

IT IS HEREBY ADJUDGED  
and DECREED this is SO  
ORDERED.

The party obtaining this order is responsible for  
noticing it pursuant to Local Rule 9022-1.



Michael Carmel, Esq. #007356  
**LAW OFFICES OF MICHAEL W. CARMEL, LTD**

80 East Columbus Avenue  
Phoenix, Arizona 85012-2334  
(602) 264-4965

e-mail [michael@mcarmellaw.com](mailto:michael@mcarmellaw.com)  
*Attorney for the Reorganized Debtors*

**Dated: April 22, 2010**

**RANDOLPH J. HAINES**  
U.S. Bankruptcy Judge

Lawrence E. Wilk, #006510  
Jonathan P. Ibsen, #023284  
**JABURG & WILK, P.C.**

3200 North Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
(602) 248-1000

e-mail [lew@jaburgwilk.com](mailto:lew@jaburgwilk.com)  
*Attorneys for the Receiver/  
Special Counsel to the Reorganized Debtors*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF ARIZONA**

In re:  
  
AMERICAN NATIONAL MORTGAGE  
PARTNERS, LLC,  
  
Debtor.

In Proceedings Under  
Chapter 11

Case Nos: 03-03803 PHX RJH  
03-03799 PHX RJH

In re:  
  
ANMP 74<sup>TH</sup> ST., LLC,  
  
Debtor.

**FINDINGS OF FACT AND ORDER  
GRANTING MOTION TO APPROVE  
SETTLEMENT AGREEMENT WITH  
FIRST FIDELITY BANK  
DEFENDANTS**

Hearing Date: \_\_\_\_\_, 2010  
Hearing Time: \_\_\_\_\_ .m.  
Location: Courtroom #603  
230 N. First Avenue  
Phoenix, AZ 85003

The Court having received and reviewed the Motion to Approve Settlement Agreement with First Fidelity Bank Defendants (“Motion to Approve”) filed by James C. Sell (“Sell”), on behalf of American National Mortgage Partners, LLC and the Substantively Consolidated Debtor Entities (collectively, “ANMP”), the Motion to Approve having been properly noticed to all parties and non-parties in interest, [the Court having received no Objections to the Motion to Approve from any such party or non-party], and good cause appearing,

JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

1           **THE COURT HEREBY MAKES THE FOLLOWING FINDINGS OF FACT**  
2 **AND CONCLUSIONS OF LAW:**

3           1.       The Court has authority to make, and hereby makes, these findings of fact  
4 and conclusions of law pursuant to 28 U.S.C. §157 and Fed.R.Bankr.P. 9019.

5           2.       Pursuant to the “Findings of Fact and Conclusions of Law, and Order  
6 Confirming Joint Plan of Reorganization” entered in this consolidated Bankruptcy  
7 Proceeding and dated December 7, 2005, Sell was authorized to pursue certain claims on  
8 behalf of ANMP, as well as claims on behalf of certain persons and entities which who  
9 and that had invested in one or more of the ANMP entities. (All of such persons and  
10 entities are referred to collectively as the “ANMP Investors”).

11           3.       Sell, on behalf of ANMP, exercising his authority as set forth above, and in  
12 his capacity as State Court-appointed Receiver, filed a civil action in Arizona Superior  
13 Court, Maricopa County Superior Court Case Nos. CV2004-003803, CV2004-013037 and  
14 CV2005-003832 (consolidated) (the “State Court Action”) against Western Security Bank,  
15 which has been merged into First Fidelity Bank, National Association, Oklahoma City,  
16 Oklahoma (“First Fidelity Bank”) and James M. Boyce also known as Marshall Boyce  
17 and Cynthia Boyce, husband and wife and others. First Fidelity Bank is the successor by  
18 merger to Western Security Bank under Articles of Merger effective June 22, 2007. First  
19 Fidelity Bank, James M. Boyce, also known as Marshall Boyce, and Cynthia Boyce, are  
20 collectively referred to herein as “First Fidelity Bank Defendants.”

21           4.       Sell and the First Fidelity Bank Defendants have entered into a Settlement  
22 Agreement and Mutual Release, dated as of January \_\_, 2010 (the “FFB Settlement  
23 Agreement”), a copy of which is attached as Exhibit A to the Motion to Approve.

24           5.       The FFB Settlement Agreement resolves all claims held or made by ANMP  
25 and the ANMP Investors against the First Fidelity Bank Defendants and Western Security  
26 Bank in this bankruptcy proceeding and in the State Court Action.

JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

