

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)

Order:

- (1) Approving Receiver's Report for the Period March 1, 2004 through December 31, 2004; and**
- (2) Approving Receivers's Proposed Claims Filing and Allowance Procedures**

Filed February 17, 2005

FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000

LOGGED

1 Gary Owen Caris (State Bar No. 088918)
2 Lesley Anne Hawes (State Bar No. 117101)
3 FRANDZEL ROBINS BLOOM & CSATO, L.C.
4 6500 Wilshire Boulevard
5 Seventeenth Floor
6 Los Angeles, California 90048-4920
7 Telephone: (323) 852-1000
8 Facsimile: (323) 651-2577
9 E-Mail: gcaris@frandzel.com
10 E-Mail: lhawes@frandzel.com

11 Attorneys for Receiver, ROBB EVANS

FILED
CLERK, U.S. DISTRICT COURT
FEB 17 2005
CENTRAL DISTRICT OF CALIFORNIA
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CENTRAL DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 SECURITIES AND EXCHANGE
15 COMMISSION,

16 Plaintiff,

17 v.

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

23 Defendant.

CASE NO. CV 03-9354 ABC (VBKx)

**ORDER: (1) APPROVING
RECEIVER'S REPORT FOR
THE PERIOD OF MARCH 1, 2004
THROUGH DECEMBER 31, 2004;
AND (2) APPROVING RECEIVER'S
PROPOSED CLAIMS FILING AND
ALLOWANCE PROCEDURES**

**Date: February 14, 2005
Time: 10:00 a.m.
Place: Courtroom 680
255 E. Temple Street
Los Angeles, CA**

24 The Motion for Order: (1) Approving Receiver's Report for the Period of
25 March 1, 2004 through December 31, 2004; and (2) Approving Receiver's Proposed
26 Claims Filing and Allowance Procedures ("Motion") came on regularly for hearing
27 on February 14, 2005 at 10:00 a.m. in Courtroom 680 of the above-referenced
28 Court, the Honorable Audrey B. Collins, United States District Judge presiding.
Gary Owen Caris of Frandzel Robins Bloom & Csato, L.C. appeared on behalf of
the Receiver, Robb Evans ("Receiver"), the moving party, and Gregory C. Glynn

1 appeared on behalf of the plaintiff Securities and Exchange Commission ("SEC").
2 There were no other appearances. The Court, having read and considered all papers
3 filed in support of the Motion and the non-opposition filed on behalf of the SEC,
4 no opposition to the Motion having been filed despite due and proper notice of the
5 Motion having been given, and good cause being shown therefor, it is

6 ORDERED as follows:

7 1. The Report of Receiver's Activities for the Period of March 1, 2004
8 through December 31, 2004 (the "Report") is approved in its entirety and the
9 Receiver's actions as described in the Report are confirmed.

10 2. The Receiver's proposed claims filing and allowance procedures as set
11 forth in the Motion and Report are approved in their entirety, and said claims filing
12 and allowance procedures shall be and are hereby made the order of this Court.
13 Without limiting the generality of the preceding sentence, the Court orders the
14 following claims filing and allowance procedures:

15 (a) Investor account balances shall be credited for funds actually
16 deposited or paid by an investor to James P. Lewis, Jr., individually and/or doing
17 business as Financial Advisory Consultants, Income Fund, Ltd., and Growth Fund,
18 Ltd. ("Lewis").

19 (b) Credits characterized as interest and applied by Lewis to increase
20 investor account balances shall be reversed.

21 (c) Actual payments of interest and actual payments for any other
22 purposes, such as withdrawals of investment amounts, shall be treated as a return
23 of capital and the investor account balance reduced accordingly. "Paper" transfers
24 from one account to another account or to another account holder shall be
25 disregarded.

26 (d) The Receiver shall provide written notice to each investor of the
27 Receiver's calculation of the investor's account balance and the amount the Receiver

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1 calculates as the claim of the investor based on the treatment of the account and
2 payments and adjustments as required herein.

3 (e) Each investor claimant shall be provided 30 days from the date
4 of service of written notice of the calculation of the claim to object to the proposed
5 claim amount. The objection by the investor must be in writing and received by the
6 Receiver within the 30-day notice period. If the investor creditor fails to timely
7 object to the notice and the Receiver's calculation of the investor claim amount, then
8 the amount set forth in the notice shall become such investor's Approved Investor
9 Claim upon which future distributions in the case shall be based.

10 (f) Non-investors claimants shall be provided with written notice
11 of the amount the Receiver calculates is owed to the creditor based on the records
12 of the receivership. Non-investor creditors shall have 30 days from the date of
13 service of the notice to object to the proposed allowed amount of such creditor's
14 claim. If no timely written objection is received by the Receiver within said 30-day
15 period, the amount stated in the notice shall become such creditor's Approved
16 Creditor Claim.

17 (g) As to any proposed investor claim or creditor claim for which the
18 Receiver receives a timely objection, the Receiver shall attempt to resolve the claim
19 dispute through negotiation. If the parties are unable to resolve the dispute through
20 negotiation, the Receiver shall resolve claims objections by motion filed by the
21 Receiver pursuant to Local Rule 7 for determination by this Court as to the proper
22 allowed amount of the claim.

23 (h) As and when distributions are made, payment on Approved
24 Investor Claims shall be made on a pro rata basis, with payment on each such claim
25 calculated based on the ratio of the amount that the Approved Investor Claim bears
26 to the total amount of all Approved Investor Claims.

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FRANZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000

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(i) The Court does not make any present determination as to whether and the extent to which Approved Creditor Claims shall be subordinated to Approved Investor Claims.

DATED: *02 2-17-05*

AUDREY COLLINS

AUDREY B. COLLINS
United States District Judge

FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000

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PROOF OF SERVICE

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of FRANDZEL ROBINS BLOOM & CSATO, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 6500 Wilshire Boulevard, Seventeenth Floor, Los Angeles, California 90048-4920.

On February 16, 2005, I served true copy(ies) of the **ORDER: (1) APPROVING RECEIVER'S REPORT FOR THE PERIOD OF MARCH 1, 2004 THROUGH DECEMBER 31, 2004; AND (2) APPROVING RECEIVER'S PROPOSED CLAIMS FILING AND ALLOWANCE PROCEDURES**, the original(s) of which is(are) affixed hereto, to the party(ies) listed on the attached service list.

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such document(s) were placed in envelopes addressed to the person(s) served hereunder for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

BY FACSIMILE: At approximately _____, I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (323) 651-2577. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

I certify under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on February 16, 2005, at Los Angeles, California.


HELEN SCHWARTZ

SERVICE LIST

- 1
2 Gregory C. Glynn, Esq. Attorneys for Plaintiff Securities and
Peter F. Del Greco, Esq. Exchange Commission
3 Securities and Exchange Commission
Randall R. Lee, Regional Director
4 Sandra J. Harris, Associate Regional Director
5670 Wilshire Blvd., 11th Floor
5 Los Angeles, CA 90036-3648
Tel.: (323) 965-3998
6 Fax: (323) 965-3908
- 7 Thomas H. Bienert, Jr., Esq. Attorneys for Sally Lewis
Steven L. Krongold, Esq.
8 Bienert & Krongold
107 Avenida Miramar, Suite B
9 San Clemente, California 92672-6713
Tel.: (949) 369-3700
10 Fax: (949) 496-6753
- 11 Kerry L. Steigerwalt, Esq. Attorneys for Blakney Boggs
The Law Offices of
12 Kerry L. Steigerwalt, A.P.L.C.
3555 Fourth Avenue
13 San Diego, California 92103
Tel.: (619) 297-2800
14 Fax: (619) 908-3836
- 15 Joseph G. Dicks, Esq. Attorneys of Blakney Boggs
Law Offices of
16 Joseph G. Dicks, APC
2720 Symphony Towers
17 750 B Street
San Diego, CA 92101-8129
18 Tel.: (619) 685-6800
Fax: (619) 557-2735
19
- 20 Michael Handwerker, Esq. Attorneys for Byron Lefevers and
Hankin, Handwerker & Mazel, PLLC Sharon Lefevers
7 Penn Plaza, Suite 904
21 New York, NY 10001
Tel.: (212) 349-1668
22 Fax: (212) 227-7317
- 23 George H. David, Esq. Attorneys for Leonard and Charmaine
George H. David Law Corporation Mackenzie
24 19800 Macarthur Blvd., Ste. 500
Irvine, CA 92612
25 Tel.: (949) 757-4153
26 Fax: (949) 726-4770
- 27
28

1 Dean T. Kirby, Jr., Esq. Attorney for Harlan Loomas
Kirby & McGuinn, A.P.C.
2 600 B Street, Suite 1950
3 San Diego, CA 92101-4515

4 Michael Wischkaemper, Esq. Attorney for Harlan Loomas
Law Offices of Michael Wischkaemper
1808 Aston Avenue, Suite 240
5 Carlsbad, CA 92008
6 Tel.: (760) 438-1222
Fax: (760) 438-7888

7 David M. Robinson, Esq. Attorneys for Janet Goldblatt
Robinson & Schmidt
8 12121 Wilshire Blvd., Suite 1400
9 Los Angeles, CA 90025
Tel: (310) 914-2444
10 Fax: (310) 207-6308

11 Edward W. Cochran, Esq. Attorneys for Janet Goldblatt
Cochran & Cochran
12 2872 Broxton Road
Shaker Heights, Ohio 44120
13 Tel.: (216) 751-5546
Fax: (216) 751-6630

14 Frank H. Tomlinson, Esq. Attorneys for Janet Goldblatt
Pritchard, McCall & Jones, L.L.C.
15 505 North 20th Street, Suite 800
16 Birmingham, AL 35203
Tel.: (205) 328-9190
17 Fax: (205) 458-0035

18 Paul S. Rothstein Attorney for Janet Goldblatt
626 NE First Street
19 Gainesville, FL 32601
Tel.: (352) 376-7650
20 Fax: (352) 352-374-7133

21 Sean A. OKeefe, Esq. Counsel to Timothy Robinson Eames,
Winthrop Couchot, PC Cari Eames, Garth Geddes Eames, Edna
22 660 Newport Center Drive, Ste. 400 Lou Eames, Barry H. Lloyd, Jill Lloyd,
Newport Beach, CA 92660 Kent Mathis Harman, Tamara Harman,
23 Tel.: (949) 720-4100 Jack Merrill Harman, Shelley Harman,
24 Fax: (949) 720-4111 Bob Merrill Harman, Twila Harman,
Brent Maurice Harman, Kristin Harman,
25 Kurt Ivie Harman and Robin Harman
26 and other investors
27
28

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25
26
27
28

James P. Lewis, Jr.
c/o Santa Ana City Jail
62 Civic Center Plaza
Santa Ana, CA 92701-4060

James S. Brasher, Esq.
Law Offices of James J. Warner
3233 Third Avenue
San Diego, CA 92103
Tel.: (619) 243-7333
Fax: (619) 243-7343

Attorney for James P. Lewis, Jr.

Kenneth I. Gross, Esq.
Perliss & Gross
555 S. Flower Street, Ste. 4520
Los Angeles, CA 90071
Tel.: (213) 627-0218
Fax: (213) 623-4628

Attorneys for Investor and Interested
Party John Kovak