

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

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

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

**Order Shortening Time for Filing, Service and Hearing on Motion for
Order Approving Sale of Bear Manor Property by Private Sale Free and
Clear of Leins and for Modification of Applicable Sale Procedures of 28
U.S.C. Section 2001(b) in Connection Therewith**

Filed May 9, 2005

LOGGED ORIGINAL

1 Gary Owen Caris (State Bar No. 088918)
2 Lesley Anne Hawes (State Bar No. 117101)
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11 Attorneys for Permanent Receiver,
12 ROBB EVANS

FILED
CLERK, U.S. DISTRICT COURT
MAY 9 2005
CENTRAL DISTRICT OF CALIFORNIA
RENTON
P. Sew
RECEIVED

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

15 2005 MAY -6 PM 12:34

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

16 SECURITIES AND EXCHANGE
17 COMMISSION,

18 Plaintiff,

19 D.W. HEATH & ASSOCIATES, INC.,
20 etc., et al.,

21 Defendants.

22 CASE NO. CV 04-02949 JFW (Ex)

23 **[PROPOSED] ORDER**
24 **SHORTENING TIME FOR FILING,**
25 **SERVICE AND HEARING ON**
26 **MOTION FOR ORDER**
27 **APPROVING SALE OF BEAR**
28 **MANOR PROPERTY BY PRIVATE**
SALE FREE AND CLEAR OF
LIENS AND FOR MODIFICATION
OF APPLICABLE SALE
PROCEDURES OF 28 U.S.C.
SECTION 2001(b) IN
CONNECTION THEREWITH

DOCKETED ON CM
MAY 10 2005
BY [Signature]

[No Hearing Set on Ex Parte Application]

29 The Court having reviewed the Ex Parte Application for Order Shortening
30 Time for Filing, Service and Hearing on Motion for Order Approving Sale of Bear
31 Manor Property by Private Sale Free and Clear of Liens and for Modification of
32 Applicable Sale Procedures of 28 U.S.C. Section 2001(b) in Connection Therewith;
33 Declaration of Lesley Anne Hawes in Support Thereof, filed by Robb Evans as
34 Permanent Receiver ("Receiver") of D.W. Heath & Associates, Inc., Private Capital
35 Management, Inc., Private Collateral Management, Inc. and PCM Fixed Income

SCANNED

1 Fund I, LLC and their subsidiaries and affiliates (collectively, the "Receivership
2 Defendants") and as Receiver over the Schlarmann Interests, and good cause
3 appearing therefor,

4 IT IS ORDERED that:

- 5 1. The Ex Parte Application is granted;
- 6 2. The hearing on the Receiver's Notice of Motion and Motion for Order

7 Approving Sale of Bear Manor Property by Private Sale and for Modification of
8 Applicable Sale Procedures of 28 U.S.C. Section 2001(b) in Connection Therewith;
9 Memorandum of Points and Authorities and Declaration of Kenton Johnson in
10 Support Thereof (collectively "Motion") shall be conducted commencing at
11 1:30 p.m. on May 16, 2005 in Courtroom 16 of the above-entitled court
12 located at 312 North Spring Street, Los Angeles, California;

13 3. Notice of Hearing on the Motion pursuant to this order shortening time
14 notifying the interested parties of the deadline for opposition shall be served by
15 counsel for the Receiver by mail by no later than May 11, 2004.

16 4. Opposition, if any, to the Motion shall be filed with the Court, with a
17 courtesy copy delivered to the Chambers of the Honorable John F. Walter
18 concurrently with the filing, no later than May 12, 2005 and served on counsel for
19 the Receiver and the parties to the action so as to be received by them by 12:00 Noon
20 .m. on May 12, 2005.

21 5. Reply, if any, to any opposition to the Motion shall be filed with the
22 Court, with a courtesy copy delivered to the Chambers of the Honorable John F.
23 Walter concurrently with the filing, no later than May 13, 2005 and served on
24 counsel for the Receiver and the parties to the action so as to be received by them by
25 12:00 Noon.m. on May 13, 2005.

26
27 Dated: MAY - 9 2005
28 
JOHN F. WALTER, United States District
Judge

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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 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 May 6, 2005, I served true copy(ies) of the **[PROPOSED] ORDER SHORTENING TIME FOR FILING, SERVICE AND HEARING ON MOTION FOR ORDER APPROVING SALE OF BEAR MANOR PROPERTY BY PRIVATE SALE AND FOR MODIFICATION OF APPLICABLE SALE PROCEDURES OF 28 U.S.C. SECTION 2001(B) IN CONNECTION THEREWITH**, 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.
- BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder.
- BY EXPRESS MAIL:** I deposited such document(s) in a box or other facility regularly maintained by the United States Postal Service, in an envelope or package designated by the United States Postal Service with delivery fees paid or provided for, addressed to the person(s) served hereunder.
- BY PERSONAL SERVICE:** I personally delivered such document(s) to the person(s) served hereunder.

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 May 6, 2005, at Los Angeles, California.


BONITA ZEIER

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SERVICE LIST

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

CANNED

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SCANNED

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- 38 Andy Isidore, Associate General Counsel
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- 43 Fax: (720) 932-0317

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Attorneys for Cameron Rooke

SCANNED

Attorney for Clarence Morris

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SERVICE LIST

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