

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

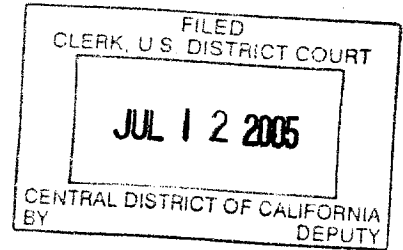
Securities and Exchange Commission v. James P. Lewis, Jr., et al.
CASE No. CV 03-9354 ABC (VBKx)

**Order Granting Motion to Conduct Public Auction Sale of Real
Properties Subject to Overbids Re: (A) 348 Tomahawk Drive, Palm
Desert, California, together with Equity Golf Club Membership; and
(B) 817 Coronado Court, San Diego California**

Filed July 12, 2005

LODGED

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 CENTRAL DISTRICT COURT
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,
12 ROBB EVANS

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

15 SECURITIES AND EXCHANGE
16 COMMISSION,

17 Plaintiff,

18 v.

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

24 Defendants.

CASE NO. CV 03-9354 ABC (VBKx)

ORDER GRANTING MOTION
TO CONDUCT PUBLIC AUCTION SALE
AND APPROVE AND CONFIRM SALES
OF REAL PROPERTIES SUBJECT TO
OVERBIDS RE (A) 348 TOMAHAWK
DRIVE, PALM DESERT, CALIFORNIA,
TOGETHER WITH EQUITY GOLF
CLUB MEMBERSHIP; AND (B) 817
CORONADO COURT, SAN DIEGO,
CALIFORNIA

DATE: July 11, 2005
TIME: 10:00 a.m.
PLACE: Courtroom 680

25 The matter of the Motion to Conduct Public Auction Sale and
26 Approve and Confirm Sales of Real Properties Subject to Overbids
27 re (A) 348 Tomahawk Drive, Palm Desert, California Together with
28 Equity Golf Club Membership; and (B) 817 Coronado Court, San
Diego, California ("Motion") filed by Robb Evans as Receiver of
the assets of James P. Lewis, Jr., individually and doing
business as Financial Advisory Consultants, Income Fund, Ltd. and
Growth Fund, Ltd. ("Receiver") came on regularly for hearing at
the above-referenced date, time and place before the Honorable

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

1 Audrey B. Collins, United States District Judge presiding.
2 Gregory C. Glynn appeared on behalf of the plaintiff Securities
3 and Exchange Commission; Gary Owen Caris of Frandzel Robins Bloom
4 & Csato, L.C. appeared on behalf of the Receiver; and other
5 appearances, if any, were noted in the record at the hearing.
6 The Court having reviewed and considered the moving papers and
7 plaintiff's statement of non-opposition, no timely opposition to
8 the Motion having been filed or served, no qualified overbids
9 having been presented in accordance with the terms and conditions
10 of the Court's Order Granting Motion by Receiver for Order (1)
11 Approving Settlement Agreement and Release With Sally Lewis; (2)
12 Authorizing Marketing and Sale of Real Properties and Modifying
13 Sale Procedures of 28 U.S.C. Sections 2001 and 2002 in Connection
14 Therewith entered on March 2, 2005 (the "Sale Order"), in this
15 action, having heard the arguments of counsel, and good cause
16 appearing therefor,

17
18 IT IS ORDERED that:

19
20 1. The Motion is granted in its entirety;

21
22 2. Without limiting the generality of the foregoing, the
23 Court hereby authorizes the Receiver to sell that certain real
24 property located at 817 Coronado Court, San Diego, California
25 92109, assessor's parcel no. 4237170402 (the "Coronado Property")
26 to Michael M. Churchill and Joyce T. Churchill ("Coronado
27 Property Buyers"), for a purchase price of \$1,050,000 pursuant to
28 that certain California Residential Purchase Agreement and Joint

1 Escrow Instructions dated April 25, 2005 and the Counter Offer
2 No. 1 dated May 11, 2005 executed by the Coronado Property Buyers
3 and the Receiver (collectively, the "Coronado Sale Agreement"),
4 subject to such non-material modifications and amendments as the
5 Receiver may in his discretion determine are reasonable or
6 appropriate to complete such sale of the Coronado Property, and
7 such sale of the Coronado Property is hereby approved and
8 confirmed.

9
10 3. The Receiver is authorized to make, execute and deliver
11 all documents, instruments and non-material modifications and
12 amendments to the Coronado Sale Agreement and to take all steps
13 necessary or convenient to effectuate the sale of the Coronado
14 Property in accordance with this Order, including executing such
15 deeds and instruments and paying such real property tax liens and
16 ordinary and customary escrow, title insurance and closing
17 expenses as provided in the Coronado Sale Agreement.

18
19 4. The Receiver is authorized to sell that certain real
20 property located at 348 Tomahawk Drive, Palm Desert, California
21 92211, assessor's parcel no. 632570026, together with an equity
22 golf club membership in the Indian Ridge Country Club
23 (collectively the "Tomahawk Property") for a purchase price of
24 \$1,195,000 to James L. Pierson, Trustee and Cheryl J. Pierson,
25 Trustee (the "Tomahawk Property Buyers"), pursuant to that
26 certain California Residential Purchase Agreement and Joint
27 Escrow Instructions dated May 15, 2005 and the Counter Offer
28 No. 1 dated May 17, 2005 executed by the Proposed Tomahawk

1 Property Buyers and the Receiver (collectively, the "Tomahawk
2 Sale Agreement"), subject to such non-material modifications and
3 amendments as the Receiver may in his discretion determine are
4 reasonable or appropriate to complete such sale of the Tomahawk
5 Property, and such sale of the Tomahawk Property is hereby
6 approved and confirmed.

7
8 5. The Receiver is authorized to make, execute and deliver
9 all documents, instruments and non-material modifications and
10 amendments to the Tomahawk Sale Agreement and to take all steps
11 necessary or convenient to effectuate the sale of the Coronado
12 Property in accordance with this Order, including executing such
13 deeds and instruments and paying such real property tax liens and
14 ordinary and customary escrow, title insurance and closing
15 expenses as provided in the Tomahawk Sale Agreement.

16
17 Dated: *July 12, 2005*

AUDREY COLLINS

AUDREY B. COLLINS
United States District Judge

18
19
20
21
22
23
24
25
26
27
28

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

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 FRANZEL 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 July 11, 2005, I served true copy(ies) of the **ORDER GRANTING MOTION TO CONDUCT PUBLIC AUCTION SALE AND APPROVE AND CONFIRM SALES OF REAL PROPERTIES SUBJECT TO OVERBIDS RE (A) 348 TOMAHAWK DRIVE, PALM DESERT, CALIFORNIA, TOGETHER WITH EQUITY GOLF CLUB MEMBERSHIP; AND (B) 817 CORONADO COURT, SAN DIEGO, CALIFORNIA**, 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 July 11, 2005, at Los Angeles, California.


HELEN SCHWARTZ

SERVICE LIST

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

- 1 Dean T. Kirby, Jr., Esq. Attorney for Harlan Loomas
Kirby & McGuinn,
2 600 B Street, Suite 1950
San Diego, California 92101
3 Tel.: (619) 685-4000
Fax: (619) 685-4004
4
5 Michael Wischkaemper, Esq. Attorney for Harlan Loomas
Law Offices of Michael Wischkaemper
1808 Aston Avenue, Suite 240
6 Carlsbad, CA 92008
Tel.: (760) 438-1222
7 Fax: (760) 438-7888
8 David M. Robinson, Esq. Attorneys for Janet
Robinson & Schmidt Goldblatt
9 12121 Wilshire Blvd., Suite 1400
Los Angeles, CA 90025
10 Tel: (310) 914-2444
Fax: (310) 207-6308
11
12 Edward W. Cochran, Esq. Attorneys for Janet
Cochran & Cochran Goldblatt
2872 Broxton Road
13 Shaker Heights, Ohio 44120
Tel.: (216) 751-5546
14 Fax: (216) 751-6630
15 Frank H. Tomlinson, Esq. Attorneys for Janet
Pritchard, McCall & Jones, L.L.C. Goldblatt
16 505 North 20th Street, Suite 800
Birmingham, AL 35203
17 Tel.: (205) 328-9190
Fax: (205) 458-0035
18
19 Paul S. Rothstein Attorney for Janet
626 NE First Street Goldblatt
Gainesville, FL 32601
20 Tel.: (352) 376-7650
Fax: (352) 352-374-7133
21
22
23
24
25
26
27
28

1 Sean A. OKeefe, Esq.
2 Winthrop Couchot, PC
3 660 Newport Center Drive, Ste. 400
4 Newport Beach, CA 92660
5 Tel.: (949) 720-4100
6 Fax: (949) 720-4111

Counsel to Timothy Robinson
Eames, Cari Eames, Garth
Geddes Eames, Edna Lou
Eames, Barry H. Lloyd, Jill
Lloyd, Kent Mathis Harman,
Tamara Harman, Jack Merrill
Harman, Shelley Harman, Bob
Merrill Harman, Twila
Harman, Brent Maurice
Harman, Kristin Harman,
Kurt Ivie Harman and Robin
Harman and other investors

9 James P. Lewis, Jr.
10 c/o Santa Ana City Jail
11 62 Civic Center Plaza
12 Santa Ana, CA 92701-4060

Defendant

12 James J. Warner, Esq.
13 James S. Brasher, Esq.
14 Law Offices of James J. Warner
15 3233 Third Avenue
16 San Diego, CA 92103
17 Tel.: (619) 243-7333
18 Fax: (619) 243-7343

Attorney for James P.
Lewis, Jr.

16 Kenneth I. Gross, Esq.
17 Perliss & Gross
18 555 S. Flower Street, Ste. 4520
19 Los Angeles, CA 90071
20 Tel.: (213) 627-0218
21 Fax: (213) 623-4628

Attorneys for Investor and
Interested Party John Kovak

22
23
24
25
26
27
28

OTHER INTERESTED PARTIES

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

Jane Bannister
Estate's Realty
74596 Pepper Tree Drive
Palm Desert, CA 92260

Bill Trepanier
One Source Realty
2655 Camino del Rio N, #450
San Diego, CA 92108

Gary Wilson
Coldwell Banker
4090 Mission Boulevard
San Diego, CA 92109

Joan Lombardo
Coldwell Banker
4090 Mission Boulevard
San Diego, CA 92109

James J. Zakhar
54 Spoon Lane
Coto De Caza, CA 92679