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7 Counsel for David Stapleton, Receiver

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 v.

14 SILICONSAGE BUILDERS, LLC aka
15 SILICON SAGE BUILDERS and
16 SANJEEV ACHARYA,

17 Defendants.

Case No. 3:20-cv-09247-SI

**APPLICATION FOR ALLOWANCE AND
PAYMENT OF FEES AND COSTS
INCURRED BY SMILEY WANG-
EKVALL, LLP, COUNSEL TO THE
RECEIVER, FOR THE PERIOD FROM
JULY 1, 2022, TO SEPTEMBER 30,
2022; DECLARATION OF KYRA E.
ANDRASSY IN SUPPORT OF THE
APPLICATION**

Date: December 23, 2022
Time: 10:00 a.m.
Crtrm.: 1 – 17th Floor (Hearing by Zoom)
Judge: Susan Illston

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1 **TO THE HONORABLE SUSAN ILLSTON, UNITED STATES DISTRICT JUDGE, THE**
2 **SECURITIES AND EXCHANGE COMMISSION, AND OTHER PARTIES IN INTEREST:**

3 Smiley Wang-Ekvall, LLP (the "Firm"), counsel for David Stapleton, the Receiver
4 (the "Receiver"), submits its seventh quarterly fee application for the period from July 1,
5 2022, to September 30, 2022 (the "Application Period"), as required by the *Order on*
6 *Plaintiff Securities and Exchange Commission's Motion for Appointment of Receiver* (the
7 "Receivership Order"). Through this Application, the Firm seeks interim allowance of
8 \$24,669.00 in fees and \$536.42 in costs. Of the \$24,669.00 in fees, \$5,215.50 were
9 incurred in connection with the issue of recharacterization of certain purchase contracts
10 at Osgood and Almaden and these fees are to be paid by Acres Loan Origination, LLC.
11 The balance of fees is \$19,453.50 and is the responsibility of the receivership estate, and
12 the Firm seeks authorization for the Receiver to use funds on hand to pay 80% of these
13 fees, or \$15,562.80, on an interim basis, and 100% of the costs incurred.

14 The Firm is informed that the SEC has no objection to the allowance or payment of
15 the fees and costs requested.

16
17 **I. INTRODUCTION**

18 This receivership involves SiliconSage Builders, LLC, and approximately sixty
19 subsidiaries and affiliates and eleven different real estate projects that were various
20 stages of completion when the Receiver was appointed. As of the filing of this
21 Application, thirteen escrows have been closed, four properties have been abandoned
22 because they had no value to the estate, and one property is still being marketed. The
23 two condominium projects that were in midstream construction are in the process of
24 being completed, with Osgood recently recording a Notice of Completion. During the
25 Application Period, the Firm continued to assist the Receiver with various issues related
26 to the condominium projects, the closing of a commercial retail unit, the scope of the
27 forensic accounting, approval of the claims procedure process, and approval of a
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1 settlement related to a terminated purchase agreement where the receivership estate
2 was the buyer.

3 During this period, the Firm incurred fees of \$24,669.00 and costs of \$536.42 and
4 it seeks allowance of these amounts. With respect to payment, \$5,215.50 of the fees
5 were incurred in connection with the treatment of certain purchase agreements and under
6 the terms of an agreement approved by the Court, are the financial responsibility of the
7 construction lender, Acres Loan Origination. The \$19,453.50 balance of the fees are a
8 liability of the receivership estate and the Firm seeks authority for the Receiver to pay
9 80% of these fees and 100% of the costs at this time.

10
11 **II. SUMMARY BY CATEGORY OF FEES INCURRED**

12 The breakdown by category of the fees incurred during this period is as follows:

Category	Hours	Amount
Asset Analysis and Recovery	4.60	\$2,525.40
Case Administration	6.20	\$3,272.40
Claims Administration	3.30	\$1,756.80
Litigation	0.80	\$439.20
Fee Applications	2.90	\$0.00
Osgood/Almaden	8.10	\$3,993.30
Osgood Only	0.40	\$219.60
Almaden Only	0.20	\$109.80
Alum Rock	4.50	\$2,415.60
Peralta	0.30	\$164.70
Franklin/Downtown Gateway	8.60	\$4,556.70
Purchase Agreement Recharacterization	9.90	\$5,215.50
Total	49.80	\$24,669.00

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1 **III. SERVICES RENDERED DURING THE APPLICATION PERIOD**

2 During the Application Period, the fees and expenses incurred by the Firm totaled
3 \$24,669.00 and \$536.42, respectively. The services performed by the Firm during the
4 Application Period are described below, and in more detail in the Firm's invoice, which is
5 attached hereto as Exhibit "1." Fees incurred solely in connection with a particular real
6 estate project are being separately categorized.

7 **A. Asset Identification And Recovery**

8 [4.60 Hours; Total Fees \$2,525.40]

9 During this Application Period, the Firm incurred fees in this category on various
10 miscellaneous asset identification issues not related to a specific property. The tasks
11 undertaken by the Firm in this category included an analysis of transactions related to a
12 home in Manteca owned by Mr. Acharya's in-laws to verify that the receivership estate
13 was not harmed, and working with the Receiver on strategies for the forensic accounting.

14 **B. Case Administration**

15 [6.20 Hours; Total Fees \$3,272.40]

16 The Firm incurred fees in this category during this Application Period handling
17 such items as the following: communicating with creditors and counsel for creditors;
18 preparing the status report; and communicating with the SEC regarding the general
19 status of the case. The Firm does not charge for routine communications with investors
20 or the review of routine correspondence not requiring any legal analysis or attention.

21 **C. Claims Administration**

22 [3.30 hours; Total Fees \$1,756.80]

23 The Firm incurred fees in this category finalizing the claim form and the motion for
24 approval of claim procedures and obtaining approval of the motion, which will pave the
25 way for distributions to be made in this case.

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1 **D. Litigation**

2 [0.80 Hours; Total Fees \$439.20]

3 During the Application Period, the Firm communicated with counsel appointed by
4 SiliconSage's insurer in connection with some litigation brought by a former employee
5 and an action brought by homeowners' associations regarding some documents being
6 sought by the associations in connection with that settlement.

7 **E. Fee Applications**

8 [2.90 Hours; Total fees \$0.00]

9 The Firm incurred time during the Application Period preparing its sixth interim fee
10 application and revising the Receiver's fee application. As required by the SEC Billing
11 Guidelines, the Firm is not charging for this time.

12 **F. Osgood/Almaden**

13 [8.10 Hours; Total Fees \$3,993.30]

14 During the Application Period, the Firm worked with special real estate counsel on
15 issues related to the California Department of Real Estate, worked with the Receiver's
16 office regarding buyers cancelling their purchase agreements, communicated with
17 counsel for Great American regarding the claims being made against the bonds, and
18 began preparation of updated agreements with the broker for both projects.

19 **G. Osgood**

20 [0.40 Hours; Total Fees \$219.60]

21 This category of fees is for tasks that pertain solely to the Osgood project. During
22 the Application Period, the Firm incurred a small amount of time in connection with an
23 Osgood purchaser's cancellation and with preparation of an updated agreement with the
24 sales agent for Osgood.

25 **H. Almaden**

26 [0.20 Hours; Total Fees \$109.80]

27
28

1 This category of fees is for tasks related solely to the Almaden project. The Firm
2 incurred a small amount of time in connection with the preparation of an updated
3 agreement with the Almaden sales agent.

4 **I. Alum Rock**

5 [4.50 Hours; Total Fees \$2,415.60]

6 The Alum Rock project involved one parcel that was owned by 2101 Alum Rock,
7 LLC, a Receivership Entity, and a few other parcels where a Receivership Entity was the
8 purchaser under pending purchase agreements when the Receiver was appointed. In a
9 prior application period and because of a lack of interest of potential purchasers in this
10 land, the Receiver entered into a stipulation that permitted the holder of the mortgage
11 against the property to exercise its state law remedies if the property was not in escrow
12 by January 31, 2022. It was not, and the property was foreclosed against. During this
13 Application Period, the Firm incurred fees in connection with a settlement with another of
14 the sellers of an adjoining parcel of a dispute over whether the amount of the forfeited
15 deposits were unenforceable penalties rather than reasonable liquidated damages. The
16 Court approved the settlement, which yielded \$100,000 for the estate.

17 **J. Peralta**

18 [0.3 Hours; \$164.70 in fees]

19 Peralta at Fremont, LLC, owned raw land with entitlements. In a prior application
20 period, the Firm obtained Court authority to abandon this property. Pending the lender's
21 foreclosure, the Receiver was required to attend to some potential code violations related
22 to weed overgrowth, obtaining the agreement of the secured creditor to pay for the costs
23 of weed abatement and fence repair. During this Application Period, the Firm incurred a
24 small amount of time in connection with the reimbursement of these expenses.

25 **K. Franklin/Downtown Gateway**

26 [8.60 Hours; \$4,556.70 in fees]

27 Downtown Gateway Retail, LLC, owned seven retail units on the ground floor of a
28 condominium project. The value of these units was not enough to pay the secured

1 creditor in full, thus requiring negotiations with the creditor regarding both its consent and
2 ensuring value for the Receivership Estate. During prior application periods, the Firm got
3 six of the seven units under contract, reached an agreement with the secured creditor,
4 and obtained Court approval of the sales and the agreement. One of the units got tied up
5 in escrow because the buyer's lender would not fund until the commercial association for
6 the property was up and running.

7 Accordingly, during the Application Period, the Firm incurred fees attending to
8 legal issues that arose in connection with getting the association going and
9 communicating with the lender with a lien against the property about the status of the
10 closing. The unit recently closed escrow.

11 **L. Purchase Agreement Recharacterization**

12 [9.90 Hours; \$5,215.50 in fees]

13 In a prior application period, the Firm obtained approval of a construction funding
14 agreement with Acres under which the Receiver agreed to undertake efforts to
15 recharacterize six different purchase agreements as disguised loans or investments.
16 Under the terms of the agreement approved by the Court and so that these efforts did not
17 dilute the \$200,000 per project guaranteed to the receivership estate, Acres agreed to
18 reimburse the estate for the Firm's allowed fees incurred in connection with this effort.

19 In a prior application period, the Firm, in consultation with Acres, changed
20 strategies and instead sought to reject the purchase agreements, which the Court
21 approved. Two appeals were taken, and the Firm incurred fees during the Application
22 Period in connection with one of the appellant's motion for leave to file an interlocutory
23 appeal and with reviewing various pleadings and documents filed in connection with the
24 appeals. One appeal is in the process of being voluntarily dismissed, and the other
25 remains pending.

26 Pursuant to the Construction Funding Agreement, as amended, that was approved
27 by the Court, Acres is to reimburse the estate for these fees. Accordingly the Receiver
28

1 requests allowance of them and will specify in any order approving this Application that
2 these fees are the responsibility of Acres.

3
4 **IV. SUMMARY OF EXPENSES REQUESTED FOR REIMBURSEMENT**

5 The Firm requests that the Court approve reimbursement of \$2,867.58 in out-of-
6 pocket costs. The itemization of the expenses is summarized below by category:

7	Copies (in house)	\$96.20
8	Postage	\$40.50
9	Pacer Charges	\$2.40
10	Westlaw charges	\$397.32
11	Total	\$536.42

12
13 **V. THE COURT HAS THE AUTHORITY AND DISCRETION TO APPROVE THE**
14 **REQUESTED INTERIM FEES AND EXPENSES.**

15 Decisions regarding the timing and amount of an award of fees and expenses to
16 the Receiver and his professionals are committed to the sound discretion of the Court.
17 See *SEC v. Elliot*, 953 F.2d 1560, 1577 (11th Cir. 1992) (rev'd in part on other grounds,
18 998 F.2d 922 (11th Cir. 1993)). In determining the reasonableness of fees and expenses
19 requested in this context, the Court should consider the time records presented, the
20 quality of the work performed, the complexity of the problems faced, and the benefit of
21 the services rendered to the Estate, along with the Commission's position on the request,
22 which is entitled to "great weight." *SEC v. Fifth Ave. Coach Lines, Inc.*, 364 F. Supp.
23 1220, 1222 (S.D.N.Y. 1973).

24 Where, as here, the fees requested are reasonable and "where both the
25 magnitude and the protracted nature of a case impose economic hardships on
26 professionals rendering services to the estate[,]" an interim award of fees is appropriate.
27 *Consumer Fin. Prot. Bureau v. Pension Funding, LLC*, 2016 U.S. Dist. LEXIS 187607, at
28 *4 (C.D. Cal. July 7, 2016). Interim allowances are necessary "to relieve counsel and

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1 others from the burden of financing lengthy and complex [] proceedings." *In re Rose*
2 *Way, Inc.*, 1990 Bankr. LEXIS 3028, at *9 (Bankr. S.D. Iowa Mar. 1, 1990) (citing *In re*
3 *Mansfield Tire & Rubber Co.*, 19 B.R. 125 (Bankr. N.D. Ohio 1981)).

4 Here, the Firm is assisting the Receiver with a variety of complex legal issues, the
5 resolution of which will impact the outcome of this case. During this Application Period,
6 the Firm facilitated the closing of another escrow, assisted with legal aspects affecting the
7 two condominium projects so that the Receiver can begin selling units at one and
8 complete construction on the other, resolved a claim regarding a deposit which yielded
9 the estate \$100,000, and worked with the Receiver's office to identify potential claims
10 against third parties that might result in additional recoveries for the estate. Its
11 representation has involved a myriad of issues, ranging from issues involving real estate
12 to those unique to receiverships. The Firm's billing rates are comparable to those
13 charged in the community on similarly complex receivership matters and reflect a 10%
14 reduction in the Firm's standard fees for non-receivership work. Further, the billing
15 statements of the Firm have been submitted to the SEC for review prior to the filing of this
16 Application, without objection.

17
18 **VI. CONCLUSION**

19 The Firm therefore respectfully requests that this Court enter an Order:

- 20 1. Allowing on an interim basis the Firm's fees and expenses for the
21 Application Period totaling \$24,669.00 and \$536.42, respectively;
22 2. Directing that \$5,215.50 of the allowed fees be paid by Acres pursuant to
23 the Construction Funding Agreement approved by the Court;
24 3. Authorizing the Receiver to pay 80% of the \$19,453.50 balance, or
25 \$15,562.80, and 100% of the Firm's expenses from funds on hand; and
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4. For such other and further relief the Court deems just and appropriate.

DATED: November 18, 2022

Respectfully submitted,

SMILEY WANG-EKVALL, LLP

By: /s/ Kyra E. Andrassy
KYRA E. ANDRASSY
Counsel for David Stapleton, Receiver

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DECLARATION OF KYRA E. ANDRASSY

I, Kyra E. Andrassy, declare as follows:

1. I am a partner with Smiley Wang-Ekvall, LLP, counsel for David Stapleton, the Court-appointed receiver for SiliconSage Builders, LLC, and its subsidiaries and affiliates. I am licensed to practice before this Court and the courts of the State of California. I know each of the following facts to be true of my own personal knowledge, except as otherwise stated and, if called as a witness, I could and would competently testify with respect thereto. I make this declaration in support of the Application for Allowance of Fees and Costs Incurred by Smiley Wang-Ekvall, LLP, Counsel to the Receiver, for the Period From July 1, 2022 to September 30, 2022 (the Application"). Unless otherwise defined in this declaration, all terms defined in the Application are incorporated herein by this reference.

2. In the ordinary course of its business, the Firm keeps a record of all time expended by its professionals and para-professionals in the rendering of professional services on a computerized billing system as follows: At or near the time the professional services are rendered, attorneys and other professionals of the Firm record (a) the description of the nature of the services performed, (b) the duration of the time expended, and (c) the client/matter name or number by either: (1) writing such information on a time sheet, or (2) inputting such information directly into the Firm's computer billing system. For the professionals who record their time using written time sheets, the information contained in the time sheets is then transcribed into the Firm's computer billing system. The Firm's computer billing system keeps a record of all time spent on a client/matter, the professional providing the services and a description of the services rendered. The Firm's computer billing system automatically multiplies the time expended by each professional by the respective professional's billing rate to calculate the amount of the fee. The Firm conducts its business in reliance on the accuracy of such business records.

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1 3. I have reviewed the Firm's bill for services rendered in connection with its
2 representation of the Receiver in this case, a true and correct copy of which is attached
3 hereto as Exhibit "1."

4 4. It is the Firm's usual practice to allocate work and assignments in an
5 efficient manner to achieve an effective result. As demonstrated in the Application, the
6 practice has been followed in this case.

7 5. At any time a reimbursable charge is incurred on behalf of a client, such as
8 photocopy expenses, telecopy charges, and the like, employees of the Firm keep a
9 written record of the file number for which the charges were expended and a brief
10 description of the nature of the expense. These records are also transcribed into the
11 computer which, together with the records of time spent providing professional services,
12 are transcribed onto monthly bills. The expenses are billed at the Firm's actual cost.

13 6. The Firm has no fee sharing arrangement, understanding, or compensation
14 sharing arrangement with any other entity, and no part of the attorneys' fees or expenses
15 awarded to the Firm will be paid to any other entity.

16 7. I prepared the Application and to the best of my knowledge, information and
17 belief, the facts set forth in the Application are true and correct.

18 I declare under penalty of perjury under the laws of the United States of America
19 that the foregoing is true and correct to the best of my knowledge.

20 Executed on this 18th day of November, 2022, at Costa Mesa, California.

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/s/ Kyra E. Andrassy
Kyra E. Andrassy

EXHIBIT "1"

Smiley Wang-Ekvall, LLP
 3200 Park Center Drive, Suite 250
 Costa Mesa, CA 92626
 Phone: 714-445-1000

David Stapleton, Receiver
 514 Via de la Valle, Suite 210
 Solana Beach, CA 92075

November 10, 2022
 Our File: STA09.0001
 Invoice # 27027

RE: SiliconSage Builders, LLC

Statement of account for services rendered through September 30, 2022

Previous Balance **\$ 192,486.66**

Professional Services

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
08/08/2022	KEA	01 - Asset Analysis and Recovery Review documents re Manteca property	0.20	\$ 549.00/hr	\$ 109.80
08/08/2022	KEA	01 - Asset Analysis and Recovery Prepare correspondence to Q. Brown re Manteca property and verification of payment	0.10	\$ 549.00/hr	\$ 54.90
08/08/2022	KEA	01 - Asset Analysis and Recovery Exchange of correspondence with D. Kieffer re items in Osgood warehouse that need to be dealt with	0.10	\$ 549.00/hr	\$ 54.90
08/08/2022	KEA	01 - Asset Analysis and Recovery Telephone call with D. Kieffer re items in Osgood warehouse and proposed disposition of same	0.20	\$ 549.00/hr	\$ 109.80
08/09/2022	KEA	01 - Asset Analysis and Recovery Review document from Q. Brown re Manteca property and forward to C. Scott	0.10	\$ 549.00/hr	\$ 54.90
08/09/2022	KEA	01 - Asset Analysis and Recovery	0.10	\$ 549.00/hr	\$ 54.90

		Telephone call with D. Stapleton re forensic accounting/net winner analysis			
08/09/2022	KEA	01 - Asset Analysis and Recovery Analysis of Manteca transaction	0.60	\$ 549.00/hr	\$ 329.40
08/09/2022	KEA	01 - Asset Analysis and Recovery Analysis of look back period for clawback actions based on what we know about these operations	0.60	\$ 549.00/hr	\$ 329.40
08/10/2022	KEA	01 - Asset Analysis and Recovery Telephone call with Colin Scott re Manteca property	0.10	\$ 549.00/hr	\$ 54.90
08/10/2022	KEA	01 - Asset Analysis and Recovery Exchange of various correspondence with lienholder re Walnut Morgan Hill property	0.10	\$ 549.00/hr	\$ 54.90
08/11/2022	KEA	01 - Asset Analysis and Recovery Review payoff demand re CJ Investment re Walnut Morgan Hill	0.10	\$ 549.00/hr	\$ 54.90
08/11/2022	KEA	01 - Asset Analysis and Recovery Review and analysis of explanation from C. Scott re Manteca property and 50k portion of transaction	0.10	\$ 549.00/hr	\$ 54.90
08/16/2022	KEA	01 - Asset Analysis and Recovery Exchange of correspondence with Ed Kraus re Western Alliance potential interest in personal property	0.10	\$ 549.00/hr	\$ 54.90
08/18/2022	KEA	01 - Asset Analysis and Recovery Analysis of reachback period for clawback actions and evidence that would be needed to justify a longer reachback	0.20	\$ 549.00/hr	\$ 109.80
08/18/2022	KEA	01 - Asset Analysis and Recovery Review and analysis of additional information from C. Scott re Manteca property	0.10	\$ 549.00/hr	\$ 54.90
08/18/2022	KEA	01 - Asset Analysis and Recovery Prepare correspondence to C. Scott re Manteca property question	0.10	\$ 549.00/hr	\$ 54.90
08/18/2022	KEA	01 - Asset Analysis and Recovery Analysis of potential constructive fraudulent transfer claims	0.30	\$ 549.00/hr	\$ 164.70
08/22/2022	KEA	01 - Asset Analysis and Recovery Prepare correspondence to counsel for Mahis re Walnut Morgan Hill proposal	0.40	\$ 549.00/hr	\$ 219.60

08/22/2022	KEA	01 - Asset Analysis and Recovery Telephone call with D. Kieffer re Walnut Morgan Hill	0.10	\$ 549.00/hr	\$ 54.90
08/22/2022	KEA	01 - Asset Analysis and Recovery Exchange of correspondence with Jake Diiorio re Walnut Morgan Hill waterfall	0.10	\$ 549.00/hr	\$ 54.90
09/01/2022	KEA	01 - Asset Analysis and Recovery Review accounting examples of Ponzi like payments to investors	0.30	\$ 549.00/hr	\$ 164.70
09/06/2022	KEA	01 - Asset Analysis and Recovery Telephone call with Q. Brown re various aspects of forensic analysis re potential clawback actions	0.30	\$ 549.00/hr	\$ 164.70
09/07/2022	KEA	01 - Asset Analysis and Recovery Review correspondence from Q. Brown re no credit card payments made from corporate accounts	0.10	\$ 549.00/hr	\$ 54.90
09/27/2022	KEA	01 - Asset Analysis and Recovery Telephone call with D. Kieffer re disposition of misc. equipment in Osgood warehouse	0.10	\$ 549.00/hr	\$ 54.90
		01 - Asset Analysis and Recovery Totals	4.60	@ \$ 549.00/hr	\$ 2,525.40
			4.60		\$ 2,525.40
07/01/2022	KEA	04 - Case Administration Exchange of correspondence with Mark Mersel re status of claims procedures (no charge)	0.10	\$ 0.00/hr	No Charge
08/03/2022	KEA	04 - Case Administration Telephone call with Quinton Brown re forensic accounting in relation to unitary enterprise and net winner analysis	0.30	\$ 549.00/hr	\$ 164.70
08/03/2022	KEA	04 - Case Administration Telephone call with Receiver in advance of call with SEC today	0.30	\$ 549.00/hr	\$ 164.70
08/03/2022	KEA	04 - Case Administration Telephone call with D. Stapleton re claims procedures and re next steps	0.10	\$ 549.00/hr	\$ 54.90
08/04/2022	KEA	04 - Case Administration Prepare correspondence to City of San Jose following up on fine re code violations at Little Portugal	0.10	\$ 549.00/hr	\$ 54.90

		property			
08/08/2022	KEA	04 - Case Administration Exchange of correspondence with Sam Oster re tax returns for entities with foreclosed property	0.10	\$ 549.00/hr	\$ 54.90
08/11/2022	KEA	04 - Case Administration Exchange of correspondence with George Dowell re Vayam Investments litigation status re Acharya and receivership entities	0.10	\$ 549.00/hr	\$ 54.90
08/11/2022	KEA	04 - Case Administration Prepare for status conference re receivership	0.10	\$ 549.00/hr	\$ 54.90
08/12/2022	KEA	04 - Case Administration Video conference with SEC re status conference today and overall case status	0.20	\$ 549.00/hr	\$ 109.80
08/12/2022	KEA	04 - Case Administration Attendance at case status conference	0.80	\$ 549.00/hr	\$ 439.20
08/12/2022	KEA	04 - Case Administration Telephone call with Dan Blau re appeal and status conference	0.20	\$ 549.00/hr	\$ 109.80
08/12/2022	KEA	04 - Case Administration Preparation for status conference today	0.30	\$ 549.00/hr	\$ 164.70
08/15/2022	KEA	04 - Case Administration Prepare correspondence to J. Diiorio re next status conference and deadlines for status report and fee applications	0.10	\$ 549.00/hr	\$ 54.90
08/16/2022	KEA	04 - Case Administration Telephone call with D. Stapleton re case status conference on Friday and next steps	0.10	\$ 549.00/hr	\$ 54.90
08/17/2022	KEA	04 - Case Administration Begin preparation of sixth status report	0.40	\$ 549.00/hr	\$ 219.60
08/22/2022	KEA	04 - Case Administration Exchange of correspondence with D. Kieffer re email from cancelling buyer re anticipated treatment under distribution plan	0.10	\$ 549.00/hr	\$ 54.90
08/24/2022	MLS	04 - Case Administration Telephone conference with investor G. Lopez re case status	0.10	\$ 333.00/hr	\$ 33.30

David Stapleton, Receiver

09/01/2022	KEA	04 - Case Administration Cross-check other sources to verify employee and vendor service list is accurate	0.40	\$ 549.00/hr	\$ 219.60
09/01/2022	KEA	04 - Case Administration Revise Q2 2022 status report	0.50	\$ 549.00/hr	\$ 274.50
09/06/2022	KEA	04 - Case Administration Prepare status report	0.90	\$ 549.00/hr	\$ 494.10
09/13/2022	KEA	04 - Case Administration Preparation of responses re EB5 investor in Peralta's questions for application process	0.10	\$ 549.00/hr	\$ 54.90
09/14/2022	KEA	04 - Case Administration Exchange of correspondence with Chris Ratzlaff re Series 4 tax return	0.10	\$ 549.00/hr	\$ 54.90
09/23/2022	KEA	04 - Case Administration Telephone call with D. Stapleton re status of various items, including forensic review and claims distribution	0.10	\$ 549.00/hr	\$ 54.90
09/23/2022	KEA	04 - Case Administration Telephone call with Donna Tobar re status of distribution of claims packages	0.10	\$ 0.00/hr	No Charge
09/26/2022	KEA	04 - Case Administration Exchange of correspondence with P. Thai at EBSA re claim form status	0.10	\$ 549.00/hr	\$ 54.90
09/27/2022	KEA	04 - Case Administration Telephone call with Brian Selden re document production fees, additional document request, and re claims and distribution process	0.20	\$ 549.00/hr	\$ 109.80
09/27/2022	KEA	04 - Case Administration Prepare correspondence to Receiver's office re TriGate request re title insurance policies	0.10	\$ 549.00/hr	\$ 54.90
09/30/2022	KEA	04 - Case Administration Review correspondence from Receiver's office re title insurance policies requested by TriGate and prepare correspondence to Brian Selden re same	0.10	\$ 549.00/hr	\$ 54.90
		04 - Case Administration Totals	0.20	@ \$ 0.00/hr	\$ 0.00
			5.90	@ \$ 549.00/hr	\$ 3,239.10
			0.10	@ \$ 333.00/hr	\$ 33.30

			6.20			\$ 3,272.40
07/05/2022	KEA	05 - Claims Administration/Objections Prepare notice of claims process and instruction for claim form	0.30	\$ 549.00/hr		\$ 164.70
07/19/2022	KEA	05 - Claims Administration/Objections Exchange of correspondence with Sam Oster re compiling list of cancelling buyers for claims procedure notice	0.10	\$ 549.00/hr		\$ 54.90
07/19/2022	KEA	05 - Claims Administration/Objections Prepare correspondence to SEC re claim procedures motion and exhibits	0.10	\$ 549.00/hr		\$ 54.90
07/19/2022	KEA	05 - Claims Administration/Objections Revise claim motion and declaration to address comments from Receiver	0.40	\$ 549.00/hr		\$ 219.60
08/03/2022	KEA	05 - Claims Administration/Objections Meeting with SEC re claim procedures and status of unitary enterprise determination	0.20	\$ 549.00/hr		\$ 109.80
08/03/2022	KEA	05 - Claims Administration/Objections Revise memorandum and declaration re minor changes to factual background	0.10	\$ 549.00/hr		\$ 54.90
08/03/2022	KEA	05 - Claims Administration/Objections Prepare correspondence to Receiver re declaration in support of claims procedure motion	0.10	\$ 549.00/hr		\$ 54.90
08/03/2022	KEA	05 - Claims Administration/Objections Prepare correspondence to J. Diiorio re categories of parties to serve with claims bar date notice	0.10	\$ 549.00/hr		\$ 54.90
08/03/2022	KEA	05 - Claims Administration/Objections Prepare motion re claim procedures	0.40	\$ 549.00/hr		\$ 219.60
08/03/2022	KEA	05 - Claims Administration/Objections	0.30	\$ 549.00/hr		\$ 164.70

		Prepare order re motion on claim procedures			
08/10/2022	KEA	05 - Claims Administration/Objections Exchange of correspondence with Peter Thai re claims procedure and his request for blank claim form	0.10	\$ 549.00/hr	\$ 54.90
08/29/2022	KEA	05 - Claims Administration/Objections Review entered order re claim procedures and forward to Receiver's team	0.10	\$ 549.00/hr	\$ 54.90
09/01/2022	KEA	05 - Claims Administration/Objections Telephone call with Receiver's office re service lists for claims procedure motion	0.30	\$ 549.00/hr	\$ 164.70
09/23/2022	KEA	05 - Claims Administration/Objections Prepare correspondenc to Receiver's office re additional creditor addresses for claims packages	0.10	\$ 549.00/hr	\$ 54.90
09/27/2022	KEA	05 - Claims Administration/Objections Exchange of correspondence with former employee re status of claims packages (no charge)	0.10	\$ 0.00/hr	No Charge
09/27/2022	KEA	05 - Claims Administration/Objections Review spreadsheet of creditors/investors prior to service	0.30	\$ 549.00/hr	\$ 164.70
09/30/2022	KEA	05 - Claims Administration/Objections Finalize claim forms with bar date	0.20	\$ 549.00/hr	\$ 109.80
		05 - Claims Administration/Objections Totals	3.20	@ \$ 549.00/hr	\$ 1,756.80
			0.10	@ \$ 0.00/hr	\$ 0.00
			3.30		\$ 1,756.80
07/01/2022	KEA	10 - Litigation Review correspondence from Nicholas Deming re Moore settlement	0.10	\$ 549.00/hr	\$ 54.90
07/02/2022	KEA	10 - Litigation Review Abeda Moore settlement	0.20	\$ 549.00/hr	\$ 109.80

		agreement, review order authorizing it to proceed against insurance and prepare correspondence to Receiver re same			
07/05/2022	KEA	10 - Litigation Prepare correspondence to Nicholas Deming re Moore settlement agreement and dismissal of underlying action	0.10	\$ 549.00/hr	\$ 54.90
09/21/2022	KEA	10 - Litigation Exchange of correspondence with counsel for an HOA re status of Receiver's attempts to locate requested documents regarding three projects	0.10	\$ 549.00/hr	\$ 54.90
09/22/2022	KEA	10 - Litigation Review and analysis of various correspondence re documents requested by HOAs	0.10	\$ 549.00/hr	\$ 54.90
09/22/2022	KEA	10 - Litigation Telephone call with D. Kieffer re documents requested by HOA	0.10	\$ 549.00/hr	\$ 54.90
09/27/2022	KEA	10 - Litigation Exchange of correspondence with D. Kieffer re HOA designs requested	0.10	\$ 549.00/hr	\$ 54.90
		10 - Litigation Totals	0.80	@ \$ 549.00/hr	\$ 439.20
			0.80		\$ 439.20
08/04/2022	KEA	13 - Fee Applications Review entered orders and forward to Receiver	0.10	\$ 0.00/hr	No Charge
08/11/2022	KEA	13 - Fee Applications Exchange of correspondence with Receiver's office re Ratzlaff firm needing to file fee applications	0.10	\$ 0.00/hr	No Charge
08/12/2022	KEA	13 - Fee Applications Prepare fee orders	0.30	\$ 0.00/hr	No Charge
09/07/2022	KEA	13 - Fee Applications Begin preparation of fee application	0.40	\$ 0.00/hr	No Charge
09/21/2022	KEA	13 - Fee Applications Begin preparation of sixth fee application	0.90	\$ 0.00/hr	No Charge
09/26/2022	KEA	13 - Fee Applications Prepare correspondence to Brian	0.20	\$ 0.00/hr	No Charge

		Selden re payment of fees re TriGate document production (no charge)			
09/29/2022	KEA	13 - Fee Applications Review and revise Receiver's sixth interim fee application (no charge)	0.30	\$ 0.00/hr	No Charge
09/29/2022	KEA	13 - Fee Applications Finalize fee applications and forward to SEC for approval (no charge)	0.60	\$ 0.00/hr	No Charge
		13 - Fee Applications Totals	2.90	@ \$ 0.00/hr	\$ 0.00
			2.90		\$ 0.00
07/07/2022	KEA	23 - Osgood/Almaden Exchange of correspondence with Sam Oster re buyer cancellations	0.10	\$ 549.00/hr	\$ 54.90
07/25/2022	KEA	23 - Osgood/Almaden Exchange of correspondence with Sam Oster re status of discussions with Great American re bond claims being submitted; prepare correspondence to Scott Leo re same	0.10	\$ 549.00/hr	\$ 54.90
07/25/2022	KEA	23 - Osgood/Almaden Telephone call with D. Kieffer re DRE issues and re budget alterations	0.30	\$ 549.00/hr	\$ 164.70
07/27/2022	KEA	23 - Osgood/Almaden Exchange of correspondence with Fred Moore re DRE proposed resolution re releases	0.10	\$ 549.00/hr	\$ 54.90
07/27/2022	KEA	23 - Osgood/Almaden Telephone call with D. Kieffer re redlined agreement for DRE approval	0.20	\$ 549.00/hr	\$ 109.80
07/27/2022	KEA	23 - Osgood/Almaden Analysis of revised APA re scope of releases required by DRE	0.30	\$ 549.00/hr	\$ 164.70
08/11/2022	KEA	23 - Osgood/Almaden Review various emails re DRE (no charge)	0.10	\$ 0.00/hr	No Charge
08/12/2022	KEA	23 - Osgood/Almaden Telephone call with Scott Leo re issues re bond claims and potential ways to resolve	0.20	\$ 549.00/hr	\$ 109.80

David Stapleton, Receiver

08/16/2022	KEA	23 - Osgood/Almaden Review sales people contracts to determine whether further amendments are required	0.30	\$ 549.00/hr	\$ 164.70
08/17/2022	KEA	23 - Osgood/Almaden Review spreadsheet re sales people salary/commissions and emails re same	0.20	\$ 549.00/hr	\$ 109.80
08/17/2022	KEA	23 - Osgood/Almaden Further exchange of correspondence with D. Kieffer re sales people commissions	0.10	\$ 549.00/hr	\$ 54.90
08/17/2022	KEA	23 - Osgood/Almaden Analysis of email from DRE and response re insurance issues (no charge)	0.30	\$ 0.00/hr	No Charge
08/22/2022	KEA	23 - Osgood/Almaden Revise script to cancelling buyers re Great American	0.10	\$ 549.00/hr	\$ 54.90
08/25/2022	KEA	23 - Osgood/Almaden Review preliminary title report re mechanic's liens and exchange of correspondence with D. Kieffer re same	0.10	\$ 549.00/hr	\$ 54.90
08/25/2022	KEA	23 - Osgood/Almaden Review grant deed draft and exchange of correspondence with client re same	0.10	\$ 549.00/hr	\$ 54.90
08/25/2022	KEA	23 - Osgood/Almaden Review emails re DRE status (no charge)	0.20	\$ 0.00/hr	No Charge
08/26/2022	KEA	23 - Osgood/Almaden Review correspondence from DRE re amended public report	0.20	\$ 549.00/hr	\$ 109.80
08/26/2022	KEA	23 - Osgood/Almaden Telephone call with Fred Moore and Acres re DRE email re public report and next steps	0.90	\$ 549.00/hr	\$ 494.10
08/31/2022	JH	23 - Osgood/Almaden Preparation of notices of filing receiver certificates	0.40	\$ 238.50/hr	\$ 95.40
09/06/2022	KEA	23 - Osgood/Almaden Prepare second Amaral amendment	0.60	\$ 549.00/hr	\$ 329.40
09/07/2022	KEA	23 - Osgood/Almaden Exchange of correspondence with D. Kieffer re title report for units and	0.10	\$ 549.00/hr	\$ 54.90

		re junior liens			
09/08/2022	KEA	23 - Osgood/Almaden Prepare Amaral amendment	0.70	\$ 549.00/hr	\$ 384.30
09/09/2022	KEA	23 - Osgood/Almaden Revise status report and prepare order	0.80	\$ 549.00/hr	\$ 439.20
09/12/2022	KEA	23 - Osgood/Almaden Telephone call with M. Mersel re status of issues with DRE and re form of sale order	0.10	\$ 549.00/hr	\$ 54.90
09/19/2022	KEA	23 - Osgood/Almaden Prepare revised second amendment to Amaral listing agreement	1.10	\$ 549.00/hr	\$ 603.90
09/20/2022	KEA	23 - Osgood/Almaden Exchange of correspondence with D. Kieffer re status of Old Republic escrow/title	0.10	\$ 549.00/hr	\$ 54.90
09/29/2022	KEA	23 - Osgood/Almaden Exchange of correspondence with D. Kieffer re status of projects and fees	0.10	\$ 549.00/hr	\$ 54.90
09/29/2022	KEA	23 - Osgood/Almaden Telephone call with D. Stapleton re status of projects and fees	0.10	\$ 549.00/hr	\$ 54.90
09/30/2022	KEA	23 - Osgood/Almaden Telephone call with D. Kieffer re fees incurred managing project	0.10	\$ 549.00/hr	\$ 54.90
		23 - Osgood/Almaden Totals	7.10	@ \$ 549.00/hr	\$ 3,897.90
			0.60	@ \$ 0.00/hr	\$ 0.00
			0.40	@ \$ 238.50/hr	\$ 95.40
			8.10		\$ 3,993.30
08/08/2022	KEA	24 - Osgood Exchange of correspondence with cancelling buyer re Great American denial of claim	0.10	\$ 549.00/hr	\$ 54.90
09/20/2022	KEA	24 - Osgood Prepare second amendment for N. Pandey, sales agent	0.30	\$ 549.00/hr	\$ 164.70
		24 - Osgood Totals	0.40	@ \$ 549.00/hr	\$ 219.60
			0.40		\$ 219.60

09/20/2022	KEA	25 - Almaden Prepare second amendment for N. Pandey, sales agent	0.20	\$ 549.00/hr	\$ 109.80
		25 - Almaden Totals	0.20	@ \$ 549.00/hr	\$ 109.80
			0.20		\$ 109.80
07/01/2022	KEA	28 - Alum Rock Exchange of correspondence with Bart Hechtmann re deposit resolution re 2055 Alum Rock	0.10	\$ 549.00/hr	\$ 54.90
07/02/2022	KEA	28 - Alum Rock Prepare Cortez settlement agreement and forward to counsel	0.90	\$ 549.00/hr	\$ 494.10
07/07/2022	KEA	28 - Alum Rock Review proposed revisions to Cortez settlement agreement and revise same and recirculate	0.20	\$ 549.00/hr	\$ 109.80
07/07/2022	KEA	28 - Alum Rock Exchange of correspondence with counsel for Cortez re additional comments to agreement	0.10	\$ 549.00/hr	\$ 54.90
07/07/2022	KEA	28 - Alum Rock Prepare correspondence to counsel for Old Republic re estimate of escrow fees to be deducted from escrow with Cortez Enterprises	0.10	\$ 549.00/hr	\$ 54.90
07/08/2022	KEA	28 - Alum Rock Review of correspondence from Michael Gleason re Cortez escrow; exchange of correspondence with Bart Hechtmann re final agreement for execution	0.10	\$ 549.00/hr	\$ 54.90
08/01/2022	KEA	28 - Alum Rock Review entered order re Sunset property deposit issue and prepare correspondence to Dan Mash re same	0.10	\$ 549.00/hr	\$ 54.90
08/02/2022	KEA	28 - Alum Rock Prepare correspondence to Jake Diiorio re Receiver's execution of Berns settlement agreement and escrow instruction	0.10	\$ 549.00/hr	\$ 54.90
08/03/2022	KEA	28 - Alum Rock Exchange of correspondence with Bart Hechtman re status of motion to approve resolution re 2055 Alum	0.10	\$ 549.00/hr	\$ 54.90

		Rock and exhibits needed			
08/03/2022	KEA	28 - Alum Rock Prepare memorandum of points and authorities in support of Cortez settlement re 2055 Alum Rock and declaration in support of same	1.20	\$ 549.00/hr	\$ 658.80
08/03/2022	KEA	28 - Alum Rock Prepare correspondence to Receiver re settlement motion re Cortez Enterprises	0.10	\$ 549.00/hr	\$ 54.90
08/03/2022	KEA	28 - Alum Rock Revise settlement motion and declaration	0.30	\$ 549.00/hr	\$ 164.70
08/03/2022	KEA	28 - Alum Rock Prepare correspondence to Dan Mash re signed settlement agreement, escrow instructions, and wire instructions	0.10	\$ 549.00/hr	\$ 54.90
08/03/2022	KEA	28 - Alum Rock Prepare motion re Cortez settlement	0.30	\$ 549.00/hr	\$ 164.70
08/03/2022	KEA	28 - Alum Rock Prepare proposed order re Cortez settlement	0.10	\$ 549.00/hr	\$ 54.90
08/03/2022	KEA	28 - Alum Rock Finalize Cortez pleadings and prepare service and filing instructions re same	0.10	\$ 549.00/hr	\$ 54.90
08/08/2022	KEA	28 - Alum Rock Review and revise draft letter from Dan Mash to Old Republic and forward same to him	0.10	\$ 549.00/hr	\$ 54.90
08/10/2022	KEA	28 - Alum Rock Review and execute escrow instructions re Berns-Mann settlement re Sunset parcel	0.10	\$ 549.00/hr	\$ 54.90
08/29/2022	KEA	28 - Alum Rock Review entered order re Cortez settlement and forward to opposing counsel	0.10	\$ 549.00/hr	\$ 54.90
08/30/2022	KEA	28 - Alum Rock Review escrow cancellation instructions re Cortez Enterprises settlement and prepare correspondence to Bart Hechtman re same	0.10	\$ 549.00/hr	\$ 54.90
08/30/2022	KEA	28 - Alum Rock Exchange of correspondence with	0.10	\$ 0.00/hr	No Charge

		Sam Oster re Sunbelt inquiry re landlord contact (no charge)			
		28 - Alum Rock Totals	4.40	@ \$ 549.00/hr	\$ 2,415.60
			0.10	@ \$ 0.00/hr	\$ 0.00
			4.50		\$ 2,415.60
07/07/2022	KEA	31 - Peralta Exchange of correspondence with Saul Rostamian re info re fencing company and receivership reimbursement for weed abatement expenses	0.10	\$ 549.00/hr	\$ 54.90
08/04/2022	KEA	31 - Peralta Prepare correspondence to Saul Rostamian re reimbursement of costs for weed abatement and fencing repaid	0.20	\$ 549.00/hr	\$ 109.80
		31 - Peralta Totals	0.30	@ \$ 549.00/hr	\$ 164.70
			0.30		\$ 164.70
07/01/2022	KEA	38 - Franklin/Downtown Gateway Review association bylaws re directors/members and process and prepare summary to Sam Oster to share with owners	0.30	\$ 549.00/hr	\$ 164.70
07/01/2022	KEA	38 - Franklin/Downtown Gateway Telephone call with D. Kieffer and S. Oster re association bylaws re directors/members and process	0.10	\$ 549.00/hr	\$ 54.90
07/01/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from broker and prepare correspondence to Saul Rostamian re 1026 buyer request for confirmation of no further damages	0.10	\$ 549.00/hr	\$ 54.90
07/05/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with broker re 1026 Monroe	0.10	\$ 549.00/hr	\$ 54.90
07/05/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from broker re new offer re 1026 and prepare correspondence to Saul Rostamian re old buyer and deposit issue	0.10	\$ 549.00/hr	\$ 54.90

David Stapleton, Receiver

07/06/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with C. Noah re WCF lease	0.20	\$ 549.00/hr	\$ 109.80
07/18/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with Cheryl Noah re 1026 deposit; exchange of correspondence with S. Rostamian re same	0.10	\$ 549.00/hr	\$ 54.90
07/18/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with Sam Oster re status of buyers' selection of professional management association	0.10	\$ 549.00/hr	\$ 54.90
07/22/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with Sam Oster re commercial association info and docs for new manager	0.30	\$ 549.00/hr	\$ 164.70
07/26/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to Robin Santiago re contact info for 1026 buyer to make demand for additional \$25k	0.10	\$ 549.00/hr	\$ 54.90
07/26/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to Saul Rostamian re status of 1026 and 1034	0.20	\$ 549.00/hr	\$ 109.80
07/28/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from professional manager and prepare correspondence to C. Ratzlaff re status of FTB reinstatement	0.10	\$ 549.00/hr	\$ 54.90
07/29/2022	KEA	38 - Franklin/Downtown Gateway Exchange of various correspondence re 1026 Monroe re termination of existing escrow and new listing	0.10	\$ 549.00/hr	\$ 54.90
08/02/2022	KEA	38 - Franklin/Downtown Gateway Telephone call with Josh Duffy, lender re 1034, re status of association and entity	0.10	\$ 549.00/hr	\$ 54.90
08/03/2022	KEA	38 - Franklin/Downtown Gateway Prepare fourth amendment on 1034	0.30	\$ 549.00/hr	\$ 164.70
08/03/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to Saul Rostamian re fourth extension re 1034 and re lender's request for order authorizing sale under	0.10	\$ 549.00/hr	\$ 54.90

		agreement as amended			
08/04/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from S. Rostamian re 1034 Monroe; revise fourth amendment re same and recirculate	0.10	\$ 549.00/hr	\$ 54.90
08/09/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to broker re status of execution of fourth amendment	0.10	\$ 549.00/hr	\$ 54.90
08/09/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to Associa re consents needed before Receiver can sign agreement	0.10	\$ 549.00/hr	\$ 54.90
08/09/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to S. Oster re consents needed before Receiver can sign agreement	0.10	\$ 549.00/hr	\$ 54.90
08/09/2022	KEA	38 - Franklin/Downtown Gateway Analysis of requests from Associa	0.50	\$ 549.00/hr	\$ 274.50
08/12/2022	KEA	38 - Franklin/Downtown Gateway Prepare consent agreement re commercial association	0.60	\$ 549.00/hr	\$ 329.40
08/15/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with S. Rostamian re status of sale of 1026/1034	0.10	\$ 549.00/hr	\$ 54.90
08/15/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to S. Rostamian re stipulation re closing dates	0.10	\$ 549.00/hr	\$ 54.90
08/15/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to Josh Duffy, counsel for Bank of America, re draft stipulation to make sure it addresses client's issue	0.10	\$ 549.00/hr	\$ 54.90
08/15/2022	KEA	38 - Franklin/Downtown Gateway Prepare stipulation to address Bank of America concern re ambiguity in sale order re 1034 Monroe and re extension of deadlines in forbearance agreement	0.80	\$ 549.00/hr	\$ 439.20
08/16/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with broker re status of association	0.10	\$ 549.00/hr	\$ 54.90
08/16/2022	KEA	38 - Franklin/Downtown Gateway	0.10	\$ 549.00/hr	\$ 54.90

		Prepare correspondence to Cynthia Heskett of Associa re status of contract to obtain consents			
08/16/2022	KEA	38 - Franklin/Downtown Gateway Review Associa contract and forward same to Sam Oster with instructions re collecting signatures from the five owners	0.30	\$ 549.00/hr	\$ 164.70
08/23/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from S. Rostamian re 1034 and 1026; prepare correspondence to J. Duffy re status of review of stipulation	0.10	\$ 549.00/hr	\$ 54.90
08/23/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from Josh Duffy re stipulation and status of 1034 loan	0.10	\$ 549.00/hr	\$ 54.90
08/25/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from Robin Santiago re execution of consent and hold harmless agreement and prepare correspondence to him re status of association and 1034 additional extension	0.10	\$ 549.00/hr	\$ 54.90
08/30/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with Sam Oster re status of Receiver execution of management agreement and waiting until entity is in good standing	0.10	\$ 549.00/hr	\$ 54.90
08/31/2022	KEA	38 - Franklin/Downtown Gateway Exchange of various correspondence with Sam Oster re corporate status and execution of management agreement	0.10	\$ 549.00/hr	\$ 54.90
09/02/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with J. Duffy re status of reinstatement of association and re management agreement	0.10	\$ 549.00/hr	\$ 54.90
09/02/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with broker re fifth amendment and status of escrow	0.10	\$ 549.00/hr	\$ 54.90
09/08/2022	KEA	38 - Franklin/Downtown Gateway Prepare fifth amendment to 1034 Monroe sale agreement	0.30	\$ 549.00/hr	\$ 164.70
09/08/2022	KEA	38 - Franklin/Downtown Gateway	0.20	\$ 549.00/hr	\$ 109.80

		Revise stipulation to amend sale order			
09/19/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with Saul Rostamian re status of 1026/1034	0.10	\$ 549.00/hr	\$ 54.90
09/19/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from R. Santiago with executed documents; forward to Receiver to sign	0.10	\$ 549.00/hr	\$ 54.90
09/19/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to D. Blau re stipulation to amend Downtown Gateway sale order	0.20	\$ 549.00/hr	\$ 109.80
09/19/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to escrow officer re fully executed fifth amendment	0.10	\$ 549.00/hr	\$ 54.90
09/19/2022	KEA	38 - Franklin/Downtown Gateway Finalize stipulation re amendment of order and authorize filing of same	0.10	\$ 549.00/hr	\$ 54.90
09/20/2022	KEA	38 - Franklin/Downtown Gateway Review entered order re stipulation to amend and circulate same to counsel for Bolour and buyer's lender	0.10	\$ 549.00/hr	\$ 54.90
09/20/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with Robin Santiago re signed order and executed amendment (no charge)	0.10	\$ 0.00/hr	No Charge
09/21/2022	KEA	38 - Franklin/Downtown Gateway Review email re fully executed management agreement and prepare correspondence to counsel for BofA re same	0.10	\$ 549.00/hr	\$ 54.90
09/21/2022	KEA	38 - Franklin/Downtown Gateway Review various emails between broker and secured creditor and re status of 1026	0.10	\$ 549.00/hr	\$ 54.90
09/21/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from escrow officer re time frame from lender re closing on 1034 and prepare correspondence to broker re waiver of loan contingency	0.10	\$ 549.00/hr	\$ 54.90
09/22/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with	0.10	\$ 549.00/hr	\$ 54.90

		Robin Santiago re 1034 closing			
09/22/2022	KEA	38 - Franklin/Downtown Gateway Prepare correspondence to Saul Rostamian confirming extension of closing date to permit 1034 to close	0.10	\$ 549.00/hr	\$ 54.90
09/22/2022	KEA	38 - Franklin/Downtown Gateway Prepare 6th amendment to PSA re 1034 Monroe	0.20	\$ 549.00/hr	\$ 109.80
09/23/2022	KEA	38 - Franklin/Downtown Gateway Review correspondence from secured creditor re agreement to extension; prepare correspondence to R. Santiago re sixth amendment	0.10	\$ 549.00/hr	\$ 54.90
09/23/2022	KEA	38 - Franklin/Downtown Gateway Telephone call with S. Rostamian re homeless issue outside 1026 Monroe; prepare correspondence to association re same	0.10	\$ 549.00/hr	\$ 54.90
09/30/2022	KEA	38 - Franklin/Downtown Gateway Review marketing report re 1026 Monroe	0.10	\$ 0.00/hr	No Charge
09/30/2022	KEA	38 - Franklin/Downtown Gateway Exchange of correspondence with professional manager re TIN (no charge)	0.10	\$ 0.00/hr	No Charge
		Franklin/Downtown Gateway Totals	8.30	@ \$ 549.00/hr	\$ 4,556.70
			0.30	@ \$ 0.00/hr	\$ 0.00
			8.60		\$ 4,556.70
07/06/2022	KEA	41 - Purchase Agreement Recharacterization Revise order to add contract descriptions and exchange of correspondence with courtroom deputy re same (no charge)	0.30	\$ 0.00/hr	No Charge
07/06/2022	KEA	41 - Purchase Agreement Recharacterization Prepare notice of submission of redlined order re rejection motion (no charge)	0.10	\$ 0.00/hr	No Charge
07/07/2022	KEA	41 - Purchase Agreement Recharacterization Review entered rejection order and prepare correspondence to client re same	0.10	\$ 549.00/hr	\$ 54.90

07/18/2022	KEA	41 - Purchase Agreement Recharacterization Brief review of motion to file interlocutory appeal	0.20	\$ 549.00/hr	\$ 109.80
07/19/2022	KEA	41 - Purchase Agreement Recharacterization Review and analysis of Naboulsi motion to appeal interlocutory order	0.30	\$ 549.00/hr	\$ 164.70
08/01/2022	KEA	41 - Purchase Agreement Recharacterization Prepare opposition to motion for leave to appeal interlocutory order	3.80	\$ 549.00/hr	\$ 2,086.20
08/01/2022	KEA	41 - Purchase Agreement Recharacterization Revise opposition	0.20	\$ 549.00/hr	\$ 109.80
08/04/2022	KEA	41 - Purchase Agreement Recharacterization Review notice of appeal and forward to client	0.10	\$ 549.00/hr	\$ 54.90
08/08/2022	KEA	41 - Purchase Agreement Recharacterization Review Naboulsi reply	0.20	\$ 549.00/hr	\$ 109.80
08/12/2022	KEA	41 - Purchase Agreement Recharacterization Review mediation statement filed by Srirama	0.10	\$ 549.00/hr	\$ 54.90
08/12/2022	KEA	41 - Purchase Agreement Recharacterization Review scheduling order from Ninth Circuit and related documents	0.10	\$ 549.00/hr	\$ 54.90
08/12/2022	KEA	41 - Purchase Agreement Recharacterization Review order re mediation program and opportunity to provide comments re participation in same	0.10	\$ 549.00/hr	\$ 54.90
08/18/2022	KEA	41 - Purchase Agreement Recharacterization Review Srirama statement of issues on appeal	0.10	\$ 549.00/hr	\$ 54.90
08/23/2022	KEA	41 - Purchase Agreement Recharacterization Review clerk's notice vacating next Friday's hearing and exchange of correspondence with Mark Mersel re same	0.10	\$ 549.00/hr	\$ 54.90
09/12/2022	KEA	41 - Purchase Agreement	3.40	\$ 549.00/hr	\$ 1,866.60

		Recharacterization Prepare opposition to petition filed by Naboulsis and disclosure statement required by Rule 26			
09/12/2022	KEA	41 - Purchase Agreement Recharacterization	0.40	\$ 549.00/hr	\$ 219.60
		Revise statement re petition to incorporate Mark's comments			
09/19/2022	KEA	41 - Purchase Agreement Recharacterization	0.10	\$ 549.00/hr	\$ 54.90
		Review Naboulsi mediation statement and order re mediation assessment conference			
09/26/2022	KEA	41 - Purchase Agreement Recharacterization	0.20	\$ 549.00/hr	\$ 109.80
		Review status of the two appeals to verify upcoming dates and transcript status			
		Purchase Agreement	0.40	@ \$ 0.00/hr	\$ 0.00
		Recharacterization Totals			
			9.50	@ \$ 549.00/hr	\$ 5,215.50
			9.90		\$ 5,215.50
Total Professional Services			49.80		\$ 24,669.00

Costs And Disbursements

<u>Date</u>	<u>Description</u>	<u>Amount</u>
07/06/2022	Copies: Notice of Submission of Revised Rejection Order	\$ 2.00
07/27/2022	Copies: Notices of Filing Receiver's Certificates (Almaden/Osgood)	\$ 27.80
08/01/2022	Copies: Opposition to Naboulsi Motion to File Interlocutory Appeal	\$ 2.20
08/03/2022	Copies: Notice and Motion re: Cortez Settlement	\$ 32.60
08/03/2022	Copies: Notice and Motion re: Claim Procedures	\$ 7.60
09/09/2022	Copies: Service of 6th Status Report	\$ 4.80
09/12/2022	Copies: Service of Opposition to Petition for Leave (Court of Appeals)	\$ 18.00
09/20/2022	Copies: Service of Stipulation	\$ 1.20
	Copies Totals	\$ 96.20
07/06/2022	Postage: Notice of Submission of Revised Rejection Order	\$ 0.73
07/27/2022	Notices of Filing Receiver's Certificates (Almaden/Osgood)	\$ 11.75
08/01/2022	Postage: Opposition to Naboulsi Motion to File Interlocutory Appeal	\$ 0.81
08/03/2022	Postage: Notice and Motion re: Cortez Settlement	\$ 8.52

David Stapleton, Receiver

08/03/2022	Postage: Notice and Motion re: Claim Procedures	\$ 5.88
09/09/2022	Postage: Service of 6th Status Report	\$ 1.92
09/12/2022	Postage: Service of Opposition to Petition for Leave (Court of Appeals)	\$ 9.45
09/20/2022	Postage: Service of Stipulation	\$ 1.44
	Mailing/Postage Totals	\$ 40.50
09/12/2022	Pacer Online Research	\$ 0.10
09/26/2022	Pacer Online Research	\$ 2.30
	Pacer Fee Totals	\$ 2.40
08/01/2022	West Law Online Research	\$ 155.27
08/09/2022	West Law Online Research	\$ 16.55
09/12/2022	West Law Online Research	\$ 208.86
09/26/2022	West Law Online Research	\$ 16.64
	West Law Totals	\$ 397.32
	Total Costs and Disbursements	\$ 536.42

Total Current Charges	\$ 25,205.42
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Summary Of Account

Balance Forward	\$ 192,486.66
Total Current Charges	\$ 25,205.42
Less Payments And Credits	
	9/12/2022 Payment - Check (\$7,006.90)
	9/12/2022 Payment - Check (\$18,944.60)
Balance Due	\$ 191,740.58

Notes:

Wire Transfer Instructions:
City National Bank
555 South Flower Street
Los Angeles, CA 90071
Routing Number: 122016066
Account Number: 023904985

Trust Account Summary

Billing Period: 07/01/2022 - 11/10/2022

Client: Stapleton, David - Receiver | General Matter Trust

Total Deposits	Total Disbursements	Current Balance
\$0.00	\$0.00	\$0.00

Date	Transaction	Deposit	Disbursement	Balance
No activity for this billing period.				

User Hours Summary

Billing Period: 07/01/2022 - 09/30/2022

User Hour Totals

User Initials	User	Hours Billed	Rate/Hour	Amount Billed
KEA	Kyra E Andrassy	4.60	\$ 0.00	\$ 0.00
KEA	Kyra E Andrassy	44.70	\$ 549.00	\$ 24,540.30
JH	Janet Hogan	0.40	\$ 238.50	\$ 95.40
MLS	Michael L Simon	0.10	\$ 333.00	\$ 33.30
Totals		49.80		\$ 24,669.00

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PROOF OF SERVICE

STATE OF CALIFORNIA, DISTRICT COURT, NORTHERN DISTRICT

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

On 11/18/2022, I served true copies of the following document(s) described **APPLICATION FOR ALLOWANCE AND PAYMENT OF FEES AND COSTS INCURRED BY SMILEY WANG-EKVALL, LLP, COUNSEL TO THE RECEIVER, FOR THE PERIOD FROM JULY 1, 2022, TO SEPTEMBER 30, 2022; DECLARATION OF KYRA E. ANDRASSY IN SUPPORT OF THE APPLICATION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

(X) (BY COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) – Pursuant to United States District Court, Northern District of California, the foregoing document will be served by the court via NEF and hyperlinked to the document. On 11/18/2022, I checked the CM/ECF docket for this case and determined that the aforementioned person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated.

(X) (BY U.S. MAIL). I enclosed the document(s) in a sealed envelope or package and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Smiley Wang-Ekvall, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with USPS in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Costa Mesa, California.

() (BY E-MAIL). By scanning the document(s) and then e-mailing the resultant pdf to the e-mail address indicated above per agreement. Attached to this declaration is a copy of the e-mail transmission.

() (BY FACSIMILE). I caused the above-referenced documents to be transmitted to the noted addressee(s) at the fax number as stated. Attached to this declaration is a "TX Confirmation Report" confirming the status of transmission. Executed on _____, at Costa Mesa, California.

() STATE I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

(X) FEDERAL I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 18, 2022, at Costa Mesa, California.

/s/ Lynnette Garrett

Lynnette Garrett

SERVICE LIST

BY COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):

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