

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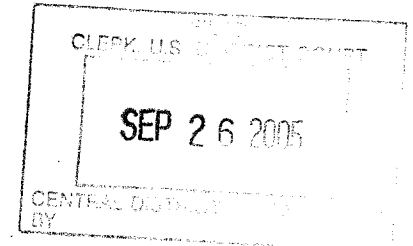
Securities and Exchange Commission v. D. W. Heath & Associates Inc., et al.
CASE No. CV-04-02949 JFW (Ex)

- Order Granting Motion for Order:**
- (1) Approving Receiver's Report of Activities (January 1, 2005 Through June 30, 2005); and**
 - (2) Approving Payment of Receiver's and Professionals' Fees and Expenses for the Period from January 1, 2005 Through June 30, 2005**

Filed September 26, 2005

COPY

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8 ROBB EVANS

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

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

17 Defendants.

CASE NO. CV 04-02949 JFW (Ex)

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR ORDER: (1)
APPROVING RECEIVER'S
REPORT OF ACTIVITIES
(JANUARY 1, 2005 THROUGH
JUNE 30, 2005); AND (2)
APPROVING PAYMENT OF
RECEIVER'S AND
PROFESSIONALS' FEES AND
EXPENSES FOR THE PERIOD
FROM JANUARY 1, 2005
THROUGH JUNE 30, 2005**

20 DATE: September 26, 2005
21 TIME: 1:30 p.m.
PLACE: Courtroom 16

22
23 The matter of the Motion for Order: (1) Approving Receiver's Report of
24 Activities (January 1, 2005 Through June 30, 2005); and (2) Approving Payment of
25 Receiver's and Professionals' Fees and Expenses for the Period from January 1, 2005
26 Through June 30, 2005 ("Motion") by Robb Evans as permanent receiver of D.W.
27 Heath & Associates, Inc., Private Capital Management, Inc., Private Collateral
28 Management, Inc. and PCM Fixed Income Fund I, LLC and their subsidiaries and

1 affiliates (collectively, the "Heath Receivership Defendants") and as Receiver over
2 the Schlarmann Interests ("Receiver") came on regularly for hearing at the above-
3 referenced date, time and place before the Honorable John F. Walter, United States
4 District Judge presiding. Lesley Anne Hawes of Frandzel Robins Bloom & Csato,
5 L.C. appeared on behalf of the Receiver and other appearances, if any, were noted in
6 the record. The Court having reviewed and considered the Motion and the pleadings
7 and papers filed in support thereof, and no opposition having been filed to the
8 Motion, and good cause appearing therefor,

9
10 IT IS ORDERED that:

- 11
- 12 1. The Motion is granted in its entirety;
 - 13
 - 14 2. Without limiting the generality of the foregoing, the Receiver's Report
15 of Activities for the period of January 1, 2005 through June 30, 2005 (the
16 "Receiver's Fourth Report") filed with the Court on August 4, 2005 is hereby
17 approved, and the Receiver's activities described therein are hereby confirmed; and
18
 - 19 3. The fees and expenses of the Receiver, the Receiver's staff, and the
20 Receiver's counsel for the period from January 1, 2005 through June 30, 2005 as
21 reflected in the Motion are hereby approved, and the Receiver's request for
22 authorization for payment thereof is hereby granted.

23
24 Dated: *9/26/05*

JOHN F. WALTER

JOHN F. WALTER
United States District Judge

FRANZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
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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 September 26, 2005, I served true copy(ies) of the **[PROPOSED] ORDER GRANTING MOTION FOR ORDER: (1) APPROVING RECEIVER'S REPORT OF ACTIVITIES (JANUARY 1, 2005 THROUGH JUNE 30, 2005); AND (2) APPROVING PAYMENT OF RECEIVER'S AND PROFESSIONALS' FEES AND EXPENSES FOR THE PERIOD FROM JANUARY 1, 2005 THROUGH JUNE 30, 2005**, 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 September 26, 2005, at Los Angeles, California.


PHAEDRA L. CALAWAY

SERVICE LIST

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

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