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13 Attorneys for Receiver Thomas A. Seaman

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 SOUTHERN DIVISION

17 SECURITIES AND EXCHANGE
COMMISSION,

18 Plaintiff,

19 v.

20 MEDICAL CAPITAL HOLDINGS,
21 INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
22 PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
23 FIELD; and JOSEPH J.
LAMPARIELLO,

24 Defendants.
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Case No. 8:09-cv-0818-DOC (RNBx)

**NOTICE OF MOTION AND
MOTION FOR ORDER
(A) APPROVING SALE OF CASTLE
HILL PROPERTY FREE AND
CLEAR OF LIENS,
(B) AUTHORIZING THE RECEIVER
THE PAY CERTAIN LIENS AND
CLAIMS FROM THE SALE
PROCEEDS, AND (C) APPROVING
THE REAL ESTATE BROKER'S
COMMISSION**

Date: October 26, 2009
Time: 8:30 a.m.
Ctrm: 9D
Judge: Hon. David O. Carter

1 **TO ALL INTERESTED PARTIES:**

2 PLEASE TAKE NOTICE that on October 26, 2009, at 8:30 a.m., in
3 Courtroom 9D of the above-entitled Court located at 411 West Fourth Street,
4 Santa Ana, California 92701, a hearing will be held on the motion of Thomas A.
5 Seaman ("Receiver"), Court-appointed permanent receiver for Medical Capital
6 Holdings, Inc., Medical Capital Corporation, and Medical Provider Funding
7 Corporation VI, and their subsidiaries and affiliates, for an Order (a) Approving Sale
8 of the Castle Hill Property Free and Clear of Liens, (b) Authorizing the Receiver to
9 Pay Certain Liens and Claims from the Sale Proceeds, and (c) Approving the Real
10 Estate Broker's Commission ("Motion").

11 The Motion is based on the Memorandum of Points and Authorities and
12 Declaration of Thomas A. Seaman filed herewith. The Motion and supporting
13 papers are available at the Receiver's website,
14 <http://www.medicalcapitalreceivership.com>, or may be reviewed at the Clerk's
15 Office during normal business hours at 411 West Fourth Street, Santa Ana,
16 California 92701.

17 **Procedural Requirements:** If you oppose this Motion, you are required to
18 file your written opposition with the Office of the Clerk, United States District
19 Court, 411 West Fourth Street, Santa Ana, California 92701, and serve the same on
20 the undersigned not later than fourteen (14) calendar days prior to the hearing.

21 IF YOU FAIL TO FILE AND SERVE A WRITTEN OPPOSITION by the
22 above date, the Court may grant the requested relief without further notice.

23 **Requested Relief:** The relief requested is discussed in detail in the
24 Memorandum of Points and Authorities. To summarize, the Receiver requests an
25 order approving a sale of the property located at 3575 North Moorpark Road,
26 Thousand Oaks, California, known as the Castle Hill Retirement Village (the
27 "Property"). The purchase price is \$14,400,000, but the sale is subject to overbids
28 by potential purchasers that qualify themselves as bidders pursuant to the overbid

1 procedures discussed in the concurrently filed Ex Parte Application for Order (a)
2 Authorizing Receiver to Sell Castle Hill Property, (b) Approving Overbid
3 Procedures, and (c) Approving the Notice of Sale Provided by the Receiver ("Ex
4 Parte Application").

5 The Receiver requests that the sale be free and clear of all liens, claims and
6 encumbrances, with such liens, claims and encumbrances attaching to the sale
7 proceeds. Further, the Receiver requests authority to pay from the proceeds of sale
8 the valid liens, taxes and any other claims on the Property, subject to any objections
9 to such liens, taxes or claims by the Receiver. Finally, the Receiver requests
10 authority to pay the real estate broker a commission of 2.5% of the final purchase
11 price.

12 This Motion is made following the conference of counsel pursuant to L.R. 7-3
13 which took place on October 1, 2009.

14 WHEREFORE, the Receiver requests that the Court grant the relief requested
15 herein and such other relief as may be appropriate under the circumstances.

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17 Dated: October 2, 2009

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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By: /s/ Ted Fates

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TED FATES
Attorneys for Receiver
Thomas A. Seaman

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