

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 Attorneys for Receiver  
7 THOMAS A. SEAMAN

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

11 SECURITIES AND EXCHANGE  
12 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 OCTOBER 2015**

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

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# **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

December 08, 2015

Invoice #11173

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>Loan Servicing</u>			
10/1/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	2.30 135.00/hr	310.50
10/2/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	2.30 135.00/hr	310.50
10/5/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.80 135.00/hr	243.00
10/6/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.20 135.00/hr	162.00
10/7/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.10 135.00/hr	148.50
10/8/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports. Discussion with Rafael about Ganlon payoff/10 day notice sent to Colson.	1.60 135.00/hr	216.00
10/9/2015	KJ Loan Servicing Posted loan payments, updated 1502 & other loan participant reports. Wired CBB the remaining Oct payments, entered into Quickbooks.	2.60 135.00/hr	351.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/12/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	1.20 135.00/hr 162.00
10/13/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.60 135.00/hr 81.00
10/14/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.60 135.00/hr 81.00
10/15/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports. Updated loan tape and sent to Pete, ran and mailed out statements.	2.30 135.00/hr 310.50
10/19/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.90 135.00/hr 121.50
10/23/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.70 135.00/hr 94.50
10/27/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports.	0.70 135.00/hr 94.50
10/28/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports. Created ACH template and scheduled monthly payments for Amy Lin, researched Colson discrepancy report.	2.60 135.00/hr 351.00
10/29/2015	KJ	Loan Servicing Posted loan payments, updated 1502 & other loan participant reports. Had discussion with bidder regarding the trust accounting in ABS and the loan participation agreements.	1.60 135.00/hr 216.00
10/30/2015	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 Oct 2015 in ABS, reconciled 1502 report to ABS, ran monthly reports, ran and cleared out check registers.	2.80 135.00/hr 378.00
10/8/2015	MRF	Loan Servicing Deposited borrower loan payment checks received.	0.20 70.00/hr 14.00
10/9/2015	MRF	Loan Servicing Deposited borrower loan payments received for October and update the tracking report.	0.40 70.00/hr 28.00
10/10/2015	MRF	Loan Servicing Deposited borrower payment received for October and made the accompanying accounting entries to Quickbooks.	1.80 70.00/hr 126.00
10/12/2015	MRF	Loan Servicing Deposited borrower payments received and updated the monthly tracking re same.	0.40 70.00/hr 28.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/15/2015	MRF Loan Servicing Deposited borrower payments received for October and made the accompanying accounting entries to Quickbooks.	0.60 70.00/hr	42.00
	MRF Loan Servicing Called borrowers and sent follow-up emails re missing September loan payments. Requested payment status and expected arrival.	0.60 70.00/hr	42.00
10/16/2015	MRF Loan Servicing Deposited borrower payments received for October and made the accompanying accounting entries to Quickbooks.	1.80 70.00/hr	126.00
	MRF Loan Servicing Followed up past due borrowers re payment statuses.	0.30 70.00/hr	21.00
10/19/2015	MRF Loan Servicing Deposited borrower payments received, updated tracking, and made the accompanying accounting entries in Quickbooks.	1.60 70.00/hr	112.00
10/27/2015	MRF Loan Servicing Deposited checks received for November borrower payments, updated tracking, and call with Cafe Taboo re late payment receipt.	0.60 70.00/hr	42.00
10/1/2015	RVG Loan Servicing Followed up email to Thomas Seaman (Receiver) re: Execution of the Partial Release of Mortgage on Meyer's Castle; Received followed up phone call from S. Klineman (Land Specialist/Dyer) & discussed re: Clarification of Disbursement Instructions, Recordation of Partial Release of Mortgage & Wiring Instructions; Prepared, finalized & sent SBA #327 Action (memo to file) to Thomas Seaman (Receiver)/S. Klineman (LP Dyer) re: Final Version of Partial Release of Mortgage & Disbursement of funds.	1.30 200.00/hr	260.00
10/3/2015	RVG Loan Servicing Received, reviewed & acknowledged receipt of additional information/documents as required from Dr. Ryan Ferchoff (Borrower) re: Lodge at Sedona's Refinance/Construction Loan Application with various Banks & payoff of existing 7(a) loan.	0.60 200.00/hr	120.00
10/2/2015	RVG Loan Servicing Received & responded to S. Klineman's (Land Specialist/Dyer) copied Thomas Seaman (Receiver)/K. Janulewicz (Receiver) re: Recipients' Address for Proceeds Remittance.	0.20 200.00/hr	40.00
10/5/2015	RVG Loan Servicing Received telephone conference call from S. Urquiza (Borrower)/S. Klineman (Land Specialist/Dyer) & discussed re: Acknowledgement of Beneficiary Demand Statement, Disbursement Instructions/Application of Proceeds & Partial Release of Mortgage on Meyer's Castle's Real Property Collateral.	0.40 200.00/hr	80.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/6/2015	RVG Loan Servicing Received followed up phone call from S. Park (SBA)/S. Patel (Creditor) re: 3 AM LLC's Remittance of Foreclosure Sale Proceeds & Court Appointed Auditor's Report (Closing Statements); Sent followed up email to K. Janulewicz (Receiver) copied Thomas Seaman (Receiver) re: 3 AM LLC's Foreclosure Sale Proceeds Disbursement Status.	0.60 200.00/hr	120.00
	RVG Loan Servicing Received, responded & discussed followed up phone call from Dr. R. Ferchoff (Borrower) re: Lodge at Sedona's Review/Submission of Construction/Refinance Loan Application to various lenders.	0.40 200.00/hr	80.00
10/8/2015	RVG Loan Servicing Met with K. Janulewicz (Receiver) & discussed re: Z&H Happy Hands Car Wash's COLSON claims of \$1,656.00 for alleging non-compliance of the 10 day payoff notice, pursuant to the SBA Form 1086.	0.40 200.00/hr	80.00
	RVG Loan Servicing Researched, emailed & discussed with J. Youngs (SBA) re: Z&H Happy Hands Car Wash's COLSON claims of \$1,656.00 for alleging non-compliance of the 10 day payoff notice, pursuant to the SBA Form 1086.	1.30 200.00/hr	260.00
10/14/2015	RVG Loan Servicing Spoke & discussed with Dr. R Ferchoff (Borrower) re: Lodge at Sedona's refinance/construction loan of both the real/personal property collateral, pursuant to the SBA SOP 50 57.	0.40 200.00/hr	80.00
	RVG Loan Servicing Received telephone conference from Shwan Lui (Borrower)/E. Abassteh (escrow) & discussed re: VS Investments' refinance/payoff of existing SBA 7(a) loan.	0.60 200.00/hr	120.00
10/15/2015	RVG Loan Servicing Received followed up telephone conference with S. Klineman (Land Specialist)/S. Urquiza (Borrower) & discussed re: Final remittance of Eminent Domain Proceeds/Vesting of Payee (Dual Signatory) per City of Dyer's code.	0.40 200.00/hr	80.00
10/16/2015	RVG Loan Servicing Received & responded to S. Park's (SBA) email copied Thomas Seaman/Kristen Janulewicz (Receivers) re: 3 AM LLC's Foreclosure Sale proceeds remittance..	0.20 200.00/hr	40.00
10/19/2015	RVG Loan Servicing Received, reviewed, analyzed & discussed with L. Luna (Borrower) re: Leticia Luna Revocable Trust dba Line Up's (restaurant) additional required financial information, refinance/payoff of loan & waiver of pre-payment penalty.	0.70 200.00/hr	140.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/21/2015	RVG Loan Servicing Received followed up phone call from S. Park (SBA) & discussed re: Remittance of 3 AM LLC's Foreclosure Sale proceeds to the SBA 85% guaranteed portion;	0.30 200.00/hr	60.00
	RVG Loan Servicing Responded to E. Santos' (Avana) email re: Remittance of 3 AM LLC's Foreclosure Sale proceeds to Avana Capital LLC's 5% un-guaranteed portion;	0.20 200.00/hr	40.00
10/22/2015	RVG Loan Servicing Received, reviewed & responded to K. Janulewicz (Receiver) re: 3 AM LLC's Foreclosure Sale Proceeds Wire Transfer/Disbursement Instructions to Wells Fargo Bank.	0.30 200.00/hr	60.00
10/23/2015	RVG Loan Servicing Received followed up phone call from Dr. Ryan Ferchoff (Borrower) & discussed re: Finalizing/completing Lodge at Sedona's loan payoff/construction loan application process.	0.40 200.00/hr	80.00
	RVG Loan Servicing Received followed up phone call from L. Bernhardt (Avana) & discussed re: 3 AM LLC's Disbursement of Foreclosure Sale proceeds; Notified via email Steve Park (SBA) re: Same as above.	0.60 200.00/hr	120.00
10/27/2015	RVG Loan Servicing Received followed up phone call from L. Bernhardt (Avana) & discussed re: Remittance of 3 AM LLC's Foreclosure Sale Proceeds to Avana Capital (Participant).	0.20 200.00/hr	40.00
10/28/2015	RVG Loan Servicing Received followed up telephone conference with S. Klineman (Land Specialist)/S. Urquiza (Borrower) & discussed re: Remittance/reimbursement of Myers Castle's Eminent Domain Purchase proceeds (timing) & Payees' Dual Signatory (SBC/Myers Castle).	0.40 200.00/hr	80.00
	RVG Loan Servicing Followed up email/phone call to Dr. Ryan Ferchoff (Borrower) re: Lodge at Sedona's Refinance (payoff)/Construction Loan Application request, Additional Financial information & required (annual/servicing request) Site Visit Inspection of real/personal property collateral, pursuant to the SBA SOP 50 57.	0.60 200.00/hr	120.00
10/29/2015	RVG Loan Servicing Received followed up phone call from E. Abbesteh (Title Ofr)/Shawn Liu (Borrower) & discussed re: VS Investments' Group LLC's Loan Closing/Payoff & Release/Reconveyance of Lien on Real/Personal Property Collateral.	0.40 200.00/hr	80.00
10/30/2015	RVG Loan Servicing Received & responded to Dr. R. Ferchoff's (Borrower) followed up email/phone call re: Lodge at Sedona's Refinance/Loan Payoff.	0.40 200.00/hr	80.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/1/2015	TAS Loan Servicing Confer with Rafael re Meyers Castle partial release and distribution	0.40 375.00/hr	150.00
	TAS Loan Servicing Confer with Rafael re pay-offs	0.20 375.00/hr	75.00
10/21/2015	TAS Loan Servicing Confer with Kristen re distribution of 3-AM sale proceeds and expenses	0.30 375.00/hr	112.50
	TM Loan Servicing Received incorrect insurance certs, reviewed. Compared against previous certs.	0.40 175.00/hr	70.00
10/22/2015	TM Loan Servicing Email to agent for Luna re need for corrected insurance cert as insured amount is incorrect, also wrong form.	0.10 175.00/hr	17.50
<b>SUBTOTAL:</b>		<b>47.90</b>	<b>6,897.50</b>
For professional services rendered		<b>47.90</b>	<b>\$6,897.50</b>
<b>Balance due:</b>			<b>\$6,897.50</b>

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**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 December 16, 2015, I served on interested parties in said action the within:

➤ **RECEIVER'S ADMINISTRATIVE MOTION FOR PAYMENT OF LOAN SERVICING COSTS FOR OCTOBER 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 December 16, 2015, at San Diego, California.

Ted Fates  
\_\_\_\_\_  
(Type or print name)

*/s/ Ted Fates*  
\_\_\_\_\_  
(Signature)