

ROBB EVANS
Receiver of
D.W. Heath & Associates, Inc.;
PCM Fixed Income Fund I, LLC;
Private Capital Management, Inc.;
Private Collateral Management, Inc.
and the Schlarmann Interests

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Securities and Exchange Commission v. D. W. Heath & Associates Inc., et al.
CASE No. CV-04-02949 JFW (Ex)

**Order Granting Ex Parte Application for Permission to Accept
Appointment as State Court Receiver over the
Assets of Daniel William Heath, Denis Timothy O'Brien,
John William Heath and Larre Jaye Schlarmann**

Filed July 15, 2004

1 Gary Owen Caris (State Bar No. 088918)
2 Lesley Anne Hawes (State Bar No. 117101)
3 FRANDZEL ROBINS BLOOM & CSATO, L.C.
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9 Attorneys for Receiver, ROBB EVANS

FILED
CLERK, U.S. DISTRICT COURT
JUL 15 2004
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] Priority

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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 D.W. HEATH & ASSOCIATES, INC.,
etc., et al.,

16 Defendants.

CASE NO. CV 04-02949 JFW (Ex)

**[PROPOSED] ORDER GRANTING
EX PARTE APPLICATION FOR
PERMISSION TO ACCEPT
APPOINTMENT AS STATE
COURT RECEIVER OVER THE
ASSETS OF DANIEL WILLIAM
HEATH, DENIS TIMOTHY
O'BRIEN, JOHN WILLIAM
HEATH, AND LARRE JAYE
SCHLARMANN**

[No Hearing Assigned]

DOCKETED ON CV
JUL 16 2004
BY [Signature] OC

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20 On July 14, 2004, Robb Evans ("Receiver"), Receiver of D.W. Heath &
21 Associates, Inc., PCM Fixed Income Fund I, LLC, Private Capital Management,
22 Inc., and Private Collateral Management, Inc. and their subsidiaries and affiliates,
23 filed his Ex Parte Application For Permission To Accept Appointment As State
24 Court Receiver Over The Assets Of Daniel William Heath, Denis Timothy O'Brien,
25 John William Heath, And Larre Jaye Schlarmann ("Application") together with his
26 Report of Receiver's Activities May 15, 2004 through July 9, 2004, constituting his
27 second report to the Court ("Second Report") Exhibit 1 to the Application. The
28 Court, having read and considered the Application, including the Second Report and

55

LOGGED

52004 JUL 14 3 36 PM '04

FRANZEL ROBINS BLOOM & CSATO, L.C.
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exhibits attached thereto, the accompanying Declaration of Lesley Anne Hawes re
notice and good cause being shown therefore, it is

SCANNED

ORDERED that the Application is granted; and

IT IS FURTHER ORDERED that Robb Evans is permitted to accept an
appointment from the Riverside County Superior Court as the state court receiver
over the assets of Daniel William Heath, Denis Timothy O'Brien, John William
Heath and Larre Jaye Schlarman.

Dated: *July 15, 2004*


JOHN F. WALTER
United States District Judge

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PROOF OF PERSONAL SERVICE

I am over the age of 18 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 Worldwide Network, Inc. My business address is 1533 Wilshire Boulevard, Los Angeles, California 90017.

On July 14, 2004, I went to Frandzel Robins Bloom & Csato, L.C., members of the Bar of the above-entitled Court, located at 6500 Wilshire Boulevard, Seventeenth Floor, Los Angeles, California 90048-4920, and picked up the sealed envelope(s) which I was informed contained the following:

[PROPOSED] ORDER GRANTING EX PARTE APPLICATION FOR PERMISSION TO ACCEPT APPOINTMENT AS STATE COURT RECEIVER OVER THE ASSETS OF DANIEL WILLIAM HEATH, DENIS TIMOTHY O'BRIEN, JOHN WILLIAM HEATH, AND LARRE JAYE SCHLARMANN

On July 14, 2004, in accordance with the instructions given to me, I delivered said envelope(s) to the following addresses:

See Service List Attached.

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 14, 2004, at Los Angeles, California.

ANGEL BLOOM

Print Name

ANGEL BLOOM

Signature

1 **SERVICE LIST**

2 Securities and Exchange Commission v. D.W. Heath & Associates, Inc., et al.
3 U.S.D.C. Case No. CV 04-02949 JFW (Ex)

SCAILED

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5 David S. Brown and Exchange Commission
6 Cammy C. DuPont

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