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4 Attorneys for the Receiver

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR MARICOPA COUNTY

7 Arizona Corporation Commission,
8 Plaintiff,

v.

9 One Vision Children's Foundation, Inc.,
an Arizona non-profit corporation;
10 Hollister M. Marx, an individual; Wealth
Management Resources, Inc., an Arizona
11 corporation; Michael B. and Betty
Maksudian, husband and wife; Michael
A. and Lorrina Diaz, husband and wife,
12 Defendants.

Cause No. CV 2002-020878

ORDER ESTABLISHING PROCEDURES
FOR THE ADJUDICATION OF CLAIMS

ORDER RE: PETITION NO. 29

(Assigned to Judge Kenneth L. Fields)

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15 The Receiver having filed Petition No. 29, and served it on the persons appearing on
16 the Master Service List, and the Court having considered same, and it appearing to the Court
17 that the matters requested by Petition No. 29 are reasonable, just and appropriate:

18 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

19 1. **DEFINITIONS**

20 Unless the contexts otherwise requires, the following terms shall have the meanings
21 specified below:

1.1 **Administrative Claim.** Every cost or expense of the Receiver or his attorneys

1 or other agents incurred in the administration of the Receivership, including but not limited to
2 expenses incurred in recovering, accounting for, preserving, or disposing of the Receivership
3 Assets.

4 1.2 **Approved Claim.** A Claim that has been filed with the Receiver and has been
5 approved by the Court.

6 1.3 **Claim.**

7 a. Any right to payment, whether or not such right is reduced to judgment,
8 liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed,
9 legal, equitable, secured, or unsecured, which right arose or accrued prior to the
10 Receivership Date; or

11 b. Any right to an equitable remedy for breach of performance if such right
12 gives rise to a right of payment, whether or not such right to an equitable remedy is
13 reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed,
14 where such right arose or accrued prior to the Receivership Date; or

15 c. Any right to payment arising from the rejection by the Receiver of an
16 executory contract or as a result of any Receivership Entity's failure to complete its
17 obligations under a lease.

18 1.4 **Claimant.** A person entitled to assert a Claim against any Receivership Entity
19 or against any Receivership Assets.

20 1.5 **Claims Bar Date.** July 1, 2005.

21 1.6 **Claims Report.** The Receiver's report filed with the Court describing the

1 Claims received by the Receiver and setting forth his recommendations concerning those
2 Claims.

3 1.7 **Court.** The Arizona Superior Court for Maricopa County, in Cause No. CV
4 2002-020878.

5 1.8 **Investor Claim.** Any Claim or right to payment arising from a persons
6 investment of the person's own funds with any Receivership Entity as part of an investment
7 program, including but not limited to the purchase of Charitable Gift Annuities from One
8 Vision Children's Foundation, Inc.

9 1.9 **Insider.** Any Defendant, Relief Defendant in the Underlying Action or any
10 Receivership Entity, or any current or former spouse, sibling, descendent, officer, director, or
11 shareholder of such person.

12 1.10 **Proof of Claim.** A Proof of Claim form provided by the Receiver in
13 substantially the same form as Exhibit "D" to Petition No. 29.

14 1.11 **Receivership Assets.** Receivership Assets shall include the following:

15 a. All Receivership Assets as defined by the orders of the Court.

16 b. Proceeds, product, offspring, rents, interest or profits of or from
17 Receivership Assets.

18 c. All interest earned and paid to the Receiver on Receivership Assets.

19 1.12 **Receiver.** Lawrence J. Warfield.

20 1.13 **Receivership Date.** October 28, 2002

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1 1.14 **Receivership Entity**. The following:

- 2 a. One Vision Children's Foundation, Inc.
3 b. Wealth Management Resources, Inc.

4 1.15 **Secured Claim**. A Claim to the extent that it is secured by a properly perfected
5 lien on Receivership Assets.

6 1.16 **Underlying Action**. *Arizona Corporation Commission v. One Vision*
7 *Children's Foundation, et al*, pending before this Court.

8 2. **NOTICE OF RIGHT TO FILE CLAIMS AND CLAIMS BAR DATE**

9 2.1 **Notice to Claimants**. The Receiver shall notify each Claimant of the Claims
10 Bar Date and of the Claimant's right to file a Claim as provided herein by mailing to the
11 Claimant a Notice to Claimants in a form substantially similar to Exhibit "F" to the
12 Receiver's Petition No. 29. The Notice to Claimants shall be accompanied by a copy of the
13 Proof of Claim form, a copy of this order, and any other information the Receiver deems
14 appropriate and shall be deposited in the United States mail, postage pre-paid, addressed to
15 the Claimant at the most recent address contained in the records of the Receiver within thirty
16 days of the entry of this Order.

17 2.2 **Notice by Publication**. Within sixty days of the entry of this Order the
18 Receiver shall also publish at least once in a publication with national circulation a copy of
19 the Notice by Publication in a form substantially similar to Exhibit "F" to the Receiver's
20 Petition No. 29.

1 3. **FILING OF CLAIMS**

2 3.1 **Filing a Claim.** Any person asserting a Claim against a Receivership Entity,
3 the Receiver, or the property in the possession of the Receiver, regardless of whether the
4 Claim has been acknowledged by the Receiver, shall complete, sign under oath, and file with
5 the Receiver a Proof of Claim on or before the Claims Bar Date. The Proof of Claim shall be
6 deemed filed on the date it is received by the Receiver. The Proof of Claim shall be set forth
7 on the form provided by the Receiver and shall contain all of the information requested in the
8 form.

9 3.2 **Place to File a Claim.** Each Proof of Claim shall be filed with the Receiver by
10 mailing postage prepaid a properly completed Proof of Claim together with all required
11 supporting documentation to the Receiver at the following address:

12 One Vision Receivership
13 c/o Lawrence J. Warfield, Receiver
 P.O. Box 14050
14 Scottsdale, Arizona 85257

15 3.3 **Prohibition Against Filing Claim With The Court.** No Claim shall be filed
16 with the Court and any Claim so filed shall not be considered properly filed as required under
17 this Order and may subject the person filing the Claim to being held in contempt of court.

18 3.4 **Supporting Documentation.** Each Claim shall include as an attachment all
19 documentation supporting the claim. Original documents should not be filed with the Claim.
20 If a supporting document is not available, the Claimant must attach an explanation of why the
21 document is not available. Claims filed by Investor Claimants shall include copies of
personal checks, cashiers checks, wire transfer advices and other documents evidencing the

1 investment of funds, copies of each signed investment contract, and a chronological
2 accounting of all money received by the Claimant from any Receivership Entity, whether
3 such payments are denominated as the return of principal, interest, commissions, finders fee,
4 sponsor payment, or otherwise.

5 **4. REQUIREMENTS FOR APPROVAL OF CLAIMS OTHER THAN**
6 **INVESTOR CLAIMS**

7 4.1 A Claimant asserting a Secured Claim shall demonstrate by credible evidence
8 that in accordance with applicable laws the Claimant possesses a valid and perfected security
9 interest in a Receivership Asset and if approved by the Court, such a Claimant shall be
10 entitled, to the extent of the secured interest, to receive the Receivership Asset in which the
11 secured interest exists, or the proceeds therefrom less the Receiver's costs of liquidating the
12 Receivership Asset.

13 4.2 A Claimant whose Claim is not approved as a Secured Claim or an Investor
14 Claim shall not be entitled to the distribution of any property or funds from the Receivership
15 Assets.

16 **5. REQUIREMENTS FOR APPROVAL OF INVESTOR CLAIMS**

17 5.1 An Investor Claim shall not be approved unless the Claimant demonstrates by
18 credible evidence that:

- 19 a. The Claimant is a natural person;
- 20 b. The amount invested was, at the time of the investment, beneficially
21 owned solely by the Claimant;
- c. Part or all of the amount invested is traceable to the Receivership Assets.

1 5.2 An Investor Claim shall be denied if any of the following disqualifying factors
2 are present:

3 a. The Claimant made false representations or material omissions to any
4 other person with the intent to collect funds in connection with the fraudulent
5 investment scheme alleged by the Plaintiff;

6 b. The Claimant received a commission or other substantial benefit for
7 soliciting investors in, or for collecting funds from any other person for transfer to a
8 third person pursuant to, One Vision Children's Foundation, Inc. or any other
9 fraudulent investment scheme.

10 c. The Claimant knowingly allowed an account over which he exercised
11 control to be used to receive and disburse invested funds or otherwise knowingly
12 rendered assistance in furtherance of a fraudulent investment scheme in any manner
13 other than by making an investment of the Claimant's own funds;

14 d. The Claimant is an Insider.

15 **6. REDUCTION OF CLAIMS BY AMOUNTS RECEIVED**

16 6.1 The Receiver shall reduce and offset against any Claim the amount of any funds
17 received by the Claimant or for his benefit from any Receivership Entity or from any funds
18 invested with any Receivership Entity, including amounts paid as commissions, interest, or
19 return of principal.

20 **7. RECEIVER'S CLAIMS REPORT AND THE COURT'S FINAL
ADJUDICATION OF CLAIMS**

21 7.1 Receiver's Claims Report. On or before August 15, 2005, the Receiver shall

1 file with the Court his Claims Report setting forth all Claims, other than Administrative
2 Claims, filed with the Receiver together with the Receiver's recommendations concerning all
3 Claims. The Claims Report will also include a recommendation concerning the classification
4 of Claims and the allocation of assets to be distributed in payment of Claims.

5 7.2 Notice to Claimants. The Receiver shall notify each Claimant of the
6 Receiver's recommendation concerning the Claimant's Claim in writing and deposited in the
7 United States mail, postage pre-paid, addressed to the Claimant at the most recent address
8 contained in the records of the Receiver within ten days of the date for filing the Receiver's
9 Claims Report.

10 7.3 Copy of the Claims Report. Every Claimant shall have the right to obtain a
11 copy of the Claims Report, however, the Receiver may charge a fee for providing a copy of
12 the Claims Report not to exceed an amount reasonably determined to cover the cost of
13 copying and postage.

14 7.4 Service of the Claims Report. The Claims Report shall be served on all
15 persons appearing on the Master Service List together with a Notice of Hearing which shall
16 notify the person served of the Court's hearing scheduled on the Receiver's recommendation
17 and the procedures and deadline for filing objections to the Receiver's recommendations.
18 Service of the Claims Report shall be made by depositing same in the United States mail,
19 postage pre-paid, addressed to the recipient at the address set forth in the Master Service List.

20 7.5 Objections. All objections to any part of the Claims Report shall be filed with
21 the Receiver and not with the Court. The objections shall be set forth in writing and

1 deposited in the United States mail on or before September 15, 2005, postage pre-paid,
2 addressed to the Receiver at:

3 One Vision Receivership
4 c/o Lawrence J. Warfield, Receiver
5 P.O. Box 14050
6 Scottsdale, Arizona 85257

7 7.6 **Filing of Objections by the Receiver.** The Receiver shall file with the Court
8 no later than October 15, 2005, a copy of all timely objections received by the Receiver
9 together with the Receiver's response to those objections and shall serve a copy of same on
10 all persons appearing on the Master Service List and on all persons who served the Receiver
11 with objections as provided above.

12 7.7 **Hearing Date.** A hearing will be held by the Court on the Claims Report and
13 the Receiver's recommendations and any objections thereto, on _____ at
14 _____.

15 7.8 **Final Adjudication of Claims.** Following the Court's hearing, the Court shall
16 enter an order approving or disapproving the claims filed with the Receiver.

17 8. **MISCELLANEOUS**

18 8.1 Claim shall be filed on or before the Claims Bar Date, except that:

19 a. Administrative Claims for administrative expenses shall be filed with the
20 Receiver within sixty days from the date incurred;

21 b. Administrative Claims by the Receiver or the Receiver's agents,
regardless of the date incurred, shall not be subject to a Claims Bar Date.

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8.2 The Receiver, or any Claimant or other party in interest may file an objection to any Claim as provided in this Order.

8.3 All Administrative Claims shall be paid by the Receiver in accordance with the prior orders of this Court, or where required, by petition and order of the Court. All Approved Claims, other than Administrative Claims, shall be paid as provided by further order of the Court.

Dated this _____ day of _____, 2005.

Judge of the Superior Court

0795-001(35503)