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5 M:\35186\Pleadings\Ntc Motion-final rep; discharge; bond\Order Motion.wpd:csa

6 Attorneys for ROBB EVANS, Receiver

**FILED**

**MAY 06 2014**

FRESNO SUPERIOR COURT

By \_\_\_\_\_ DEPT. 403 - DEPUTY

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF FRESNO**

10  
11 CITIZENS BUSINESS BANK, a California  
corporation successor by merger to KAWEAH  
12 NATIONAL BANK,

13 Plaintiff,

14 v.

15 JOHN PUIG, individually and as trustee of the  
16 JOHN PUIG AND OBDULIA PUIG  
REVOCABLE TRUST, DATED  
17 FEBRUARY 15, 2000; OBDULIA PUIG as  
trustee of the JOHN PUIG AND OBDULIA  
18 PUIG REVOCABLE TRUST, DATED  
FEBRUARY 15, 2000; LIONEL PUIG, an  
19 individual; VIRGINIA HILDAGO a.k.a.  
VIRGINIA PUIG, an individual; WEB  
20 SERVICE COMPANY, INC., a California  
corporation; COMCAST OF FRESNO, INC.,  
21 a California corporation; CITY OF FRESNO  
DARM (COMMUNITY REVITALIZATION  
22 DIVISION), a public entity; CITIBANK,  
N.A., a national association; CAPITAL ONE  
23 BANK (USA), N.A., a national association;  
FRESNO COUNTY TAX COLLECTOR, a  
24 public entity; and Does 1-100, inclusive,

25 Defendants.  
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Case No. 13 CE CG 02861 KCK

~~KRISTI CULVER KAPETAN~~  
**PROPOSED ORDER GRANTING  
MOTION FOR AN ORDER:**

**(1) APPROVING THE RECEIVER'S  
FINAL ACCOUNT AND REPORT;**

**(2) CONFIRMING THE RECEIVER'S  
ACTION AND DISCHARGING THE  
RECEIVER;**

**(3) DISSOLVING THE PRELIMINARY  
INJUNCTION;**

**(4) EXONERATING AND RETURNING  
RECEIVER'S BOND AND PLAINTIFF'S  
BOND; AND**

**(5) APPROVING DISBURSEMENT OF  
ANY FUNDS REMAINING**

Date: May 6, 2014

Time: 3:30 p.m.

Place: 1130 "O" Street, Dept. 403  
Fresno, CA 93724

Judge: Kristi Culver Kapetan

1 **ORDER**

2 Upon consideration of the Receiver’s Motion for an order approving the Receiver’s Final  
3 Account and Report dated March 27, 2014, confirming the actions of the Receiver, discharging the  
4 Receiver, exonerating and returning Receiver’s bond and Plaintiff’s bond, and approving  
5 disbursement of any funds remaining to Defendants John Puig, Obdulia Puig, Lionel Puig, and  
6 Virginia Hildago a.k.a. Virginia Puig (collectively the “Owners”) with respect to the proceeds from  
7 the sale of the real property commonly known as 1320 Sylmar Avenue and 5148 E. Hedges Avenue,  
8 Fresno, California, APN 455-163-19 (the “Property”), which was the subject of this receivership  
9 (the “Motion”); the Declaration of Kenton Johnson; the Receiver’s Final Account and Report; the  
10 Request for Judicial Notice in support of the Motion; the oral argument of counsel; and good cause  
11 appearing,

12 **IT IS ORDERED THAT:**

- 13 1. The Motion is granted in its entirety.
- 14 2. Notice to the potential claimants was adequate and proper.
- 15 3. The Receiver’s Final Account and Report dated March 27, 2014, is approved.
- 16 4. The Receiver’s actions in accordance with this Motion, including the sale of the  
17 Property, are confirmed.
- 18 5. The Receiver is discharged from his role as Receiver in this action and is relieved  
19 of any further duties and liabilities.
- 20 6. The preliminary injunction pertaining to the receivership estate is dissolved.
- 21 7. The Receiver’s bond in the amount of \$25,000 filed in this action as a requisite  
22 undertaking is exonerated and returned to the Receiver.
- 23 8. Plaintiff’s bond in the amount of \$25,000 filed in this action as a requisite  
24 undertaking is exonerated and returned to the Plaintiff.
- 25 9. The fees and costs of Lang, Richert & Patch, P.C. in the amount of \$44,713.55, the  
26 fees and costs of the Receiver in the amount of \$95,796.97, and the Asset Preservation Expenses  
27 in the amount of \$114,029.07 are approved.

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1           10.     The Receiver's use of currently remaining funds to pay the fees and expenses of the  
2 Receiver, the estimated costs to close the receivership, and the legal fees and costs of the Receiver's  
3 counsel Lang, Richert & Patch, P.C. is granted.

4           11.     The Receiver shall disburse any remaining funds from the proceeds of the sale of the  
5 Property to Sean O'Rourke, counsel for John and Obdulia Puig, in care of the Owners pursuant to  
6 a joint cashier's check made to the Owners.

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9  
10 Dated: 5/21, 2014

KRISTI CULVER KAPETAN   
\_\_\_\_\_  
Judge of the Superior Court