

1 DAVID R. ZARO (BAR NO. 124334)
TED FATES (BAR NO. 227809)
2 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
3 515 South Figueroa Street, Ninth Floor
Los Angeles, California 90071-3309
4 Phone: (213) 622-5555
Fax: (213) 620-8816
5 E-Mail: dzaro@allenmatkins.com
tfates@allenmatkins.com

6
7 Attorneys for Receiver
THOMAS A. SEAMAN

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DISTRICT**

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 vs.

15 SMALL BUSINESS CAPITAL CORP.;
16 MARK FEATHERS; INVESTORS PRIME
FUND, LLC; and SBC PORTFOLIO
17 FUND, LLC,

18 Defendants.

Case No. CV12-03237

**RECEIVER'S ADMINISTRATIVE
MOTION FOR PAYMENT OF LOAN
SERVICING COSTS FOR
SEPTEMBER 2015**

Ctrm: 4 - 5th Floor
Judge: Hon. Edward J. Davila

19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Thomas Seaman Company
 3 Park Plaza
 Suite 550
 Irvine, CA 92614

Invoice submitted to:
 Thomas Seaman, Receiver for SBC
 3 Park Plaza
 Suite 550
 Irvine, CA 92614

November 02, 2015

Invoice #11173

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>Loan Servicing</u>			
9/1/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	2.30 135.00/hr	310.50
9/2/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	2.60 135.00/hr	351.00
9/3/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.80 135.00/hr	243.00
9/4/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.80 135.00/hr	243.00
9/8/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.40 135.00/hr	189.00
9/9/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	2.20 135.00/hr	297.00
9/10/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.60 135.00/hr	216.00
9/11/2015 KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.60 135.00/hr	216.00

Thomas Seaman, Receiver for SBC

Page 2

		<u>Hrs/Rate</u>	<u>Amount</u>
9/14/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.60 135.00/hr 216.00
9/15/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.60 135.00/hr 81.00
9/16/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.60 135.00/hr 81.00
9/23/2015	KJ	Loan Servicing ABS software update.	0.20 135.00/hr 27.00
9/24/2015	KJ	Loan Servicing Sent out statements, reconciled loans on Colson discrepancy report.	1.40 135.00/hr 189.00
9/29/2015	KJ	Loan Servicing Posted payments.	0.70 135.00/hr 94.50
9/30/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports, correspondence with borrowers, entered deposits. Updated Loan Tape schedule with payments received. Closed out the month of Sept 2015 in ABS, reconciled 1502 report to ABS, ran monthly reports, ran and cleared out check registers.	2.70 135.00/hr 364.50
9/2/2015	MRF	Loan Servicing Deposited borrower payments received for September and made the accompanying accounting entries to Quickbooks.	1.30 65.00/hr 84.50
9/4/2015	MRF	Loan Servicing Received 7(a) borrower loan payments for September, deposited checks and made the accompanying entries to Quickbooks.	1.10 65.00/hr 71.50
9/9/2015	MRF	Loan Servicing Received 7(a) borrower payments for September, deposited checks, and made the accompanying accounting entries to Quickbooks.	1.50 65.00/hr 97.50
9/10/2015	MRF	Loan Servicing Deposited borrower payments received for September and made the accompanying accounting entries to Quickbooks.	1.60 65.00/hr 104.00
9/11/2015	MRF	Loan Servicing Deposited 7(a) borrower payments received for September and made the accompanying accounting entries to Quickbooks.	1.80 65.00/hr 117.00
9/14/2015	MRF	Loan Servicing Deposited borrower payments received for September due date and made the accompanying accounting entries to Quickbooks.	0.60 65.00/hr 39.00
9/15/2015	MRF	Loan Servicing Received borrower payments for August, deposited checks, and made the accompanying accounting entries to Quickbooks.	1.10 65.00/hr 71.50

Thomas Seaman, Receiver for SBC

Page 3

		<u>Hrs/Rate</u>	<u>Amount</u>
9/22/2015	MRF Loan Servicing Deposited late loan payment received.	0.20 65.00/hr	13.00
9/24/2015	MRF Loan Servicing Deposited 7(a) loan payments received and made the accompanying accounting entries to Quickbooks.	1.90 65.00/hr	123.50
9/28/2015	MRF Loan Servicing Received emails from borrowers re missing October payment statements. Ran statements and forwarded re same.	0.20 65.00/hr	13.00
9/29/2015	MRF Loan Servicing Received instructions from Rafael Garcia re notarization of partial lien release for Meyer's Castle loan. Passed info along to Thomas Seaman and explained use of proceeds re same.	0.30 65.00/hr	19.50
	MRF Loan Servicing Deposited 7(a) borrower payments received for October and made the accompanying accounting entries to Quickbooks.	0.60 65.00/hr	39.00
9/1/2015	RVG Loan Servicing Received followed up phone call/email from Dr. Hyo Kim (Borrower) re:8098 Professional Bldg's Servicing issues (late charges, Occupancy Verification, Insurance Coverage, Property Taxes, Refinance, etc.	0.40 200.00/hr	80.00
9/3/2015	RVG Loan Servicing Received followed up phone call from legal counsel (C. Hopkin) & discussed re: Auditor's Final Report, Appeal Period Expiration, Disbursement of Foreclosure Funds to Receiver & Deficiency Judgment pursuit of 3 AM LLC's, pursuant to the SBA SOP 50 57.	0.60 200.00/hr	120.00
	RVG Loan Servicing Received followed up phone call from Zohrab Kalaydjian (Borrower) & discussed re: Z&H Happy Hands Car Wash's Reconveyance of Santa Ana/Sherman Oaks Real Property collateral & Release of UCC-3 Lien on personal property collateral; Prepared & printed the Reconveyance Forms for Thomas Seaman's (Receiver) execution re: Same as above.	0.70 200.00/hr	140.00
9/8/2015	RVG Loan Servicing Received & responded to legal counsel's (C. Hopkin) email/Thomas Seaman (Receiver) re: 3 AM LLC's Foreclosure Sale (Escrow) Proceeds' disbursement to Receiver.	0.20 200.00/hr	40.00
9/10/2015	RVG Loan Servicing Received followed up phone call from S. Kim (Escrow)/Z. Kalaydjian (Borrower) re: Reconveyances of Z&H Happy Hands Car Wash's Real Property Collateral (Santa Ana/Sherman Oaks); Prepared, submitted, executed & notarized Thomas Seaman's (Receiver) signature re: Same as above.	0.70 200.00/hr	140.00

Thomas Seaman, Receiver for SBC

Page 4

		<u>Hrs/Rate</u>	<u>Amount</u>
9/11/2015	RVG Loan Servicing Received, reviewed & responded to legal counsel's (C. Hopkin) email re: 3 AM LLC's Court Order Ratifying Auditor's Report of Foreclosure Sale's Proceeds, C. Hopkin's (Legal Counsel) Letter to Lender's Legal Counsel (D. Kelley) & Disbursement Instructions of proceeds to Receiver; Notified & emailed Participant (Avana Capital) re: Same as above.	0.60 200.00/hr	120.00
9/14/2015	RVG Loan Servicing Followed up phone call to Larry/Nancy Bragato (Borrowers) & discussed re: Bragato Paving's reinstatement/amount of Fire/Hazard Insurance Coverage of the real/personal property collateral; Prepared, drafted, summarized & memorialized phone conversation by virtue of a Technical Default Demand Letter re: Same as above.	0.60 200.00/hr	120.00
9/15/2015	RVG Loan Servicing Received, reviewed, analyzed, printed & filed required additional financial information re: John Bichler dba Teddy Bear Hauling.	0.80 200.00/hr	160.00
	RVG Loan Servicing Received followed up phone call from Zorab Kalaydjian (Borrower) re: Z&H Happy Hands Car Wash's Full Reconveyance on both real/personal property (Santa Ana/Sherman Oaks) collateral.	0.20 200.00/hr	40.00
9/16/2015	RVG Loan Servicing Exchanged & responded to legal counsel's (C. Hopkin) several emails copied Thomas Seaman (Receiver)/Kristen Janulewicz (Receiver) re: 3 AM LLC's Foreclosure Sale Proceeds' Disbursement/Remittance to Receiver.	0.20 200.00/hr	40.00
9/17/2015	RVG Loan Servicing Received, discussed & responded to S. Klineman's (County Land Specialist)/S. Urquiza (Borrower) email/phone call re: Meyer's Castle's Partial Release for Consideration of Real Property Collateral by virtue of County's Eminent Domain, distribution/disbursement of proceeds & payment of outstanding costs/expenses.	0.70 200.00/hr	140.00
	RVG Loan Servicing Received followed up phone call from Dr. Ryan Ferchoff (Borrower) & discussed re: Lodge at Sedona's Refinance/Additional New (Working Capital)/improvements) Loan, Waiver of Pre-Payment Penalty & over due Site Visit Inspection of both Real/Personal Property collateral.	0.60 200.00/hr	120.00
9/18/2015	RVG Loan Servicing Received followed up phone call from S. Klineman's (County Land Specialist) & discussed re: Meyer's Castle's County Eminent Domain Action (Partial Release for Consideration of Real Property Collateral), Purchase Offer Agreement (Terms/Conditions), Sale Closing Procedures & Execution of Partial Reconveyance.	0.50 200.00/hr	100.00
	RVG Loan Servicing Received, responded & discussed followed up phone call/email from Dr. Ryan Ferchoff (Borrower) re: Lodge at Sedona's Refinance/Loan	0.40 200.00/hr	80.00

Thomas Seaman, Receiver for SBC

Page 5

		<u>Hrs/Rate</u>	<u>Amount</u>
	Payoff, Waiver of Pre-Payment Penalty & Scheduled Site Visits Inspection.		
9/21/2015	RVG Loan Servicing Received, responded & discussed to/with Abraham Yak's (Banker) email/phone call re: Lodge at Sedona's new construction loan (improvements)/refinance of existing SBC loan; Forwarded A. Pak's email to Dr. R. Ferchoff (Borrower) & summarized re: Lodge at Sedona's required loan (construction/refinance) request for documents/information on Lodge at Sedona.	0.70 200.00/hr	140.00
	RVG Loan Servicing Received followed up phone call from S. Urquiza (Borrower) & explained/discussed re: Meyer's Castle's County Eminent Domain Action (Partial Release for Consideration of Real Property Collateral), Purchase Offer Agreement (Terms/Conditions), Sale Closing Disbursement Instruction Procedures & Execution of Partial Reconveyance; Followed up phone call from S. Klineman (County Land Specialist) & discussed/summarized re: Meyer's Castle's Partial Release for Consideration of Real Property Collateral/Disbursement Instruction procedures, pursuant to the SBA SOP 50 57.	1.10 200.00/hr	220.00
9/22/2015	RVG Loan Servicing Received, reviewed, responded, discussed & memorialized S. Klineman's (Land Services Specialist) followed up email/phone call re: Meyer's Castle's Eminent Domain's (Terms/Conditions) claim procedures, Execution of Warranty Deed & Disbursement Instruction of Funds; Received followed up phone call from S. Urquiza (Borrower) re: Same as above.	1.40 200.00/hr	280.00
9/23/2015	RVG Loan Servicing Received, reviewed, analyzed, responded & discussed with Naren Bhakta (Borrower) re: DN/Miramar Hotel's additional required financial information & construction of Solar Energy Panels.	1.20 200.00/hr	240.00
9/24/2015	RVG Loan Servicing Prepared, drafted, & finalized SBA #327 Action (Interoffice Memorandum) Summarization/Justification for Thomas Seaman's (Receiver) execution/notarized re: Meyer's Castle's Real Property (Partial Release of Mortgage) collateral & Disbursement Instruction of Sale's Proceeds (both by virtue of Eminent Domain Action.	0.70 200.00/hr	140.00
9/25/2015	RVG Loan Servicing Modified, completed & finalized the SBA #327 Action (Interoffice Memorandum) Summarization/Justification for Thomas Seaman's (Receiver) execution/notarized re: Meyer's Castle's Real Property (Partial Release of Mortgage) collateral & Disbursement Instruction of Sale's Proceeds both by virtue of an Eminent Domain Action.	0.90 200.00/hr	180.00
9/28/2015	RVG Loan Servicing Modified, completed & finalized for Thomas Seaman's (Receiver) execution/notarized re: Meyer's Castle's Real Property (Partial Release of Mortgage) collateral, pursuant to the Town of Dyer's	0.80 200.00/hr	160.00

Thomas Seaman, Receiver for SBC

Page 6

		<u>Hrs/Rate</u>	<u>Amount</u>
	Eminent Domain Action and the SBA SOP 50 57..		
9/29/2015	RVG Loan Servicing Received followed up phone call from S. Klineman (Land Specialist)/S. Urquiza (Borrower) & discussed re: Receipt of Thomas Seaman's (Receiver) executed/notarized Real Property (Partial Release of Mortgage) Recordable Instrument to the Town of Dyer's Eminent Domain Action & Disbursement Instructions of Proceeds.	0.40 200.00/hr	80.00
9/30/2015	RVG Loan Servicing Received, responded & discussed followed up phone call/email from Dr. Ryan Ferchoff (Borrower) re: Lodge at Sedona's Refinance/Construction Loan Application status with various Banks & payoff of existing 7(a) loan.	0.50 200.00/hr	100.00
9/3/2015	TAS Loan Servicing Confer with Rafael re 3-Am auditors and Maryland court approval re same, proceeds expected next week.	0.20 375.00/hr	75.00
9/4/2015	TAS Loan Servicing Review reconveyance document, go to notary	0.40 375.00/hr	150.00
	TAS Loan Servicing Confer with Rafael re possible pay-offs	0.30 375.00/hr	112.50
9/8/2015	TAS Loan Servicing Follow-up on auditor's report, receive proceeds, direct re collection expense reimbursement	0.30 375.00/hr	112.50
9/3/2015	TM Loan Servicing Reviewed upcoming insurance expirations.	0.10 175.00/hr	17.50
9/4/2015	TM Loan Servicing Review of upcoming expirations. Email to agent for liability insurance for Bob's Iron.	0.20 175.00/hr	35.00
9/8/2015	TM Loan Servicing Review of insurance expiration coming up for Pham. Email to insurance agent for renewed certs.	0.10 175.00/hr	17.50
9/9/2015	TM Loan Servicing Review of upcoming insurance policy of borrower (DN Motel). Email to agency seeking renewed certs of insurance.	0.20 175.00/hr	35.00
9/10/2015	TM Loan Servicing Discussed insurance requirements of Bragato with Rafael. Made copies of previous certs for him. Cancellation notice re Bragato, notified Rafael re same. Email to insurance agent re cancellation notice, call and LM with same. Email from agent with reply that insurance in force. Email to Rafael re same.	0.40 175.00/hr	70.00

Thomas Seaman, Receiver for SBC

Page 7

		<u>Hrs/Rate</u>	<u>Amount</u>
9/11/2015	TM Loan Servicing Emails from agents re certs. Reviewed those sent to me and replied re need for renewed certs for Pham. Reviewed the difference between those sent and previous, edits to spreadsheet.	0.30 175.00/hr	52.50
9/15/2015	TM Loan Servicing Follow-up email to agent for DN Motels re insurance.	0.10 175.00/hr	17.50
	TM Loan Servicing Re-sent request for Prop Evidence to agent for Pham.	0.10 175.00/hr	17.50
9/22/2015	TM Loan Servicing Received insurance notices re DN Motel. Update to tracking spreadsheet.	0.10 175.00/hr	17.50
SUBTOTAL:		[53.00	7,621.50]
For professional services rendered		53.00	\$7,621.50
Balance due			<u>\$7,621.50</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 501 West Broadway, 15th Floor, San Diego, California 92101-3541.

On November 4, 2015, I served on interested parties in said action the within:

➤ **RECEIVER'S ADMINISTRATIVE MOTION FOR PAYMENT OF LOAN SERVICING COSTS FOR SEPTEMBER 2015**

BY U.S. MAIL: by placing a true copy thereof in sealed envelope(s), addressed as indicated below. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service in San Diego County on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Mark Feathers
1520 Grant Road
Los Altos, California 94024

Pro Se Defendant
Tel: (650) 776-2496
Fax: (650) 961-2382
Email: markfeathers@sbcglobal.net

BY OVERNIGHT DELIVERY: by placing a true copy thereof in sealed envelope(s), addressed as indicated below. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited in a box or other facility regularly maintained by express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in sealed envelopes or packages designated by the express service carrier, with fees for overnight delivery paid or provided for.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 4, 2015, at San Diego, California.

Ted Fates

(Type or print name)

/s/ Ted Fates

(Signature)