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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**
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11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 RICHARD EDWARD MOWBRAY; DENISE
LYNN MOWBRAY; MOWBRAY'S TREE
16 SERVICE; DENISE MOWBRAY TREE
COMPANY INC.; ARROWHEAD TREE
17 SERVICE, INC.; ARROWHEAD TREE
COMPANY, INC.; and M.J. EQUIPMENT,
18 LLC,

19 Defendants.

CASE NO. RIF126145

**AMENDED ORDER APPOINTING
TEMPORARY RECEIVER PURSUANT
TO PENAL CODE SECTION
186.11(g)(8)(9) FOR MOWBRAY'S TREE
SERVICE; DENISE MOWBRAY'S TREE
SERVICE COMPANY INC.;
ARROWHEAD TREE SERVICE, INC.;
ARROWHEAD TREE COMPANY, INC.;
M.J. EQUIPMENT, LLC**

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21 TO DEFENDANTS RICHARD EDWARD MOWBRAY, DENISE LYNN MOWBRAY,
22 DENISE MOWBRAY TREE COMPANY, INC., MOWBRAY'S TREE SERVICE,
23 ARROWHEAD TREE SERVICE, INC., ARROWHEAD TREE COMPANY, INC. AND M.J.
24 EQUIPMENT, LLC, THEIR ATTORNEYS OF RECORD, AND EVERY PERSON WHO MAY
25 HAVE AN INTEREST IN, OR CUSTODY OR CONTROL OVER, ANY PROPERTY OR
26 ASSET MENTIONED HEREIN:

27 I. On September 28, 2005, the Court issued its initial Order Appointing Temporary
28 Receiver Pursuant to Penal Code Section 186.11(g)(8)(9) for Mowbray's Tree Service, Denise

1 Mowbray's Tree Company Inc., Arrowhead Tree Service, Inc., Arrowhead Tree Company, Inc.,
2 and M.J. Equipment, LLC (the "Initial Order"), a true and correct copy of which is attached hereto
3 as Exhibit "1" and is incorporated herein by this reference as though set forth in full herein.
4 Pursuant to the Initial Order, Robb Evans & Associates LLC was appointed as the Temporary
5 Receiver over the properties and businesses of Richard Edward Mowbray and Denise Lynn
6 Mowbray including, but not limited to, Mowbray's Tree Service, Denise Mowbray Tree Company
7 Inc., Arrowhead Tree Service, Inc., Arrowhead Tree Company, Inc. and M.J. Equipment.

8 2. The Initial Order provided at paragraph 2.c that ". . . [a]ll persons are enjoined
9 from: (i) in any way, directly or indirectly affecting the Temporary Receiver's possession of the
10 Assets or access to the Assets and (ii) prosecuting any claims for relief or causes of action that
11 affect the Assets." (the "Stay") In order to avoid any confusion regarding the scope of the Stay
12 and to effectuate the terms and provisions of the Initial Order, the People and the Temporary
13 Receiver have requested that specific language be added to the Initial Order clarifying the scope of
14 the Stay.

15 **BASED UPON THE FOREGOING, AND FOR GOOD CAUSE APPEARING, IT IS**
16 **HEREBY ORDERED THAT:**

17 1. The Initial Order, Exhibit "1" hereto, remains in full force and effect subject to the
18 additional language set forth in paragraph 2 below;

19 2. The Initial Order shall be amended by adding the following to page 6 of the Initial
20 Order, which shall hereinafter be deemed to be a part of the Initial Order:

21 **IT IS FURTHER ORDERED THAT, except by leave of this Court, during the pendency of**
22 **the temporary receivership, all clients, investors, trust beneficiaries, noteholders, creditors,**
23 **claimants, lessors, customers, and all other persons or entities seeking relief of any kind, in law or**
24 **in equity, from the Defendants (as defined in the caption of the Complaint initiating this action, or**
25 **their affiliates and subsidiaries, and all persons acting on behalf of any such investor, trust**
26 **beneficiary, noteholder, creditor, claimant, lessor, or any other person, including sheriffs,**
27 **marshals, servants, agents, employees, and attorneys, are hereby preliminary restrained and**
28 **enjoined from, directly or indirectly, with respect to the Defendants, and their subsidiaries and**

1 affiliates:

2 1. Commencing, prosecuting, continuing or enforcing any suit or proceeding
3 involving the Defendants or any of their subsidiaries and affiliates, except as such actions may be
4 filed to toll any applicable statute of limitations;

5 2. Accelerating the due date of any obligation or claimed obligation, enforcing any
6 lien upon, or taking or attempting to take possession of, or retaining possession of, any property of
7 the Defendants, or any of their subsidiaries or affiliates, or any property claimed by any of them or
8 attempting to foreclose, forfeit, alter, or terminate any of the Defendants' or any of their
9 subsidiaries' or affiliates' interests in property including, without limitation, the establishment,
10 granting, or perfection of any security interest, whether such acts are part of a judicial proceeding
11 or otherwise;

12 3. Using self-help or executing or issuing, or causing the execution or issuance by any
13 court, of an attachment, subpoena, replevin, execution, or other process for the purpose of
14 impounding or taking possession of or interfering with, or creating or enforcing a lien upon any
15 property of the Defendants or any of their subsidiaries or affiliates, wheresoever located, or
16 Temporary Receiver appointed pursuant to the Initial Order or any agent appointed by said
17 Temporary Receiver; and

18 4. Doing anything or act whatsoever to interfere with the Temporary Receiver taking
19 control, possession or management of the property subject to the temporary receivership, or in any
20 way interfering with the Receiver, or harassing or interfering with the duties of the Temporary
21 Receiver, or to interfere in any manner with the exclusive jurisdiction of this Court over the
22 property and assets of the Defendants, or their subsidiaries or affiliates.

23
24 Dated: 10-7-05

James R. ...
JUDGE OF THE SUPERIOR COURT

