

ROBB EVANS
Receiver of
Assets of James P. Lewis, Jr.,
Financial Advisory Consultants,
Income Fund Ltd. &
Growth Fund Ltd.

11450 Sheldon Street
Sun Valley, California 91352-1121
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

Securities and Exchange Commission v. James P. Lewis, Jr., et al.
CASE No. CV 03-9354 ABC (VBKx)

**Notice of Motion and Motion by Receiver for Order Approving and
Authorizing Payment of Receiver's Fees and Expenses
[September 1, 2010 Through July 31, 2011];
Memorandum of Points and Authorities; and
Declaration of Gary Owen Caris in Support Thereof
Declaration of Brick Kane in Support Thereof**

Filed October 10, 2011

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Attorneys for Receiver
ROBB EVANS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JAMES P. LEWIS, JR., individually
and doing business as FINANCIAL
ADVISORY CONSULTANTS,
INCOME FUND, LTD. AND
GROWTH FUND, LTD.,

Defendants.

CASE NO. CV 03-9354 ABC (VBKx)

**NOTICE OF MOTION AND
MOTION BY RECEIVER FOR
ORDER APPROVING AND
AUTHORIZING PAYMENT OF
RECEIVER'S FEES AND
EXPENSES [SEPTEMBER 1, 2010
THROUGH JULY 31, 2011];
MEMORANDUM OF POINTS AND
AUTHORITIES; AND
DECLARATION OF GARY OWEN
CARIS IN SUPPORT THEREOF**

[Declaration of Brick Kane filed
concurrently herewith]

DATE: November 14, 2011
TIME: 10:00 a.m.
PLACE: Courtroom 680

1 PLEASE TAKE NOTICE that on November 14, 2011 at 10:00 a.m.
2 in Courtroom 680 of the above-referenced Court, located at 255 E. Temple Street,
3 Los Angeles, California, the permanent receiver, Robb Evans (“Receiver”) will
4 move the Court for an order approving and authorizing payment of fees and
5 expenses of the Receiver and the Receiver’s counsel incurred for the eleven-month
6 period from September 1, 2010 through July 31, 2011 (“Sixteenth Expense
7 Period”), comprised of the fees and expenses of the Receiver, the Receiver’s
8 deputies, agents, and staff of \$14,199.22 and legal fees and expenses of \$19,866.12
9 incurred by the Receiver’s counsel, for a total of \$34,065.34.

10 This Motion is made pursuant to Local Civil Rule 66-7(f) and the limited
11 notice order entered July 14, 2004,¹ and is based upon this notice of motion and
12 motion, the accompanying memorandum of points and authorities and declarations
13 of Brick Kane and Gary Caris served and filed herewith, any reply, and upon all
14 other pleadings, oral and documentary evidence as may be presented at or before
15 the time of the hearing on the Motion.

16 PLEASE TAKE FURTHER NOTICE that this Motion is served in
17 accordance with the Limited Notice Order. Pursuant to the Limited Notice Order,
18 this Motion has been posted on the Receiver’s website at www.facreceiver.com
19 where it may be reviewed in its entirety. Notice of this Motion has also been
20 mailed to those creditors and other interested parties who have made requests for
21 notice in accordance with the procedures specified in the Limited Notice Order.
22 Hard copies of the Motion will be provided upon written request for copies
23 submitted to the Receiver’s office at: Robb Evans & Associates, 11450 Sheldon

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25 ¹ The order is entitled “Order Granting Motion by Receiver for Second Omnibus
26 Order: (1) Approving Sale of Coin Collection by Private Sale and Modifying Sale
27 Procedures of 28 U.S.C. sections 2001 and 2004 in Connection Therewith; (2)
28 Approving Sale of All Ownership and Other Claims and Interests in Pyro Shield,
Inc., and Related Compromises and Modifying Sale Procedures of 28 U.S.C.
sections 2001 and 2004 in Connection Therewith; (3) Approving and Authorizing
Payment of Receivership Expenses [January 6, 2004 through April 30, 2004]; and
(4) Limiting Notice” (hereinafter, the “Limited Notice Order”).

1 Street, Sun Valley, California 91352-1121, Attn: Lillian Lee, Deputy to the
2 Receiver.

3
4 DATED: October 10, 2011 McKENNA LONG & ALDRIDGE LLP
5 GARY OWEN CARIS
6 LESLEY ANNE HAWES
7 ANGELA E. FONES

8 By: /s/ Gary Owen Caris
9 GARY OWEN CARIS
10 Attorneys for Receiver, ROBB EVANS
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Receiver was originally appointed as temporary receiver pursuant to this
4 Court's Order Appointing Temporary Receiver Over the Assets of James P. Lewis,
5 Jr., Individually and Doing Business as Financial Advisory Consultants, Income
6 Fund, Ltd., and Growth Fund, Ltd. filed January 6, 2004. The Receiver learned of
7 his appointment as temporary receiver on January 8, 2004 and commenced work as
8 temporary receiver the following day. Thereafter, the Receiver was appointed as
9 permanent receiver pursuant to this Court's Preliminary Injunction Order and
10 Orders: (1) Freezing Assets; (2) Prohibiting the Destruction of Documents; (3)
11 Granting Expedited Discovery; (4) for Accountings; and (5) Order Appointing a
12 Permanent Receiver ("Permanent Receivership Order"). The Permanent
13 Receivership Order provided that Robb Evans was appointed as permanent receiver
14 over the assets of Defendant James P. Lewis, Jr. ("Lewis"), Financial Advisory
15 Consultants ("FAC"), Income Fund, Ltd. ("Income Fund") and Growth Fund, Ltd.
16 ("Growth Fund"), and their subsidiaries and affiliates (collectively, the
17 "Receivership Defendants"), with full powers of an equity receiver, including but
18 not limited to, full power over all funds, assets, collateral, premises, choses in
19 action, books, records, papers and other property belonging to or in the possession
20 of or control of Lewis, FAC, Income Fund and Growth Fund.

21 By this motion, the Receiver seeks an order approving and authorizing the
22 payment of the Receiver's and his counsel's fees and expenses for the eleven-
23 month period from September 1, 2010 through July 31, 2011 ("Sixteenth Expense
24 Period"). The Receiver's fees and expenses for the Sixteenth Expense Period
25 include fees and expenses of the Receiver and his deputies, agents and staff as well
26 as the fees and expenses of his attorneys, as more fully detailed by category in the
27 Receiver's Fund Balance and Receivership Expenses by Month ("Financial
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1 Summary”) spreadsheets attached collectively as Exhibit 1 to the Declaration of
2 Brick Kane filed in support of this Motion. The fees and expenses for which
3 approval and payment are sought are described in Exhibit 1.

4 The focus of the activities of the Receiver and his counsel during this
5 expense period has been monitoring the payments due under settlements resolving
6 the Receiver’s lawsuits against the Winning Investors, i.e. those that received more
7 from the Receivership Defendants than they invested with the Receivership
8 Defendants, negotiating with settling parties who are having difficulty meeting their
9 settlement and/or judgment obligations and attempting to maximize the recovery
10 from the portfolio of judgments obtained by the Receiver in the Winning Investor
11 litigation.

12 **II. THE RECEIVER SEEKS APPROVAL AND PAYMENT OF**
13 **THE RECEIVER’S AND HIS COUNSEL’S FEES AND**
14 **EXPENSES INCURRED DURING THE SIXTEENTH EXPENSE**
15 **PERIOD**

16 Since the inception of the receivership, the Receiver has sought and obtained
17 approval for payment of Receiver’s and counsel’s fees and expenses for fifteen
18 prior expense periods. By this motion, the Receiver seeks approval of fees and
19 expenses of the Receiver and his counsel for the Sixteenth Expense Period as
20 described hereinbelow.

21 **A. Continuing Communication with Investors**

22 The Receiver has continued to respond to investor inquiries and communicate
23 with investors regarding his activities during the Sixteenth Expense Period. The
24 Receiver regularly receives and responds to communications from investors in the
25 case.

26 **B. Settlement Monitoring**

27 A number of the settlements with Winning Investors provide for the
28 settlement amount to be paid in periodic payments. The Receiver monitors receipt

1 of the settlement payments under the payment plans and notifies counsel of any
2 defaults so that appropriate enforcement steps may be taken to obtain the defaulted
3 payments or enter judgment, depending upon the terms of the settlement. In
4 addition, the Receiver notifies counsel when payments from settling parties have
5 been completed under the settlement agreements so that appropriate action may be
6 taken pursuant to the settlement agreements, including in some instances filing a
7 satisfaction of judgment.

8 **C. Status Of Judgments Against Defendants In Winning Investor**
9 **Litigation**

10 Previously the Receiver requested and the Court approved the sale of
11 numerous judgments the Receiver obtained against various defendants (“Judgment
12 Debtors”) in the Winning Investor litigation as to which the prospects of collection
13 are uncertain and there is a likelihood of significant delay and expense to attempt to
14 enforce the judgments through asset investigations, judgment debtor examinations
15 and other procedures at a point in time where there are no other assets of the estate
16 to be administered. As the Court is aware, the Receiver was unable to sell the
17 judgments at auction and as a result, the Receiver currently remains the holder of 16
18 judgments against Judgment Debtors.

19 The Receiver continued his efforts to maximize the funds collected for the
20 benefit of the receivership estate. During this Sixteenth Expense Period, the
21 Receiver continued negotiating settlements with Judgment Debtors for discounted
22 amounts based upon the Receiver’s independent analysis of various circumstances.
23 Through these negotiations, the Receiver was able to settle with two Judgment
24 Debtors, and collected an additional \$62,000 for the benefit of the receivership
25 estate, which includes sums received from Judgment Debtors E. Lotfi and N.
26 Bonyadlo.

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1 **D. Legal Services**

2 During the Sixteenth Expense Period, legal services rendered by counsel
3 have included (a) preparation of and filing of two motions to approve the
4 Receiver’s settlements with settling parties, granted on December 1, 2010² without
5 a hearing and on May 16, 2011 after counsel’s appearance at a hearing; (b)
6 preparation of and filing of a motion to approve the Receiver’s fees and expenses,
7 granted on December 6, 2010 without a hearing; (c) analyzing issues arising from a
8 receivership estate claimant’s improper lawsuit against two Winning Investors; and
9 (d) negotiating settlements with Judgment Debtors and consulting with the Receiver
10 about discounted settlement offers from the Judgment Debtors.

11 **III. THE RECEIVER’S MOTION FOR APPROVAL AND**
12 **AUTHORIZATION FOR PAYMENT OF THE RECEIVER’S**
13 **AND HIS COUNSEL’S FEES AND EXPENSES HAS BEEN**
14 **PROPERLY SERVED**

15 Local Rule 66-7(f) provides for notice to be given to known creditors of a
16 receivership estate of applications by the Receiver and his counsel for payment of
17 Receiver’s and counsel’s fees and expenses. The Court’s Limited Notice Order
18 permits the Receiver to seek approval of receivership fees and expenses under
19 Local Rule 66-7(f) by notice served on the parties to the action and those creditors
20 who have requested written notice. This notice was served in accordance with the
21 Limited Notice Order, and a copy of the motion has been posted on the Receiver’s
22 website.

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27 ² In the Receiver’s motion for fees and expenses for the prior expense period, the
28 Receiver discussed the funds collected in the settlements which were the subject of
the motion to approve settlements granted on December 1, 2010.

1 **IV. CONCLUSION**

2 The Receiver respectfully requests that the Court approve and authorize the
3 payment of fees and expenses of the Receiver and his counsel for the eleven-month
4 period from September 1, 2010 through July 31, 2011.

5
6 DATED: October 10, 2011 McKENNA LONG & ALDRIDGE LLP
7 GARY OWEN CARIS
8 LESLEY ANNE HAWES
9 ANGELA E. FONES

10 By: /s/ Gary Owen Caris
11 GARY OWEN CARIS
12 Attorneys for Receiver, ROBB EVANS
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DECLARATION OF GARY OWEN CARIS

I, Gary Owen Caris, declare:

1. I am an attorney at law duly admitted to practice before the courts of the State of California and before the United States District Court for the Central District of California and am a member of the firm of McKenna Long & Aldridge LLP (“McKenna Firm”), the attorneys for the Receiver Robb Evans (“Receiver”) in this case. I have personal knowledge of the matters set forth in this declaration, and if I were called upon to testify as to these matters, I could and would competently testify based upon my personal knowledge.

2. I am the attorney primarily responsible for the representation of the Receiver in this case. The Receiver has incurred legal fees in the aggregate sum of \$17,439.09 and expenses of \$2,427.03 in connection with the services rendered to the Receiver by the McKenna Firm during the eleven months comprising the Sixteenth Expense Period, as more fully reflected in the financial summary attached to the Declaration of Brick Kane in support of the Receiver’s current fee motion. During the Sixteenth Expense Period, legal services rendered by the McKenna Firm have included (a) preparation of and filing of two motions to approve the Receiver’s settlements with settling parties, granted on December 1, 2010 without a hearing and on May 16, 2011 after my appearance at a hearing; (b) preparation of and filing of a motion to approve the Receiver’s fees and expenses, granted on December 6, 2010 without a hearing; (c) analyzing issues arising from a receivership estate claimant’s improper lawsuit against two Winning Investors; and (d) negotiating settlements with Judgment Debtors and consulting with the Receiver about discounted settlement offers from the Judgment Debtors.

3. I am familiar with the billing practices and procedures of the McKenna Firm and the attorneys, paralegals and other professionals whose services are billed by the McKenna Firm to its clients. The billing statements are prepared in the ordinary course of business by the McKenna Firm’s accounting department from

1 time records regularly input and updated by attorneys, paralegals and other
2 professionals rendering services to clients. I review the draft "pre-bills" that are
3 generated from the time entries and the final billing statements for my clients. I
4 find that the billing statements accurately reflect the time entries regularly made by
5 professionals at the McKenna Firm and the services rendered and expenses incurred
6 in connection with the McKenna Firm's representation of its clients.

7 4. I have practiced law in the State of California for over 31 years and
8 have specialized in the representation of federal equity receivers in civil
9 enforcement actions filed by the Federal Trade Commission and the Securities and
10 Exchange Commission for more than 12 years. I am familiar with the billing rates
11 charged by attorneys in the Southern California area and believe the rates charged
12 by the McKenna Firm in this matter and the fees and expenses requested for the
13 Sixteenth Expense Period are fair and reasonable given the nature of the services
14 rendered, the time expended, the expertise of the attorneys and others performing
15 services in this matter, the rates charged by other firms and attorneys in the
16 Southern California area and other factors.

17 I declare under penalty of perjury that the foregoing is true and correct and
18 that this declaration was executed on October 10, 2011 at Los Angeles, California.

19
20 /s/ Gary Owen Caris
GARY OWEN CARIS

1 GARY OWEN CARIS (SBN 088918)
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10 Attorneys for Receiver
ROBB EVANS

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

13
14 SECURITIES AND EXCHANGE
15 COMMISSION,

16 Plaintiff,

17 v.

18 JAMES P. LEWIS, JR., individually
and doing business as FINANCIAL
19 ADVISORY CONSULTANTS,
INCOME FUND, LTD. AND
20 GROWTH FUND, LTD.,

21 Defendants.
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CASE NO. CV 03-9354 ABC (VBKx)

**DECLARATION OF BRICK KANE
IN SUPPORT OF MOTION
BY RECEIVER FOR ORDER
APPROVING AND AUTHORIZING
PAYMENT OF RECEIVER'S FEES
AND EXPENSES [SEPTEMBER 1,
2010 THROUGH JULY 31, 2011]**

[Notice of Motion and Motion filed
concurrently herewith]

DATE: November 14, 2011
TIME: 10:00 a.m.
PLACE: Courtroom 680

1 I, Brick Kane, declare:

2 1. I am the President and the Chief Operating Officer of Robb Evans &
3 Associates LLC and am a Deputy to the Receiver Robb Evans. I have been one of
4 the deputies to the Receiver with primary responsibility for the day-to-day
5 supervision and management of the receivership estate of the assets of James P.
6 Lewis, Jr., individually and doing business as Financial Advisory Consultants,
7 Income Fund, Ltd. and Growth Fund, Ltd., since the Receiver was first appointed as
8 temporary receiver on January 6, 2004. I have personal knowledge of the matters
9 set forth in this declaration based upon my supervision of other members and staff
10 of Robb Evans & Associates LLC involved in the day to day management of this
11 receivership estate, and if I were called upon to testify as to these matters, I could
12 and would competently testify based upon my personal knowledge.

13 2. The Receiver was originally appointed as temporary receiver pursuant
14 to this Court's Order Appointing Temporary Receiver Over the Assets of James P.
15 Lewis, Jr., Individually and Doing Business as Financial Advisory Consultants,
16 Income Fund, Ltd., and Growth Fund, Ltd. filed January 6, 2004. The Receiver
17 learned of his appointment as temporary receiver on January 8, 2004 and
18 commenced work as temporary receiver the following day. Thereafter, the
19 Receiver was appointed as permanent receiver pursuant to this Court's Preliminary
20 Injunction Order and Orders: (1) Freezing Assets; (2) Prohibiting the Destruction of
21 Documents; (3) Granting Expedited Discovery; (4) for Accountings; and (5) Order
22 Appointing a Permanent Receiver ("Permanent Receivership Order"). The
23 Permanent Receivership Order provided that Robb Evans was appointed as
24 permanent receiver over the assets of Defendant James P. Lewis, Jr. ("Lewis"),
25 Financial Advisory Consultants ("FAC"), Income Fund, Ltd. ("Income Fund") and
26 Growth Fund, Ltd. ("Growth Fund"), and their subsidiaries and affiliates
27 (collectively, the "Receivership Defendants"), with full powers of an equity
28 receiver, including but not limited to, full power over all funds, assets, collateral,

1 premises, choses in action, books, records, papers and other property belonging to
2 or in the possession of or control of Lewis, FAC, Income Fund and Growth Fund.

3 3. The Receiver seeks an order approving and authorizing the payment of
4 fees and expenses of the Receiver and his counsel for the eleven-month period from
5 September 1, 2010 through July 31, 2011 (“Sixteenth Expense Period”). The
6 Receiver’s fees and expenses for the Sixteenth Expense Period include fees and
7 expenses of the Receiver and his deputies, agents and staff as well as the fees and
8 expenses of his attorneys more fully detailed by category in the Receiver’s Fund
9 Balance and Receivership Expenses by Month (“Financial Summary”) spreadsheets
10 attached hereto collectively as Exhibit 1. As set forth in the spreadsheets, the
11 administrative fees and expenses of the Receiver, including his deputies, agents and
12 staff, total \$14,199.22 and the legal fees and expenses of the Receiver total
13 \$19,866.12 for the eleven-month period. Since the inception of the receivership,
14 the Receiver has sought and obtained approval for payment of the fees and
15 expenses of the Receiver and his counsel for fifteen prior expense periods.

16 4. The focus of the activities of the Receiver and his counsel during this
17 expense period has been monitoring the payments due under settlements resolving
18 the Receiver’s lawsuits against the Winning Investors, i.e. those that received more
19 from the Receivership Defendants than they invested with the Receivership
20 Defendants, negotiating with settling parties who are having difficulty meeting their
21 settlement and/or judgment obligations and attempting to maximize the recovery
22 from the portfolio of judgments obtained by the Receiver in the Winning Investor
23 litigation.

24 5. The Receiver has continued to respond to investor inquiries and
25 communicate with investors regarding his activities during the Sixteenth Expense
26 Period. The Receiver regularly receives and responds to communications from
27 investors in the case.

28

1 6. A number of the settlements with Winning Investors provide for the
2 settlement payment amount to be made in periodic payments. The Receiver
3 monitors receipt of the settlement payments under the payment plans and notifies
4 counsel of any defaults so that appropriate enforcement steps may be taken to
5 obtain the defaulted payments or enter judgment, depending upon the terms of the
6 settlement. In addition, the Receiver notifies counsel when payments from settling
7 parties have been completed under the settlement agreements so that the appropriate
8 action may be taken pursuant to the settlement agreements.

9 7. Previously the Receiver requested and the Court approved the sale of
10 numerous judgments the Receiver obtained against various defendants (“Judgment
11 Debtors”) in the Winning Investor litigation as to which the prospects of collection
12 are uncertain and there is a likelihood of significant delay and expense to attempt to
13 enforce the judgments through asset investigations, judgment debtor examinations
14 and other procedures at a point in time where there are no other assets of the estate
15 to be administered. As the Court is aware, the Receiver was unable to sell the
16 judgments at auction and as a result, the Receiver currently remains the holder of 16
17 judgments against Judgment Debtors.

18 8. The Receiver continued his efforts to maximize the funds collected for
19 the benefit of the receivership estate. During this Sixteenth Expense Period, the
20 Receiver continued negotiating settlements with Judgment Debtors for discounted
21 amounts based upon the Receiver’s independent analysis of various circumstances.
22 Through these negotiations, the Receiver was able to settle with two Judgment
23 Debtors, and collected an additional \$62,000 for the benefit of the receivership
24 estate, which includes sums received from Judgment Debtors E. Lotfi and N.
25 Bonyadlo.

26 9. In accordance with the Limited Notice Order entered July 14, 2004, I
27 have caused a request for notice list to be prepared and maintained in this matter.
28 The list is periodically updated. In addition to service of notice of the Receiver’s

1 motion on the persons requesting notice pursuant to the Limited Notice Order, a
2 copy of the motion will be posted to the Receiver's website.

3 I declare under penalty of perjury that the foregoing is true and correct and
4 that this declaration was executed on this day October 7, 2011 at Sun Valley,
5 California.

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8 BRICK KANE

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Exhibit 1

**Robb Evans, Receiver of Financial Advisory Consultants
Fund Balance and Receivership Expenses by Month
From Inception (January 4, 2004) to July 31, 2011**

	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11
Receipts							
Repayment from Overpaid Investors (1)	26,000.00	41,000.00	11,000.00	18,538.78	21,000.00	11,000.00	12,000.00
Interest Income	154.22	141.38	162.64	154.82	161.22	147.28	166.70
Total Receipts	<u>26,154.22</u>	<u>41,141.38</u>	<u>11,162.64</u>	<u>18,693.60</u>	<u>21,161.22</u>	<u>11,147.28</u>	<u>12,166.70</u>
Expense							
Asset Preservation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tax Preparation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Asset Preservation	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Receivership Admin Expenses							
Senior Staff							
A. Jen	0.00	96.00	36.00	0.00	0.00	0.00	0.00
B. Kane	24.00	60.00	24.00	12.00	0.00	0.00	12.00
Total Senior Staff	<u>24.00</u>	<u>156.00</u>	<u>60.00</u>	<u>12.00</u>	<u>0.00</u>	<u>0.00</u>	<u>12.00</u>
Financial Reconstruction & Claim Administration							
P. Chung	0.00	260.00	0.00	0.00	0.00	0.00	0.00
L. Lee	140.00	80.00	110.00	210.00	360.00	260.00	220.00
Total Financial Reconstruction & Claim Administration	<u>140.00</u>	<u>340.00</u>	<u>110.00</u>	<u>210.00</u>	<u>360.00</u>	<u>260.00</u>	<u>220.00</u>
Support Staff	196.87	284.64	467.06	767.97	360.83	345.75	357.43
Out of Pocket Expenses	0.00	0.00	0.00	180.85	0.00	0.00	0.00
Occupancy & Equipment Rental	528.29	213.04	437.24	631.40	667.24	640.06	606.77
Postage/Delivery	0.00	0.00	0.44	30.78	0.44	1.32	1.22
Office Telephone and Supplies	0.00	28.54	47.42	43.82	9.16	65.68	191.85
Miscellaneous Expenses							
Website Hosting	30.00	30.00	55.00	30.00	30.00	30.00	30.00
Bank Service Charges	0.00	0.00	0.00	0.00	0.00	(7.00)	0.00
Total Miscellaneous Expenses	<u>30.00</u>	<u>30.00</u>	<u>55.00</u>	<u>30.00</u>	<u>30.00</u>	<u>23.00</u>	<u>30.00</u>

**Robb Evans, Receiver of Financial Advisory Consultants
Fund Balance and Receivership Expenses by Month
From Inception (January 4, 2004) to July 31, 2011**

	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11
Total Receivership Admin Expenses	919.16	1,052.22	1,177.16	1,906.82	1,427.67	1,335.81	1,419.27
Legal Fees & Costs							
Winning Investor Fees - McKenna Long & Aldridge LLP.	2,328.05	597.55	229.30	2,540.95	641.30	265.90	298.60
Winning Investor Costs - McKenna Long & Aldridge LLP.	73.31	1.38	25.67	854.14	17.65	0.00	0.90
Legal Costs - McKenna Long & Aldridge LLP.	486.75	2.88	383.03	64.50	0.00	0.00	0.00
Legal Fees - McKenna Long & Aldridge LLP.	0.00	3,426.45	1,052.55	273.15	0.00	0.00	689.30
Total Legal Fees & Costs	<u>2,888.11</u>	<u>4,028.26</u>	<u>1,690.55</u>	<u>3,732.74</u>	<u>658.95</u>	<u>265.90</u>	<u>988.80</u>
Total Expense	<u>3,807.27</u>	<u>5,080.48</u>	<u>2,867.71</u>	<u>5,639.56</u>	<u>2,086.62</u>	<u>1,601.71</u>	<u>2,408.07</u>
Net Transactions	<u>22,346.95</u>	<u>36,060.90</u>	<u>8,294.93</u>	<u>13,054.04</u>	<u>19,074.60</u>	<u>9,545.57</u>	<u>9,758.63</u>

**Robb Evans, Receiver of Financial Advisory Consultants
Fund Balance and Receivership Expenses by Month**

From Inception(January 4, 2004) to July 31, 2011

	Apr 11	May 11	Jun 11	Jul 11	Total 9/1/10- 7/31/11
Receipts					
Repayment from Overpaid Investors (1)	12,000.00	12,000.00	70,000.00	16,000.00	250,538.78
Interest Income	148.64	154.94	150.84	146.03	1,688.71
Total Receipts	<u>12,148.64</u>	<u>12,154.94</u>	<u>70,150.84</u>	<u>16,146.03</u>	<u>252,227.49</u>
Expense					
Asset Preservation					
Tax Preparation	0.00	0.00	0.00	4,178.52	4,178.52
Total Asset Preservation	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>4,178.52</u>	<u>4,178.52</u>
Receivership Admin Expenses					
Senior Staff					
A. Jen	0.00	0.00	36.00	0.00	168.00
B. Kane	24.00	12.00	0.00	0.00	168.00
Total Senior Staff	<u>24.00</u>	<u>12.00</u>	<u>36.00</u>	<u>0.00</u>	<u>336.00</u>
Financial Reconstruction & Claim Administration					
P. Chung	0.00	0.00	0.00	0.00	260.00
L. Lee	60.00	50.00	200.00	40.00	1,730.00
Total Financial Reconstruction & Claim Administration	<u>60.00</u>	<u>50.00</u>	<u>200.00</u>	<u>40.00</u>	<u>1,990.00</u>
Support Staff	457.50	454.11	478.72	283.59	4,454.47
Out of Pocket Expenses	0.00	0.00	0.00	0.00	180.85
Occupancy & Equipment Rental	583.15	517.55	562.33	866.84	6,253.91
Postage/Delivery	1.49	0.00	0.64	32.67	69.00
Office Telephone and Supplies	75.56	18.47	79.23	7.26	566.99
Miscellaneous Expenses					
Website Hosting	30.00	30.00	30.00	30.00	355.00
Bank Service Charges	0.00	0.00	0.00	0.00	(7.00)
Total Miscellaneous Expenses	<u>30.00</u>	<u>30.00</u>	<u>30.00</u>	<u>30.00</u>	<u>348.00</u>

**Robb Evans, Receiver of Financial Advisory Consultants
Fund Balance and Receivership Expenses by Month**

From Inception (January 4, 2004) to July 31, 2011

	Apr 11	May 11	Jun 11	Jul 11	Total 9/1/10- 7/31/11
Total Receivership Admin Expenses	1,231.70	1,082.13	1,386.92	1,260.36	14,199.22
Legal Fees & Costs					
Winning Investor Fees - McKenna Long & Aldridge LLP.	392.25	1,361.65	2,184.75	332.00	11,172.30
Winning Investor Costs - McKenna Long & Aldridge LLP.	0.00	91.38	409.34	13.58	1,487.35
Legal Costs - McKenna Long & Aldridge LLP.	208.26	5.40	0.00	0.00	1,150.82
Legal Fees - McKenna Long & Aldridge LLP.	440.95	69.30	0.00	103.95	6,055.65
Total Legal Fees & Costs	1,041.46	1,527.73	2,594.09	449.53	19,866.12
Total Expense	2,273.16	2,609.86	3,981.01	5,888.41	38,243.86
Net Transactions	9,875.48	9,545.08	66,169.83	10,257.62	213,983.63

#1678
 Robb Evans, Receiver of Financial Advisory Consultants
Fund Balance and Receivership Expenses by Month
 From Inception(January 4, 2004) to July 31, 2011

	Previously Reported and Approved by the Court	9/1/10- 7/31/11	TOTAL
Receipts			
Opening Funds Balance	2,584,422.66	0.00	2,584,422.66
Sanction Payments Collected	2,988.80	0.00	2,988.80
Global Research Analyst Settle	682.71	0.00	682.71
Sale of jewelry	10,851.00	0.00	10,851.00
Sale of Property/Residence	6,694,436.09	0.00	6,694,436.09
Sale of Coins	25,266.00	0.00	25,266.00
Sale of Pyro Shield Stock	100,000.00	0.00	100,000.00
Settlement with James P Lewis III	185,000.00	0.00	185,000.00
Settlement with ComCash	332,459.35	0.00	332,459.35
Funds Received from B. Boggs	5,577.21	0.00	5,577.21
Repayment from Overpaid Investors (1)	12,822,867.05	250,538.78	13,073,405.83
Cash Value of Life Insurance	10,994.63	0.00	10,994.63
Sale of Automobiles	122,717.50	0.00	122,717.50
Rental Income	50,847.45	0.00	50,847.45
Interest Income	272,563.88	1,688.71	274,252.59
Miscellaneous Receipts	11,637.15	0.00	11,637.15
Total Receipts	23,233,311.48	252,227.49	23,485,538.97
Expense			
Asset Preservation			
Tax Preparation	29,277.96	4,178.52	33,456.48
Settlement Payments	17,216.73	0.00	17,216.73
Mortgage Payments	35,091.82	0.00	35,091.82
Out of Pocket Expenses	2,252.92	0.00	2,252.92
Miscellaneous	498.95	0.00	498.95
Property Management fees	1,527.00	0.00	1,527.00
Bond Premium	662.00	0.00	662.00
Document Reproduction	874.90	0.00	874.90
Appraisal/Survey Fees	17,100.00	0.00	17,100.00
Vehicle Registration Fees	4,930.00	0.00	4,930.00
Telephone/Cable	527.15	0.00	527.15
Property Taxes	107,160.20	0.00	107,160.20
Vehicle	706.85	0.00	706.85
Contract Labor Fees	8,006.00	0.00	8,006.00
Golf Club Membership	15,937.93	0.00	15,937.93
Alarm/Security	2,787.51	0.00	2,787.51
Insurance	143,103.87	0.00	143,103.87
HOA Dues	12,730.14	0.00	12,730.14
Repairs & Maintenance	72,399.75	0.00	72,399.75
Utilities	12,254.88	0.00	12,254.88
Rent/Storage	9,153.46	0.00	9,153.46
Total Asset Preservation	494,200.02	4,178.52	498,378.54

#1679

Robb Evans, Receiver of Financial Advisory Consultants
Fund Balance and Receivership Expenses by Month
 From Inception(January 4, 2004) to July 31, 2011

	Previously Reported and Approved by the Court	9/1/10- 7/31/11	TOTAL
Receivership Admin Expenses			
Receiver Fees & Costs			
Receiver's Fees - R. Evans	77,022.00	0.00	77,022.00
Receiver Out of Pocket Expenses	264.77	0.00	264.77
Total Receiver Fees & Costs	77,286.77	0.00	77,286.77
Senior Staff	166,582.00	336.00	166,918.00
Financial Reconstruction & Claim Administration	236,426.00	1,990.00	238,416.00
Asset Management	57,746.50	0.00	57,746.50
Database Reconstruction	47,660.00	0.00	47,660.00
Support Staff	298,762.13	4,454.47	303,216.60
Out of Pocket Expenses	5,640.94	180.85	5,821.79
Contract Labor	20,836.85	0.00	20,836.85
Occupancy & Equipment Rental	100,280.26	6,253.91	106,534.17
Postage/Delivery	8,443.51	69.00	8,512.51
Office Telephone and Supplies	18,040.09	566.99	18,607.08
Miscellaneous Expenses	31,129.70	348.00	31,477.70
Investor Mailing Expense	41,377.68	0.00	41,377.68
Total Receivership Admin Expenses	1,110,212.43	14,199.22	1,124,411.65
Legal Fees & Costs			
Shipman & Goodwin LLP	11,167.00	0.00	11,167.00
Rodey, Dickason, Sloan, Akin			
Costs	440.39	0.00	440.39
Fees	6,395.00	0.00	6,395.00
Total Rodey, Dickason, Sloan, Akin	6,835.39	0.00	6,835.39
James J. Warner, Esq.	(16,257.80)	0.00	(16,257.80)
Winning Investor Fees -McKenna Long & Aldridge LLP.	1,401,712.70	11,172.30	1,412,885.00
Winning Investor Costs -McKenna Long & Aldridge LLP.	155,097.49	1,487.35	156,584.84
Legal Costs - McKenna Long & Aldridge LLP.	93,284.79	1,150.82	94,435.61
Legal Fees - McKenna Long & Aldridge LLP.	552,657.75	6,055.65	558,713.40
Total Legal Fees & Costs	2,204,497.32	19,866.12	2,224,363.44
Total Expense	3,808,909.77	38,243.86	3,847,153.63
Distributions			
Distributions to Creditors	8,217.85	0.00	8,217.85
Distributions to Claimants (1)	18,975,698.31	0.00	18,975,698.31
Total Distributions	18,983,916.16	0.00	18,983,916.16
Fund Balance	440,485.55	213,983.63	654,469.18

(1) Reclassify refund of overpayment