

PLEASE TAKE NOTICE that Robb Evans, Receiver in the above-captioned case, hereby presents his Motion for (1) Approval of Receiver's Report of Activities for the Period December 1, 2005 through February 28, 2006, and (2) Administrative Fees and Costs Incurred for the Period December 1, 2005 through February 28, 2006 ("Motion"). No hearing has been set on the Motion at the present time.

The Receiver's Motion is based on this Notice; the Memorandum of Points and Authorities; the Declaration of Robb Evans, Receiver, and the Court's records and pleadings on file in this action, and all other evidence, both oral and documentary, as may be presented at the time of hearing.

Any person or entity opposing this Motion must file with the Court and serve upon the Receiver, whose name and address appear in the upper left-hand corner of the first page of this Motion, a written opposition which complies in all respects with the rules of this Court. Failure to timely file an opposition may be deemed by the Court to be consent to the granting of the Receiver's Motion without a hearing.

I.

BACKGROUND

On May 16, 2003, Robb Evans ("Evans" or "Receiver") was appointed as Receiver in the within action pursuant to an Order Appointing Receiver pursuant to the Government's Motion for Appointment of Receiver ("Order"). Pursuant to the terms of the Order, Evans was appointed as Receiver over certain forfeited assets of

Defendant John Allen Wheeler (“Wheeler” or “Defendant”). The Court’s May 16, 2003 Order directed the Receiver to file quarterly reports advising the Court of his progress.

On September 22, 2003, the Court entered a Restitution Order, which directed Wheeler to “pay restitution in an amount to be determined by the Court after it reviews the Receiver’s report, which will be filed on or before December 15, 2003.” The Court’s September 22, 2003 Order further directed the Receiver to provide the Court with an analysis of investor claims.

On December 12, 2003, the Receiver filed a Report of Activities for the period May 16, 2003 through November 30, 2003, which included a preliminary analysis of investor claims. The Court approved the Receiver’s Report on January 13, 2004. Thereafter, on January 20, 2004, the Court entered an Order directing restitution by Wheeler in the amount of \$23,706,368.90. An Amended Judgment for that amount was entered on January 26, 2004.

On July 15, 2004, the Court approved the Receiver’s recommendation to make an interim distribution of \$3,100,000 to claimants with approved claims. The distribution was completed by August 20, 2004.

On September 20, 2005, following a hearing at which the Receiver appeared through counsel, no other interested parties appearing, this Court granted the Receiver’s Motion for Return of Receivership Property and Imposition of

Constructive Trust in the amount of \$1,048,881.19. The Receiver recorded a *lis pendens* against the Wheeler ranch located at 111 Frances Lane, Route 1, Box 2140, Nacogdoches, Texas on October 14, 2005. The Receiver has filed notice with the Wheeler family of his intent to sell the property if the judgment is not paid in full. The Receiver has collected some oil and gas royalties and those have been applied towards the amount due on the judgment.

II.
RECEIVER'S REPORT

Attached hereto as Exhibit "A" is the Receiver's Report of Activities for the period December 1, 2005 through February 28, 2006 ("Report"). The Report addresses the activities of the Receiver for the period. The Receiver's Report does not constitute an audit of financial condition and is intended only to provide information for use by the Court in assessing the progress of the receivership. By this Motion, the Receiver respectfully requests that the Court approve the Receiver's Report for the period December 1, 2005 through February 28, 2006 as being right and proper and in the best interest of the Receivership Estate and the parties to this action.

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III.

RECEIVER'S FEES AND EXPENSES FOR THE PERIOD

DECEMBER 1, 2005 THROUGH FEBRUARY 28, 2006

Attached as Tab "1" to Exhibit "A" hereto is a detailed statement evidencing the specific fees and expenses of the Receivership Estate incurred during the period December 1, 2005 through February 28, 2006 in the total amount of \$4,018.03 This sum represents the following:

FEES:	Senior Staff	\$1,466.00
	Supporting Staff	\$1,080.13
	Legal Fees	\$1,340.00
<i>Total Fees:</i>		<i>\$3,886.13</i>
EXPENSES:	Telephone	\$11.82
	Postage & Delivery	\$20.60
	Miscellaneous Expenses	\$99.48
<i>Total Fees and Expenses:</i>		<i>\$4,018.03</i>

Also attached collectively under Tab "1" to Exhibit "A" are detailed statements evidencing administrative fees and expenses in the total amount of \$4,018.03.

The Receiver respectfully requests that the Court approve the Receiver's fees and costs for the aforesaid period in the total amount of \$4,018.03 and authorize the Receiver to pay that amount from the funds currently held in the Receivership Estate.

IV.
MEMORANDUM OF POINTS & AUTHORITIES

The Court's May 16, 2003 Order, at Page 5, Paragraph 2, states:

The Receiver is directed to file quarterly reports with this Court from the date of this Order advising the Court of its progress and for payment of the Receiver's fees and out-of-pocket expenses for the Court's approval, except that prior approval for payment of the expenses outlined in paragraph 1, above, shall not be required.

The Receiver respectfully requests that the Court approve the Receiver's fees and expenses for the aforesaid period in the total amount of \$4,018.03.


V.
CONCLUSION

WHEREFORE, the Receiver prays that this Court enter an Order as follows:

1. Approving and confirming all expenses of the Receivership for the period December 1, 2005 through February 28, 2006 including administrative fees and expenses totaling \$4,018.03, as such are detailed under Tab 1 of Exhibit "A" hereto, and authorizing the Receiver to pay that amount from funds currently on hand in the Receivership Estate; and

3. For such other and further relief as the Court may deem just and proper.

Dated: April 25, 2006



LINDA J. CANDLER, ESQ.

DECLARATION OF ROBB EVANS

I, ROBB EVANS, declare as follows:

1. I am the duly appointed, qualified and acting Receiver in the within action. I have caused the foregoing Motion to be prepared and know the contents thereof, and the same is true of my own knowledge, except as to those matters which are stated upon information or belief, and as to those matters, I believe them to be true.

2. Attached hereto as Exhibit "A" is a detailed statement evidencing the specific fees and expenses of the Receivership Estate incurred during the period December 1, 2005 through February 28, 2006 in the total amount of \$4,018.03. This sum represents the following:

FEES:	Senior Staff	\$1,466.00
	Supporting Staff	\$1,080.13
	Legal Fees	\$1,340.00
<i>Total Fees:</i>		<i>\$3,886.13</i>
EXPENSES:	Telephone	\$11.82
	Postage & Delivery	\$20.60
	Miscellaneous Expenses	\$99.48
<i>Total Fees and Expenses:</i>		<i>\$4,018.03</i>

3. Also attached collectively under Tab "1" to Exhibit "A" are detailed statements evidencing the specific services rendered by me and my staff for the period December 1, 2005 through February 28, 2006, in the total amount of \$4,018.03. I respectfully request that the Court approve the fees and costs of the Receivership for the aforesaid period and authorize me to pay that amount from funds currently held in the Receivership Estate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24th day of April, 2006, at Sun Valley, California.



ROBB EVANS

EXHIBIT "A"

Robb Evans
Receiver in the Matter of
United States of America v. John Allen Wheeler

Report of Receiver's Activities
December 1, 2005 through February 28, 2006

In its May 16, 2003 Order, this Court appointed the Receiver and directed the Receiver to file quarterly reports advising the Court of its progress and for payment of the Receiver's fee and out-of-pocket expenses for the Court's approval. This is the eighth report. It does not constitute an audit of the financial condition and is intended only to provide information for use by the Court in assessing the progress of the Receivership.

Assets

Constructive Trust

The Receiver entered into initial discussions with Wheeler family members with ownership interests (Wheeler family) in the ranch property concerning a repayment agreement on the \$1,048,881.19 judgment. Subsequent to these discussions, the Receiver mailed a letter to the Wheeler family providing them with a thirty-day period to assess their options and advise the Receiver of their proposed repayment plan. The expiration date to submit a repayment plan is April 14, 2006. If no repayment plan is forthcoming, the Receiver will advise the Wheeler family that the Receiver is prepared to list the property for market and sale. The Receiver will use the net proceeds of the sale to apply to the balance of the judgment and in the event the net proceeds exceed the judgment, the residual proceeds will accrue to the Wheeler family.

Pinnacle Energy Group

The Receiver has contacted Pinnacle Energy Group LLC (Pinnacle) and ratified the mineral lease agreement. The yearly renewal fee of \$13,179.25 was paid by Pinnacle to the Receiver. In addition, the Receiver sent a demand notice to Pinnacle requesting the release of the accrued oil and gas royalties being held in trust. In response to the demand notice, Pinnacle issued payment to the Receiver in the amount of \$25,583.61. The Receiver maintains an accounting of the deposited fees and royalties to apply as payments to reduce the balance of the judgment. These funds are being held by the Receiver and will be disbursed to the victims.

U.S. Reservation Bank and Trust in Arizona

As previously reported, John Wheeler transferred \$1 million to U.S. Reservation Bank and Trust in Arizona. That company was placed into receivership by order of the United States District Court for the District of Arizona. A claim in the amount of \$1,000,000 has been filed with the Arizona Receiver. The status of this claim is pending.

When the Arizona Receiver makes payment on the claim and the constructive trust issue is resolved, the Receiver will make a recommendation to this Court for a further distribution to approved claimants.

Other Investments

The Receiver continues to investigate other investments made by John Wheeler, including an investment in an airline charter travel business with a Mr. Thomas Clayton Plummer. The Receiver has conducted two interviews with a past business partner of Mr. Wheeler and Mr. Plummer to determine if there are any remaining assets. The Receiver is in the process of making a final determination as to the viability of locating any additional assets. As noted in a previous report, Mr. Plummer filed for bankruptcy and his home was sold a few months prior to the filing of the bankruptcy petition.

Administrative Expenses

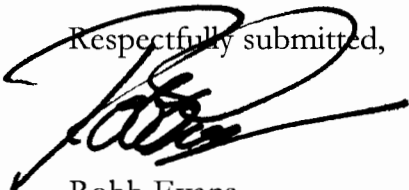
Under Tab 1 is a report of the expenses incurred by the Receivership from December 1, 2005 through February 28, 2006.

Requests of the Court

The Court is respectfully requested to:

1. Approve this report and confirm the actions of the Receiver described therein.
2. Approve and authorize payment of expenses of the Receivership from December 1, 2005 through February 28, 2006 as detailed under Tab 1.

Respectfully submitted,



Robb Evans
Receiver

EXHIBIT "A" - TAB "1"

Robb Evans, Receiver in the matter of USA v. John Wheeler

Administrative Expenses

From Inception (May 16, 2003) to February 28, 2006

	Previously Reported 5/16/03-11/30/05	This Period 12/1/05 - 2/28/06	Total
Receiver's Admin. Expenses			
Senior Staff	61,421.50	1,466.00	62,887.50
Supporting Staff	23,084.73	1,080.13	24,164.86
Out-of-Pocket Expense	8,658.98	0.00	8,658.98
Legal Fees & Costs			
Legal Fees	27,136.00	1,340.00	28,476.00
Legal Costs	269.34	0.00	269.34
Total Legal Fees & Costs	27,405.34	1,340.00	28,745.34
Equipment Rental	215.96	0.00	215.96
Telephone	259.71	11.82	271.53
Office Supplies	292.73	0.00	292.73
Postage & Delivery	2,179.00	20.60	2,199.60
Appraisal & Inspection	11,314.00	0.00	11,314.00
Miscellaneous Expenses			
Website Expense	975.00	90.00	1,065.00
Bank Service Charge	131.89	5.72	137.61
Miscellaneous Expenses - Other	842.15	3.76	845.91
Total Miscellaneous Expenses	1,949.04	99.48	2,048.52
Total Receiver's Admin. Expenses	136,780.99	4,018.03	140,799.02

EXHIBIT A-1

Robb Evans, Receiver in the matter of USA v. John Wheeler

Administrative Expenses

From Inception (May 16, 2003) to February 28, 2006

	Paid	Incurred but Unpaid	Total
Receiver's Admin. Expenses			
Senior Staff	61,421.50	1,466.00	62,887.50
Supporting Staff	23,084.73	1,080.13	24,164.86
Out-of-Pocket Expense	8,658.98	0.00	8,658.98
Legal Fees & Costs			
Legal Fees	27,136.00	1,340.00	28,476.00
Legal Costs	269.34	0.00	269.34
Total Legal Fees & Costs	27,405.34	1,340.00	28,745.34
Equipment Rental	215.96	0.00	215.96
Telephone	259.71	11.82	271.53
Office Supplies	292.73	0.00	292.73
Postage & Delivery	2,179.00	20.60	2,199.60
Appraisal & Inspection	11,314.00	0.00	11,314.00
Miscellaneous Expenses			
Website Expense	975.00	90.00	1,065.00
Bank Service Charge	137.61	0.00	137.61
Miscellaneous Expenses - Other	842.15	3.76	845.91
Total Miscellaneous Expenses	1,954.76	93.76	2,048.52
Total Receiver's Admin. Expenses	136,786.71	4,012.31	140,799.02

EXHIBIT A-1

Robb Evans, Receiver in the Matter of USA vs. John Wheeler
Senior Staff Fee Claims
From December 1, 2005 to February 28, 2006

Name	Hours	Amount
A. Jen	0.70	84.00
B. Kane	0.50	60.00
J. Olshan	13.60	1,292.00
L. Lee	0.30	30.00
Total	15.10	1,466.00

EXHIBIT A-1

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 11450 Sheldon Street, Sun Valley, CA 91352, Telephone: (818) 768-8100; Facsimile: (818) 768-8802.

On April 25, 2006, I served the foregoing document described as **NOTICE OF MOTION AND MOTION OF ROBB EVANS, RECEIVER FOR (1) APPROVAL OF RECEIVER'S REPORT OF ACTIVITIES FOR THE PERIOD DECEMBER 1, 2005 THROUGH FEBRUARY 28, 2006, AND (2) APPROVAL OF ADMINISTRATIVE FEES AND COSTS INCURRED FOR THE PERIOD DECEMBER 1, 2005 THROUGH FEBRUARY 28, 2006; MEMORANDUM OF POINTS & AUTHORITIES; DECLARATION OF ROBB EVANS** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope addressed as follows:

John M. Bales
Asst. U.S. Attorney
U.S. Dept. of Justice
415 S. 1st Street, Suite 201
Lufkin, TX 75901
Attorneys for Plaintiff

Otis Carroll, Esq.
Ireland Carroll & Kelley
6101 S. Broadway, Ste. 500
Tyler, TX 75703
Attorney for Defendant

Commodity Futures Trading Commission
Diane M. Romaniuk, Sr. Trial Attorney
525 West Monroe Street, Suite 1100
Chicago, IL 60661

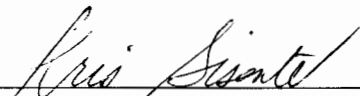
(BY MAIL) I caused such envelope to be deposited in the mail at Sun Valley, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Sun Valley, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY EMAIL DELIVERY) I caused said documents to be emailed to the addressee(s) as listed above.

(BY FEDERAL EXPRESS) I caused an envelope to be hand-delivered to a representative of FEDEX at Sun Valley, California; whereupon said envelope is to be delivered by hand to a representative of the addressee on the next business day. I am readily familiar with the firm's practice of collection and processing correspondence for delivery with FEDEX for overnight delivery by next business day.

Executed on April 25, 2006, at Sun Valley, California.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.



KRIS SISANTE