

1 LOWTHORP, RICHARDS, McMILLAN, MILLER,  
2 CONWAY & TEMPLEMAN  
3 PATRICK T. LOUGHMAN # 105990  
4 A PROFESSIONAL CORPORATION  
5 300 ESPLANADE DRIVE, #850; P.O. BOX 5167  
6 OXNARD, CA 93031  
7 TELEPHONE: (805) 981-8555

8 Attorneys for ZM Corporation, Petitioner

**FILED**

JAN 29 1999

DATE: \_\_\_\_\_  
SHEILA GONZALEZ, Superior/Municipal Courts  
Executive Officer and Clerk  
B, \_\_\_\_\_  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF VENTURA

11 SIMI VALLEY LE PARC H.O.A.,

12 Plaintiff/Respondent,

13 vs.

14 ZM CORPORATION, dba  
15 QWIKRESPONSE DISASTER  
16 CONTROL AND CONSTRUCTION,

17 Defendant/Petitioner.

Case No. CIV 159037

ORDER APPOINTING RECEIVER  
AND TEMPORARY RESTRAINING  
ORDER

DATE: January 29, 1999  
TIME: 8:30 a.m.  
DEPT. 32

18  
19 The court having reviewed the Application of Respondent, ZM Corporation, dba  
20 Disaster Control and Construction, for Appointment of Receiver, and the Court having  
21 determined that good cause exists for the appointment of receiver,

22 IT IS ORDERED that:

- 23 1. Jeff Becker is appointed receiver in this proceeding;
- 24 2. On qualifying to act as receiver herein by the taking and filing of an oath to  
25 perform his duties as receiver faithfully in securing and filing an undertaking or bond to  
26 the State of California to the effect that Jeff Becker will faithfully discharge the duties of  
27 receiver in the action and obey the orders of the court. Jeff Becker as receiver shall take  
28 possession of all homeowners association accounts and records pertaining to monthly

1 assessments pending further order of this court and in exercising the foregoing functions,  
2 the receiver shall have the following powers in addition to those specified by law:

3 3. The receiver shall take possession of all the books and records pertaining to  
4 the property of the respondent, wherever located, as the receiver deems necessary for the  
5 property administration, management and/or control of the estate, but the books and  
6 records shall be made available to respondent as is reasonably necessary;

7 4. To execute and prepare all documents and to perform all acts, either in the  
8 name of the respondent or in the receiver's own name, which are necessary or incidental  
9 to preserving, protecting, managing and/or controlling the property of the receivership  
10 estate;

11 5. To employ agents, servants, employees, guards, clerks, accountants, on-site  
12 managers and management consultants to administer the receivership estate, manage the  
13 property and keep the same insured and in good repair, if the receiver shall deem the  
14 same necessary, and to pay the reasonable value of those services out of the rents  
15 received;

16 6. The monies coming into possession of the receiver pursuant to his operation  
17 of the business thereto, and not expended for any of the purposes herein authorized, shall  
18 be held by the receiver for the payment of the respondents' obligation to petitioner sued  
19 upon in the complaint, subject to such orders and this Court may hereinafter issue as to  
20 their disposition;

21 7. To establish bank accounts for the deposit of monies and funds collected and  
22 received in connection with his administration of the receivership estate, at any financial  
23 institution the receiver deems appropriate, provided that any funds on deposit at the  
24 financial institution are fully insured by an agency of the United States government;

25 8. To the extent feasible, the receiver shall, within thirty (30) days of his  
26 qualification hereunder, file in this action an inventory of all property of which he shall  
27 have taken possession pursuant to this order and shall conduct periodic accountings  
28 thereafter;

1           9. To prepare periodic interim statements reflecting the receiver's fees and  
2 administrative costs and expenses incurred for that interim period in the operation and  
3 administration of the receivership estate. Upon completion of an interim statement, and  
4 the mailing of the statement to the parties' respective attorneys of record, or any other  
5 designated person or agent, the receiver shall pay from the estate funds, if any, the  
6 amount of that statement. Despite the periodic statement of receiver's fees and  
7 administrative expenses shall be submitted to the Court for its approval and confirmation,  
8 in the form of a notice of an interim request for fees, an agreement among the parties, or  
9 the receiver's final accounting and report;

10           10. The receiver shall take possession of all the books and records of respondent  
11 wherever located, as the receiver deems necessary for the proper administration,  
12 management, and/or control of the estate;

13           11. The receiver, or any party to this action, may, from time to time and on due  
14 notice to all parties, make application to this Court for further orders instructing the  
15 receiver.

16           IT IS FURTHER ORDERED that the respondent, and all persons and entities now  
17 in possession of any part of the Subject Property, shall forthwith surrender their  
18 possession thereof to the receiver and any other persons or entities as may be lawfully in  
19 possession thereof, are hereby directed, until further order of this Court, to pay over to  
20 the receiver all assessments now due and unpaid or that may hereafter become due, and  
21 all persons and entities liable for such assessments are hereby enjoined and restrained  
22 from paying any assessments for the Subject Property to the respondent, its agents  
23 servants or attorneys.

24           IT IS FURTHER ORDERED that pending the hearing on the confirmation of the  
25 receiver herein, respondent shall not transfer or assign any assets of the estate to any other  
26 entity other than the receiver appointed herein.

27           IT IS FURTHER ORDERED that Simi Valley Le Parc H.O.A  
28 appear in Department 32 of this Court, located at 800 S. Victoria Street, Ventura,

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California, on Feb. 11, 1999 at 8:30 am, and show cause, if any they have, why the appointment of the receiver should not be confirmed. Bond is \$100,000.00.

DATED: JAN 29 1999

John R. Hunter  
JUDGE OF THE SUPERIOR COURT