

1 Craig A. Welin (State Bar No. 138418)
Hal D. Goldflam (State Bar No. 179689)
2 FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 Wilshire Boulevard
3 Seventeenth Floor
Los Angeles, California 90048-4920
4 Telephone: (323) 852-1000
Facsimile: (323) 651-2577
5
6 Attorneys for Temporary Receiver,
Robb Evans & Associates LLC

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
AUG 18 2006

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

11 THE PEOPLE OF THE STATE OF
CALIFORNIA,
12
13 Plaintiff,
14 v.
15 RICHARD EDWARD MOWBRAY; DENISE
LYNN MOWBRAY; MOWBRAY'S TREE
SERVICE; DENISE MOWBRAY TREE
16 COMPANY INC.; ARROWHEAD TREE
SERVICE, INC.; ARROWHEAD TREE
17 COMPANY, INC.; and M.J. EQUIPMENT,
LLC,
18
19 Defendants.

CASE NO. RIF126145

**(1) NOTICE OF LODGMENT OF THIRD
REPORT OF TEMPORARY
RECEIVER'S ACTIVITIES, AND**

**(2) NOTICE OF MOTION AND MOTION
BY THE TEMPORARY RECEIVER FOR
AN ORDER APPROVING TEMPORARY
RECEIVER'S FINANCIAL STATEMENT
FROM 1/1/06 THROUGH 6/30/06 AND
AUTHORIZING PAYMENT OF
RECEIVERSHIP EXPENSES;**

**MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATIONS OF
KENTON JOHNSON AND HAL D.
GOLDFLAM**

Date: September 8, 2006
Time: 1:30 p.m.
Place: Dept. 33

1 TO: THE HONORABLE GARY TRANBARGER, JUDGE OF THE SUPERIOR
2 COURT, AND ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF
3 RECORD:

4 The Third Report of the Temporary Receiver's Activities is attached as Exhibit 1 to the
5 accompanying declaration of Kenton Johnson.

6
7 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

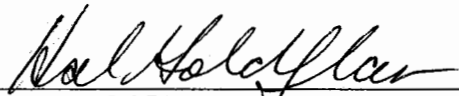
8 PLEASE TAKE NOTICE that on September 8, 2006, at 1:30 p.m. in Department 33 of the
9 Riverside County Superior Court, located at 4100 Main Street, Riverside, California, Robb Evans
10 & Associates LLC, the Court-appointed temporary receiver ("Temporary Receiver") over the
11 properties and businesses of Richard Edward Mowbray and Denise Lynn Mowbray, including
12 Mowbray's Tree Service, Denise Mowbray Tree Company, Inc., Arrowhead Tree Service, Inc.,
13 Arrowhead Tree Equipment Company, Inc., and M.J. Equipment, will move the Court for an order
14 approving the Temporary Receiver's financial statement from 1/1/06 through 6/30/06 ("Second
15 Expense Period"), including payment of the fees of the Temporary Receiver, the Temporary
16 Receiver's deputies, agents, staff and professionals, and reimbursement of costs incurred during
17 the Second Expense Period. During the Second Reporting Period, the Temporary Receiver's fees,
18 staff expenses, and administrative expenses totaled \$53,732.27, and the legal fees and expenses of
19 the Temporary Receiver's outside counsel totaled \$91,165.14.

20 This motion is made following the Court's September 28, 2005 order appointing the
21 Temporary Receiver, which requires periodic Court approval of the financial statements. This
22 motion is based upon this notice of motion and motion, the supporting memorandum of points and
23 authorities and declarations of Kenton Johnson and Hal D. Goldflam, any reply, and upon such
24 other pleadings and oral and documentary evidence as may be presented at the time of hearing on
25 the motion.

1 PLEASE TAKE FURTHER NOTICE that pursuant to California Rules of Court, rule
2 1907(b), if any party objects to the Court's approval of the Temporary Receiver's financial
3 statement, specific objections must be made in writing within ten days of the service of this notice,
4 and must be served on the Temporary Receiver's counsel and counsel for all parties to this action.

5
6 Dated: August 15, 2006

FRANDZEL ROBINS BLOOM & CSATO, L.C.
CRAIG A. WELIN
HAL D. GOLDFLAM

8
9 By: 
10 HAL D. GOLDFLAM
11 Attorneys for Temporary Receiver,
12 ROBB EVANS & ASSOCIATES LLC
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On September 28, 2005, this Court appointed Robb Evans & Associates LLC pursuant to
3 Penal Code section 186.11 as temporary receiver (“Temporary Receiver”) over the properties and
4 businesses of Richard Edward Mowbray and Denise Lynn Mowbray, including Mowbray’s Tree
5 Service, Denise Mowbray Tree Company Inc., Arrowhead Tree Service Inc., Arrowhead Tree
6 Company Inc., and M.J. Equipment (“Mowbray Business Entities”). Pursuant to paragraph 8 of
7 the order appointing the Temporary Receiver, the Temporary Receiver is required to provide the
8 Court with interim financial statements seeking approval of the Temporary Receiver’s fees and
9 administrative expenses. This motion seeks an order approving the payment of the fees and
10 expenses of the Temporary Receiver, the Temporary Receiver’s staff, and the Temporary
11 Receiver’s counsel for the period from January 1, 2006 through June 30, 2006 (“Second Reporting
12 Period”). During the Second Reporting Period, the Temporary Receiver’s fees, staff expenses,
13 and administrative expenses totaled \$53,732.27, and the legal fees and expenses of the Temporary
14 Receiver’s outside counsel totaled \$91,165.14.

15 A summary of the Temporary Receiver’s activities, including those of its outside counsel,
16 is discussed in the accompanying declarations of Kenton Johnson and Hal D. Goldflam and such
17 activities are evidenced by the attached financial report and Third Report of Temporary Receiver’s
18 Activities. The fees and costs for which approval is requested are specified in the summary which
19 the Temporary Receiver’s office has prepared entitled “Receivership Administrative Expenses by
20 Month”, which is attached as Exhibit 2 and which are further detailed in Exhibits 4-6. (Exhibits 2,
21 4, 5 and 6 collectively comprise the Temporary Receiver’s financial report.). The Temporary
22 Receiver submits that it has complied and continues to comply with the duties and responsibilities
23 imposed upon it pursuant to the receivership order.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

The Temporary Receiver respectfully submits that in light of the work performed during the Second Reporting Period, the fees and costs of the Temporary Receiver and his professionals are reasonable and should be approved and authorized for payment in their entirety.

Dated: August 15, 2006

FRANDZEL ROBINS BLOOM & CSATO, L.C.
CRAIG A. WELIN
HAL D. GOLDFLAM

By: 

HAL D. GOLDFLAM
Attorneys for Temporary Receiver,
Robb Evans & Associates LLC