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6 Attorneys for Receiver
7 THOMAS A. SEAMAN

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

11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.

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

17 Defendants.

Case No. CV12-03237-EJD

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF RECEIVER'S MOTION
TO APPROVE SALE OF 7(a) LOAN
PORTFOLIO, SERVICING RIGHTS
AND SBLC LICENSE

Date: April 14, 2016
Time: 9:00 a.m.
Ct rm: 4, 5th Floor
Judge: Hon. Edward J. Davila

19 Thomas A. Seaman ("Receiver"), the Court-appointed permanent receiver for
20 Small Business Capital Corp. ("SB Capital"), Investors Prime Fund, LLC ("IPF"),
21 SBC Portfolio Fund, LLC ("SPF"), and their subsidiaries and affiliates (collectively,
22 "Receivership Entities"), and Allen Matkins Leck Gamble Mallory & Natsis LLP,
23 pursuant to Rule 201 of the Federal Rules of Evidence, request this Court take
24 judicial notice of the below document in support of the Receiver's Motion For
25 Approval of Sale of 7(a) Loan Portfolio, Servicing Rights and SBLC License filed
26 herewith.

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1 **Exhibit 1.** Order Granting Approval of Sale Procedures for Loan Portfolios
2 and 7(a) License; Authorizing Engagement of Voit Real Estate Services LP as
3 Broker, dated May 9, 2014, Docket No. 898 in the matter styled *Securities and*
4 *Exchange Commission v. Small Business Capital Corp., et al.*, Case No. 5:12-cv-
5 03237-EJD.

6
7 Dated: January 27, 2016

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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9 By: /s/ David R. Zaro

DAVID R. ZARO
Attorneys for Receiver
Thomas A. Seaman

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EXHIBIT 1

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE)
COMMISSION,)

Plaintiff,)

v.)

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

Defendants.)

Case No. 5:12-CV-03237-EJD

**ORDER GRANTING APPROVAL OF
SALE PROCEDURES FOR LOAN
PORTFOLIOS AND 7(a) LICENSE;
AUTHORIZING ENGAGEMENT OF
VOIT REAL ESTATE SERVICES LP
AS BROKER**

[Re: Docket Item No. 762]

Presently before the Court is Receiver Thomas A. Seaman’s Motion for (A) Approval of Sales Procedures for Loan Portfolios and 7(a) License and (B) Authority to Engage Voit Real Estate Services LP as Broker. Having fully reviewed the parties’ pleadings and after hearing oral argument, the Court orders as follows:

1. The Motion is GRANTED;
2. The procedures for the sales of the 7(a) Loans and SBLC Lending License, and the 504 Loans and Non-SBA Loans laid out in the Motion and exhibits thereto are approved;
3. The requirements of 28 U.S.C. § 2004 are waived for such sales;
4. The Receiver is authorized to engage Voit Real Estate Services LP (“Voit”) as

broker for the sales on the terms and conditions as specified in the Listing Agreement attached as

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Case No. 5:12-CV-03237-EJD
ORDER GRANTING APPROVAL OF SALE PROCEDURES FOR LOAN PORTFOLIOS AND
7(a) LICENSE; AUTHORIZING ENGAGEMENT OF VOIT REAL ESTATE SERVICES LP AS
BROKER

1 Exhibit A to the Declaration of Thomas Seaman in Support of the Motion, subject to Court
2 approval of the final commission to be paid to Voit.

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IT IS SO ORDERED

Dated: May 9, 2014


EDWARD J. DAVILA
United States District Judge

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SEC

Plaintiff,

v.

SMALL BUSINESS CAPITAL CORP. et al,

Defendant.

Case Number: CV12-03237 EJD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 9, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mark Feathers
1520 Grant Road
Los Altos, CA 94024

Dated: May 9, 2014

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk

PROOF OF SERVICE

Securities and Exchange Commission v. Small Business Capital Corp; Mark Feathers, et al.
USDC, Northern District of California – San Jose Division – Case No. 5:12-cv-03237-EJD

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 515 S. Figueroa Street, 9th Floor, Los Angeles, California 90071-3398.

A true and correct copy of the foregoing document(s) described below will be served in the manner indicated below:

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RECEIVER'S MOTION FOR APPROVAL OF SALE OF 7(a) LOAN PORTFOLIO, SERVICING RIGHTS AND LICENSE

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – the above-described document will be served by the Court via NEF. On **January 27, 2016**, I reviewed the CM/ECF Mailing Info For A Case for this case and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- **Eric James Adams**
eric.adams@sba.gov
- **Kim Anh Bui**
kbui@allenmatkins.com
- **John Brian Bulgozdy**
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- **California Business Bank**
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- **James A. Scharf**
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- **Thomas A. Seaman**
tom@thomasseaman.com
- **David Robert Zaro**
dzaro@allenmatkins.com

2. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):** On **January 27, 2016**, I served the following person(s) and/or entity(ies) in this case by placing a true and correct copy thereof in a 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 is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion for party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 (one) day after date of deposit for mailing in affidavit.

Pro Se Defendant

U.S. First Class Mail

Mark Feathers
1520 Grant Road
Los Altos, CA 94024
650.776.2496 (phone) | 650.961.2382 (fax)
markfeathers@sbcglobal.net

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. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on **January 27, 2016** at Los Angeles, California.

/s/ Martha Díaz

Martha Diaz