving the Receiver.

26 The declaration of James R. Felton attached hereto details the fees and
27 costs incurred for the period May 15, 2005 through May 31, 2005. The
28 Receiver's fees and costs will be outlined by separate memorandum. On behalf of
counsel, fees in the amount of \$3,787.50 and costs of \$397.26 are being sought
for this period. (Declaration of James R. Felton ("Felton Decl."), ¶ 2, Ex. "A".)


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1 In addition, there is a matter that has been filed by ECV Development
2 against Emvest Mortgage Fund, LLP, Emvest and others relating to a real
3 property dispute in San Diego. To date, the Receiver's counsel has been
4 monitoring the matter in the hopes that a resolution can be reached. With
5 reference to that matter, counsel has expended the sum of \$520.00 in fees.
6 (Felton Decl., ¶ 3, Ex. "B".)

7 Based upon the foregoing, the Receiver respectfully requests that this Court
8 approve the fees and costs associated with his attorneys and permit the Receiver
9 to pay such amounts pursuant to the June 7, 2005 Order of this Court, that is, 30%
10 of the fee expense and 100% of the cost expense.

11 Dated: June 28, 2005

GREENBERG & BASS
A Registered Limited
Liability Partnership

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14 By: 
15 JAMES R. FELTON
16 Attorneys for Receiver,
17 Dennis Murphy
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DECLARATION OF JAMES R. FELTON

I , James R. Felton, declare as follows:

1. I am an attorney duly licensed to practice law in this Court and am a partner in the law firm of Greenberg & Bass, counsel for the Receiver herein. The facts recited in this declaration are known to me of my own personal knowledge, and if called upon to testify as a witness, I could and would competently testify thereto.

2. Attached hereto as Exhibit "A" is a true and correct copy of my office's billing totals for the period May 15, 2005 through May 31, 2005. The Receiver's fees and costs will be outlined by separate memorandum. This billing shows fees in the amount of \$3,787.50 and costs of \$397.26 are being sought for the same period.

3. In addition, there is a matter that has been filed by ECV Development against Emvest Mortgage Fund, LLP, Emvest and others relating to a real property dispute in San Diego. To date, I have been monitoring the matter in the hopes that a resolution can be reached. With reference to that matter, my firm has expended a total of \$520.00 in fees. A true and correct copy of this billing is attached as Exhibit "B".

4. I have reviewed the time entries submitted on Exhibits "A" and "B" and believe them to be reasonable given the nature of this matter and the amount of work that was needed to be performed. I respectfully request that this Court grant this request for fees and permit the Receiver to pay such amount from funds on hand in accordance with the terms of the June 7, 2005 Order of this Court.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed this 28th day of June, 2005 at Encino, California.



JAMES R. FELTON

Client	Trans Date	H Tmkr P	Tcd	Rate	Hours to Bill	Amount		Ref
Fees								
300191.01000	05/16/2005	3 A	67	250.00	0.50	125.00	REVISE SECOND FEE APPLICATION FOR ATTORNEY'S FEES	ARCH
300191.01000	05/17/2005	3 A	52	250.00	0.20	50.00	TELEPHONE CONFERENCE WITH CLIENT DENNIS MURPHY RE: DISCLOSURE OF NOVAK FINANCIAL INFORMATION	ARCH
300191.01000	05/17/2005	3 A	51	250.00	0.30	75.00	TELEPHONE CONFERENCE WITH LUKE PISTORIUS RE: STIPULATION TO SEAL DOCUMENT	ARCH
300191.01000	05/17/2005	3 A	67	250.00	0.40	100.00	REVISE APPLICATION FOR ATTORNEY'S FEES	ARCH
300191.01000	05/18/2005	3 A	86	250.00	0.20	50.00	REVIEW E-MAIL CORRESPONDENCE RE: NOVAK ORDER	ARCH
300191.01000	05/18/2005	3 A	64	250.00	0.30	75.00	REVIEW DOCUMENTS FILED BY SEC AS WELL AS LETTER RE: JOHNSON AND KORNFELD DEPOSITIONS	ARCH
300191.01000	05/19/2005	3 A	41	250.00	0.30	75.00	REVIEW AND ANALYSIS OF VARIOUS DOCUMENTS FILED BY SEC IN PREPARATION FOR HEARING ON SECOND VERIFIED REPORT	ARCH
300191.01000	05/20/2005	3 A	67	250.00	1.40	350.00	REVISE RECEIVER'S SECOND FEE APPLICATION	ARCH
300191.01000	05/25/2005	3 A	52	250.00	0.30	75.00	TELEPHONE CONFERENCE WITH CLIENT DENNIS MURPHY RE: RECEIVER HEARING	ARCH
300191.01000	05/25/2005	3 A	85	250.00	0.30	75.00	PREPARE E-MAIL CORRESPONDENCE TO LUKE PISTORIUS AND MOLLY WHITE RE: POSSIBLE RELEASE OF MONIES TO SMALL INVESTORS	ARCH
300191.01000	05/26/2005	3 A	83	250.00	3.00	750.00	TRAVEL TO HEARING IN SAN DIEGO	ARCH
300191.01000	05/27/2005	3 A	57	250.00	2.00	500.00	ATTENDANCE AT HEARING ON SECOND RECEIVER'S REPORT	ARCH
300191.01000	05/27/2005	3 A	83	250.00	3.50	875.00	TRAVEL FROM SAN DIEGO FROM HEARING	ARCH
300191.01000	05/27/2005	3 A	75	250.00	2.00	500.00	CONFERENCE WITH DENNIS MURPHY RE: PREPARATION FOR HEARING ON SECOND RECEIVER'S REPORT	ARCH
300191.01000	05/31/2005	35 A	1	125.00	0.10	12.50	PACER RESEARCH RE JUDGE'S RULING FROM LAST WEEK HEARING.	ARCH
300191.01000	05/31/2005	3 A	51	250.00	0.20	50.00	TELEPHONE CONFERENCE WITH LUKE PISTORIUS RE: PROPOSAL TO SEC FOR MURPHY WORK	ARCH
300191.01000	05/31/2005	3 A	86	250.00	0.20	50.00	REVIEW E-MAIL CORRESPONDENCE AND RESPOND TO JOE SCANLAN RE: WILL STUART CLAIM	ARCH
Total for Fees			Billable		15.20	3787.50		
Expenses								
300191.01000	05/16/2005	3 A	13	1.060		4.24	POSTAGE	ARCH
300191.01000	05/16/2005	3 A	12			18.00	DUPLICATING CHARGES	ARCH
300191.01000	05/16/2005	3 A	12			72.75	DUPLICATING CHARGES	ARCH
300191.01000	05/20/2005	3 A	13	2.670		10.68	POSTAGE	ARCH
300191.01000	05/20/2005	3 A	12			94.50	DUPLICATING CHARGES	ARCH
Total for Expenses			Billable		0.00	200.17		
Advances								
300191.01000	05/20/2005	3 A	23	0.250		15.75	SCANNING DOCUMENTS	ARCH
300191.01000	05/23/2005	3 A	20			21.63	US DISTRICT COURT - OVERNITE EXPRESS	ARCH
300191.01000	05/25/2005	3 P	17			14.85	SERVICE OF PROCESS (U.S. DISTRICT COURT-SAN DIEGO) - AMERICAN LEGAL SUPPORT SERVICES, INC.	116
300191.01000	05/25/2005	3 P	17			124.20	SERVICE OF PROCESS (U.S. DISTRICT COURT, SAN DIEGO) - AMERICAN LEGAL	117

EXHIBIT A

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Detail Transaction File List
Greenberg & Bass

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcd</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref</u>
Advances								
							SUPPORT SERVICES, INC.	
300191.01000	05/27/2005	3	P	4		16.00	PARKING	119
300191.01000	05/31/2005	3	P	7		204.83	TRAVEL EXPENSES (SAN DIEGO, COST ACCOUNT CHECK TO) - MERRILL LYNCH, JRF	118
Total for Advances				Billable	0.00	397.26		
GRAND TOTALS								
				Billable	15.20	4384.93		

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DENNIS M. MURPHY
 630 N. ROSEMEAD BLVD., SUITE 100
 PASADENA CA 91107
 USA

Page: 1
 May 05, 2005
 Account No: 300191-02000M
 Statement No: 1

Attn: DENNIS M. MURPHY

ECV DEVELOPMENT VS. EMERALD BAY FINANCIAL, ET AL

Fees

		Hours	
04/14/2005	JRF FILE SETUP FEE	0.40	130.00
04/28/2005	JRF TELEPHONE CONFERENCE WITH CLIENT DENNIS MURPHY RE: ECV DEVELOPMENT MATTER	0.30	97.50
05/02/2005	JRF TELEPHONE CONFERENCE WITH SAM HEINEN RE: RESULTS OF PRELIMINARY INJUNCTION HEARING	0.20	65.00
	JRF TELEPHONE CONFERENCE WITH DENNIS MURPHY RE: POSSIBLE RESOLUTION OF NOTE	0.30	97.50
05/05/2005	JRF TELEPHONE CONFERENCE WITH JOHN SUNNEN RE: INCORRECT LEGAL BILL	0.20	65.00
	JRF PREPARE CORRESPONDENCE TO JOHN SUNNEN RE: RETURN OF LEGAL BILL	0.20	65.00
	For Current Services Rendered	1.60	520.00

Recapitulation

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
James R. Felton	1.60	\$325.00	\$520.00

Total Current Work 520.00

BALANCE DUE \$520.00

SHOULD YOU HAVE ANY QUESTIONS REGARDING YOUR INVOICE,
 PLEASE CONTACT DORA BARRANTES AT 818/382-6200 EXTENSION
 129.

PAYMENTS RECEIVED AFTER THIS STATEMENT DATE ARE NOT
 INCLUDED

EXHIBIT B

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SERVICE LIST

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
v. EMVEST MORTGAGE FUND, et al.
CASE NO. 04CV2295-DMS(LSP)

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