

A97000001038

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐

PICK-UP

☐

WAIT

☐

MAIL

(Business Entity Name)

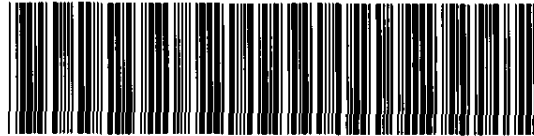
(Document Number)

Certified Copies _____

Certificates of Status _____

Special Instructions to Filing Officer:

Office Use Only



500137598525

RECEIVED

08 NOV - 6 AM 10:48

DEPARTMENT OF REVENUE
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA

FILED

08 NOV - 6 PM 2:45

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

B. KOHR

NOV - 6 2008

EXAMINER



CORPORATION SERVICE COMPANY

ACCOUNT NO. : 072100000032
REFERENCE : 783276 4322384
AUTHORIZATION : *[Signature]*
COST LIMIT : \$ 52.50

FILED
08 NOV -6 PM 2:45
TALLAHASSEE, FLORIDA

ORDER DATE : November 6, 2008

ORDER TIME : 9:30 AM

ORDER NO. : 783276-010

CUSTOMER NO: 4322384

DOMESTIC FILINGS

NAME: MARICOPA INDEX HEDGE FUND,
LTD.

XX ARTICLES OF DISSOLUTION

PLEASE RETURN THE FOLLOWING AS PROOF OF FILING:

 CERTIFIED COPY
XX PLAIN STAMPED COPY
 CERTIFICATE OF GOOD STANDING

CONTACT PERSON: Troy Todd - EXT# 2940

EXAMINER'S INITIALS: _____

**ARTICLES OF DISSOLUTION
FOR
MARICOPA INDEX HEDGE FUND, LTD.**

FILED
08 NOV -6 PM 2:45
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

1. The name of the limited partnership is Maricopa Index Hedge Fund, Ltd.
2. The date of filing of the Certificate of Limited Partnership was May 9, 1997.
3. All debts, obligations and liabilities of the limited partnership have been paid or discharged.
4. All assets have been distributed among all members in accordance with their respective rights and interests.
5. No suits are pending in any court against the limited partnership.
6. The limited partnership's authority to transact business was revoked as of September 26, 2008 by the Department of State of the State of Florida, pursuant to section 620.1906, Florida Statutes.
7. These Articles of Dissolution are filed pursuant to section 608.445, Florida Statutes, and shall be effective at the time of filing with the Florida Department of State.

Signed this 4th day of November, 2008

MARICOPA INDEX HEDGE FUND, LTD.

Maricopa International Investment
Corp., General Partner

BY: _____



Otto G. Obermaier, as Receiver for
Maricopa Index Hedge Fund, Ltd., *et al.*,
pursuant to Consent Orders of the U.S.
District Court for the Southern District
of New York dated February 24, 2000
(attached as Exhibit "A")

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DAVID M. MOBLEY, SR.; MARICOPA INVESTMENT
FUND, LTD.; MARICOPA INDEX HEDGE FUND,
LTD.; MARICOPA FINANCIAL CORPORATION;
ENSIGN TRADING CORPORATION; MARICOPA
INTERNATIONAL INVESTMENT CORP. d/b/a
MARICOPA INVESTMENT CORP.; and IAM INC.,

Defendants,

-and-

MARICOPA ECLIPSE PARTNERS, LTD.;
MARICOPA OVERSEAS LTD.; EPWORTH
FINANCIAL, LTD.; MARICOPA CAPITAL
MANAGEMENT L.C.; MOBLEY TRADING &
INVESTMENT CORP.; and D. MOBLEY
INCORPORATED,

Relief Defendants.

No. 00 Civ. 1316 (RCC)

**ORDER APPOINTING
RECEIVER ON CONSENT**

I.

IT IS HEREBY ORDERED that OTTO G. OBERMIER, ESQ. of the firm of
WEIL GOTSHAL & MANGES LLP is appointed to act as receiver for defendants David M. Mobley, Sr.,
Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial
Corporation, Ensign Trading Corporation, Maricopa International Investment Corp. d/b/a
Maricopa Investment Corp., and IAM Inc. (the "Defendants"), and relief defendants Maricopa

Eclipse Partners, Ltd., Maricopa Overseas Ltd., Epworth Financial, Ltd., Maricopa Capital Management L.C., Mobley Trading & Investment Corp., and D. Mobley Incorporated (the "Relief Defendants"). The receiver is hereby empowered to:

- A. take and retain immediate possession, custody, and control of all assets and property and the books and records of the Defendants and Relief Defendants;**
- B. take all steps he deems necessary to secure and protect the assets and property of the Defendants and Relief Defendants, including but not limited to the premises, files, and information systems of the Defendants and Relief Defendants;**
- C. engage and employ persons, in his discretion, to assist him in carrying out his duties and responsibilities hereunder, including accountants, attorneys, securities traders, investment advisers, and other experts;**
- D. acquire and retain all rights and powers that the Defendants and Relief Defendants have to manage, control, operate, and maintain their businesses (including but not limited to the power to direct, hire, suspend, and terminate personnel), and to possess, receive, or use income, earnings, rents, and profits to commence, maintain, defend, or participate in legal proceedings, to sue for, collect, receive and take into possession all goods, chattels, rights, general intangibles, choses in action, credits, monies, effects, lands, books and records of account, and other papers, including exclusive authority to make expenditures on behalf of the Defendants and Relief Defendants, with a view to preventing loss, damage, and injury to investors, and preserving assets and the records of the Defendants and Relief Defendants.**
- E. Notwithstanding the asset freeze order entered by this Court on February 22,**

2000, the receiver shall have the power to open and close bank accounts and securities accounts; to purchase or sell securities in any such account of the Defendants and Relief Defendants; and to execute checks or otherwise disburse money from those bank or securities accounts of the Defendants and Relief Defendants to pay their obligations in the normal course of business; except, however, that pending further order of the Court, neither the Defendants, the Relief Defendants, nor the receiver shall make any payment, distribution, or redemption to any investor in the Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial Corporation, or Ensign Trading Corporation;

- F. review the records and reports of transactions by the Defendants and Relief Defendants and immediately report to the SEC any transactions that appear not to be in the ordinary course of business;
- G. if appropriate, file for relief and protection under the Federal Bankruptcy Code, on behalf of the Defendants or Relief Defendants, after notice to all parties in this action; and
- H. take such further action as the Court shall deem equitable, just and appropriate under the circumstances upon proper application.

II.

IT IS FURTHER ORDERED that the receiver shall:

- A. report to the Court and the parties within 30 days of the entry of this Order, subject to such extensions as may be granted in writing by the SEC or the Court,

the following information for each of the Defendants and Relief Defendants:

1. The amount of cash on hand; and
2. all monthly income and expenses; and

B. report to the Court and the parties by May 31, 2000, subject to extensions as may be granted in writing by the SEC or the Court, the following information for each of the Defendants and Relief Defendants:

1. all assets, liabilities, money, funds, securities, and real or personal property currently held directly or indirectly by or for the benefit of the Defendants and Relief Defendants and each of their controlled, related, or affiliated entities, including but not limited to bank accounts, brokerage accounts, investments, business interests, and real and personal property, wherever situated, identifying and describing each asset and liability, its current location and amount;
2. all money, assets, funds, securities, and real or personal property received by the Defendants and Relief Defendants at any time from September 1, 1992, to the date of the accounting, describing the source, amount, disposition and current location of each of the items listed;
3. all money, assets, funds, securities, and real or personal property disbursed by any of the Defendants and Relief Defendants at any time from September 1, 1992, to the date of the accounting, describing the source, amount, and date of disbursement of each of the items listed; and
4. the names, last known addresses, and account-identifying information of all financial institutions, bailees, debtors and other persons and entities that are

currently holding any money, assets, funds, securities, real or personal property for the direct or indirect benefit of the Defendants and Relief Defendants.

III.

IT IS FURTHER ORDERED that the receiver shall not be required to post any bond or security, provided however that if the receiver chooses to procure such a bond or security, the Defendants and Relief Defendants shall pay the reasonable costs and expenses thereof.

IV.

IT IS FURTHER ORDERED that the Defendants and Relief Defendants shall pay the reasonable costs, fees, and expenses of the receiver incurred in connection with the performance of his respective duties described herein, including but not limited to the reasonable costs, fees, and expenses of all persons who may be engaged or employed by the receiver to assist him in carrying out his duties and obligations. All applications for costs, fees, and expenses of the receiver and those employed by him shall be made by application to the Court, setting forth in reasonable detail the nature of such costs, fees, and expenses. At least ten days before making such an application to the Court, the receiver shall submit the application to the SEC, which may advise the Court whether it has any objection. Upon approval of any such application by the Court, the receiver may pay himself and those employed by him from the assets of the Defendants and Relief Defendants under his control. Notwithstanding anything to the contrary in this paragraph, the receiver is authorized, upon reasonable notice to the Commission, to pay from the receivership estate to himself and any person engaged or employed by him (including, without limitation, counsel, accountants, investment advisers, and such other consultants as he may

determine to be necessary) a reasonable retainer to secure payment of the costs, fees, and expenses of the receiver or such person engaged or employed by him, such retainer to be held pending approval of such costs, fees, and expenses by the Court.

V.

IT IS FURTHER ORDERED that the receiver and all persons whom he may engage or employ to assist him in carrying out his duties and obligations hereunder shall not be liable for any act or omission of the receiver or such person, or any of their partners, employees, or agents, unless it shall be proven that the receiver or such other person acted in bad faith. This provision shall apply to claims based on conduct during the term of any agreement that may be entered into between the receiver and any other person who may be engaged or employed by the receiver hereunder, even if such claims are filed after the termination of any such agreement.

The Defendants and Relief Defendants shall indemnify, defend, and hold harmless the receiver and his law firm and his or its agents, employees, consultants, successors, and assigns, from and against all actions (pending or threatened and whether at law or in equity in any forum), liabilities, damages, losses, costs, and expenses, including but not limited to reasonable attorneys' and other professionals' fees, arising from conduct or omission of the receiver or his law firm or his or its agents, employees, and consultants under the terms of this Order.

VI

IT IS FURTHER ORDERED that the Defendants and Relief Defendants and their officers, directors, agents, servants, employees, and attorneys-in-fact shall:

- A. transfer forthwith to the receiver all assets of the Defendants and Relief Defendants.

- B. provide to the receiver all information requested relating to the past and present operations, activities and condition of the Defendants and Relief Defendants and shall take no action, directly or indirectly, to hinder, obstruct, delay, or otherwise interfere in any manner with the actions of the receiver or any other person engaged or employed by the receiver to assist him in carrying out his duties and obligations herein; and
- C. provide to the receiver forthwith access to and the location of any and all documents and computer files and databases in their possession, custody, or control relating to the assets of the Defendants or the Relief Defendants or to the allegations of the Complaint, including but not limited to documents relating to the business operations of the Defendants or the Relief Defendants, the offer or sale of securities, and the use of investor funds.

VII.

IT IS FURTHER ORDERED that:

- A. the Defendants, Relief Defendants, their creditors, officers, agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile service, or otherwise, are restrained and enjoined from filing a voluntary or involuntary petition in bankruptcy or any proceeding seeking liquidation on behalf of or against any of the Defendants or relief Defendants, without first seeking leave from this Court, with at least twenty-four (24) hours notice to the SEC. Leave shall be granted only after a hearing before this Court and upon such conditions as

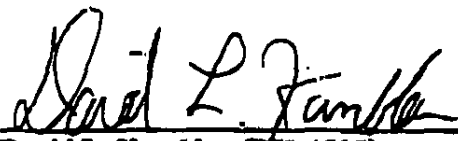
necessary to protect this Court's jurisdiction over the subject matter of this action;
and

- B. no creditor of or claimant against any of the Defendants or Relief Defendants, or any person acting on behalf of such creditor or claimant, shall take any action to interfere with the taking control, possession, or management of the assets transferred to the receiver under this Order, nor interfere in any way with the exclusive jurisdiction of this Court over the receivership estate.

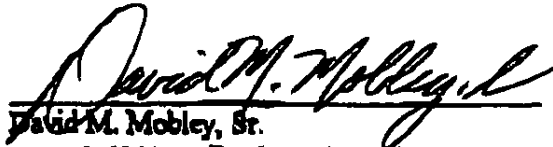
SO ORDERED:


UNITED STATES DISTRICT JUDGE

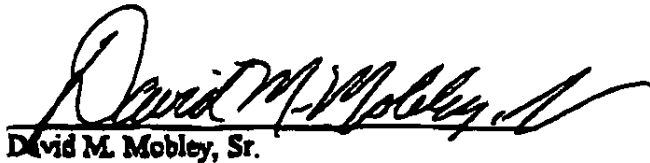
CONSENTED TO ON FEBRUARY 24 2000:


David L. Kornblau (DK-4518)
Assistant Chief Litigation Counsel
Securities and Exchange Commission
450 Fifth Street, N.W.
Washington, D.C. 20549-0808
Telephone (202) 942-4818
Fax (202) 942-9581
Attorney for Plaintiff

CONSENTED TO ON FEBRUARY 23, 2000



David M. Mobley, Sr.
3951 Gulf Shore Boulevard North
Suite #203
Naples, Florida 34103-3636
Telephone (941) 430-9120
Fax (941) 430-3960
Defendant Pro Se



David M. Mobley, Sr.
Principal with signing authority for each of the
following Defendants and Relief Defendants:

MARICOPA INVESTMENT FUND, LTD.
MARICOPA INDEX HEDGE FUND, LTD.
MARICOPA FINANCIAL CORPORATION
ENSIGN TRADING CORPORATION
MARICOPA INTERNATIONAL INVESTMENT
CORP. d/b/a MARICOPA INVESTMENT
CORP.
IAM INC.
MARICOPA ECLIPSE PARTNERS, LTD.
MARICOPA OVERSEAS LTD.
EPWORTH FINANCIAL, LTD.
MARICOPA CAPITAL MANAGEMENT L.C.
MOBLEY TRADING & INVESTMENT CORP.
D. MOBLEY INCORPORATED

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

(A56-2)

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DAVID M. MOBLEY, SR.; MARICOPA INVESTMENT FUND,
LTD.; MARICOPA INDEX HEDGE FUND, LTD; MARICOPA
FINANCIAL CORPORATION; ENSIGN TRADING
CORPORATION; MARICOPA INTERNATIONAL
INVESTMENT CORP. d/b/a MARICOPA INVESTMENT CORP.;
and IAM INC.,

Defendants,

and

MARICOPA ECLIPSE PARTNERS, LTD.; MARICOPA
OVERSEAS LTD.; EPWORTH FINANCIAL, LTD.; MARICOPA
CAPITAL MANAGEMENT L.C.; MOBLEY TRADING &
INVESTMENT CORP.; and D. MOBLEY INCORPORATED,

Relief Defendants.

No. 00 Civ. 1316 (RCC)

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

DAVID M. MOBLEY, SR.; MARICOPA INVESTMENT FUND,
LTD.; MARICOPA INDEX HEDGE FUND, LTD; MARICOPA
FINANCIAL CORPORATION; ENSIGN TRADING
CORPORATION; MARICOPA INTERNATIONAL
INVESTMENT CORP. d/b/a MARICOPA INVESTMENT CORP.;
and IAM INC.,

Defendants,

and

MARICOPA ECLIPSE PARTNERS, LTD.; MARICOPA
OVERSEAS LTD.; EPWORTH FINANCIAL, LTD.; MARICOPA
CAPITAL MANAGEMENT L.C.; MOBLEY TRADING &
INVESTMENT CORP.; and D. MOBLEY INCORPORATED,

Relief Defendants.

No. 00 Civ. 1317 (RCC)

AMENDED ORDER APPOINTING RECEIVER UPON CONSENT

I. GENERAL POWERS

IT IS HEREBY ORDERED that OTTO G. OBERMAIER, ESQ. of the firm of Weil, Gotshal & Manges LLP is appointed to act as receiver (the "Receiver"), with the full power of an equity receiver,¹ for defendants David M. Mobley, Sr., Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial Corporation, Ensign Trading Corporation, Maricopa International Investment Corp. d/b/a Maricopa Investment Corp., and IAM Inc. ("Defendants"), and relief defendants Maricopa Eclipse Partners, Ltd., Maricopa Overseas Ltd., Epworth Financial, Ltd., Maricopa Capital Management L.C., Mobley Trading & Investment Corp., and D. Mobley Incorporated (the "Relief Defendants"). The Receiver is hereby empowered to:

A. take and retain immediate possession, custody, and control, of all assets and property (including, without limitation, any real, personal, tangible, or intangible property) in which any Defendant or Relief Defendant holds a direct or indirect interest, which power includes the power to sell, transfer, or otherwise dispose of any such asset or property (including, without limitation, any real, personal, tangible, intangible property and the real and personal property described on Schedule 1 attached hereto and made a part hereof) and, as the attorney in fact, to execute and deliver all necessary documents on behalf of any Defendant or Relief Defendant (including, without limitation, all contracts of purchase and sale, deeds, affidavits, title transfers and license

¹ This Order amends the orders entered by this Court on March 3, 2000 in the above-referenced cases. Compliance with the prior Orders excuses repeat compliance with this Order as to the same exact obligations.

transfers) in connection with the sale, transfer, or other disposal of such assets and property;

B. take and retain immediate possession, custody, and control of the books and records of the Defendants and the Relief Defendants, demand inspection and turnover of the books and records of any entity in which any of the Defendants or Relief Defendants has a direct or indirect interest, and take all steps the Receiver deems necessary to secure and protect the assets and property of the Defendants and Relief Defendants, including but not limited to the premises, files, and information systems of the Defendants and Relief Defendants;

C. engage and employ persons, in his discretion, to assist him, in carrying out his duties and responsibilities hereunder, including accountants, attorneys, securities traders, investment advisers, and other experts;

D. acquire and retain all rights, powers, and privileges that the Defendants and Relief Defendants have to manage, control, operate, and maintain their businesses (including but not limited to the power to direct, hire, suspend, and terminate personnel), and to possess, receive, or use income, earnings, rents, and profits to commence, maintain, defend, or participate in legal proceedings to sue for, collect, receive and take into possession of, all goods, chattels, rights, general intangibles, choses in action, credits, monies, effects, lands, books and records of account, and other papers, including exclusive authority to make expenditures on behalf of the Defendants and Relief Defendants, with a view to preventing loss, damage, and injury to investors, and preserving assets and the records of the Defendants and Relief Defendants;

E. bring any claim or cause of action on behalf of any of the Defendants or the Relief Defendants, or by and through any interest that any of the Defendants or the

Relief Defendants may have. The Receiver may also institute, prosecute and defend, compromise, adjust, intervene in, or become party to such actions or proceedings in state or federal court as may in the Receiver's opinion, be necessary or appropriate for the collection, marshaling, protection, maintenance, and preservation of the assets of any of the Defendants or the Relief Defendants or the recovery of assets transferred by any of the Defendants or the Relief Defendants. The Receiver may also do so in order to carry out of the terms of this Order (including, without limitation, any action asserting claims under applicable fraudulent transfer or partnership laws). Likewise, the Receiver has the power to defend, compromise or adjust or otherwise dispose of any or all suits, actions, or proceedings instituted against the Receiver or against any of the Defendants or the Relief Defendants. The Receiver may also appear in, and conduct the defense of, any suit or to adjust or compromise any actions or proceedings now pending in any court by or against Defendants or Relief Defendants where such prosecution, defense, or other disposition of any such action or proceeding will, in the judgment of the Receiver, be advisable or proper for the protection of the, assets, properties or interests of any of the Defendants or the Relief Defendants, and seek any and all legal or equitable remedies permitted by law (including, without limitation, any legal or equitable remedy afforded an equity receiver under applicable state or federal law).

F. review the records and reports of transactions by the Defendants and Relief Defendants and immediately report to the Securities Exchange Commission ("SEC") and the Commodity Futures Trading Commission ("CFTC") any transactions that appear not to be in the ordinary course of business;

G. notwithstanding the asset freeze order entered by this Court on February 22, 2000, open and close bank accounts and securities accounts, purchase or sell securities in any such account of any of the Defendants or the Relief Defendants, and execute checks or otherwise disburse money from any bank or securities accounts of any of the Defendants or the Relief Defendants to pay the obligations of such Defendant or Relief Defendant in the normal course of business, enter into such other agreements in connection with the administration, care, preservation and maintenance of the properties or assets of any of the Defendants or the Relief Defendants as the Receiver may deem advisable; except, however, that pending further order of the Court, neither the Defendants, the Relief Defendants, nor the Receiver shall make any payment, distribution, or redemption to any investor or partnership interest holder in the Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial Corporation, or Ensign Trading Corporation;

H. have all the powers of the directors, officers and managers of the Defendants and the Relief Defendants, whose powers and authority are hereby suspended (except as may be necessary for the maintenance and winding up of any offshore entities);

I. if appropriate, after 24 hours notice to the SEC and CFTC, file for relief and protection under the Federal Bankruptcy Code, on behalf of any or all of the Defendants, Relief Defendants; or any entity controlled by any of the Defendants or the Relief Defendants; and

J. take such further action as the Court shall deem equitable, just and appropriate under the circumstances upon proper application.

IT IS FURTHER ORDERED that the Receiver serves herein as an officer of this Court solely in a representative capacity and is not personally liable for any actions taken in good faith

and in conformity with the duties and responsibilities set forth herein or pursuant to any statute, rule, regulation, or other legal authority.

II. REPORTING

IT IS FURTHER ORDERED that the Receiver shall report to the Court and the parties by May 31, 2000, subject to extensions as may be granted in writing by the SEC and the CFTC, or the Court, the following information for each of the Defendants and Relief Defendants (based upon the information provided and reviewed by the Receiver up and until said date):

A. all assets, liabilities, money, funds, securities, and real or personal property currently held directly or indirectly by or for the benefit of the Defendants and Relief Defendants and each of their controlled, related, or affiliated entities, including but not limited to bank accounts, brokerage accounts, investments, business interests, and real and personal property, wherever situated, identifying and describing each asset and liability, its current location and amount;

B. all money, assets, funds, securities, and real or personal property received by the Defendants and Relief Defendants at any time from September 1, 1992, to the date of the accounting, describing the source, amount, disposition and current location of each of the items listed;

C. all money, assets, funds, securities, and real or personal property disbursed by any of the Defendants and Relief Defendants at any time from September 1, 1992, to the date of the accounting, describing the source, amount, and date of disbursement of each of the items listed;

D. the names, last known addresses, and account-identifying information of all financial institutions, bailees, debtors and other persons and entities that are currently holding

any money, assets, funds, securities, real or personal property for the direct or indirect benefit of any of the Defendants and Relief Defendants; and

E. the Receiver shall provide similar additional reports every three 3 months from and after May 31, 2000, subject to any extensions from the SEC and the CFTC, or the Court.

III. BONDING

IT IS FURTHER ORDERED that the Receiver shall not be required to post any bond or security, provided however that if the Receiver chooses to procure such a bond or security, the Defendants and Relief Defendants shall pay the reasonable costs and expenses thereof.

IV. FEES AND COSTS INCURRED

IT IS FURTHER ORDERED that the Defendants and Relief Defendants shall pay the reasonable costs, fees, and expenses of the Receiver incurred in connection with the performance of his respective duties described herein, including but not limited to the reasonable costs, fees, and expenses of all persons who may be engaged or employed by the Receiver to assist him in carrying out his duties and obligations. All applications for costs, fees, and expenses of the Receiver and those employed by him shall be made by application to the Court, setting forth in reasonable detail the nature of such costs, fees, and expenses. At least ten days before making such an application to the Court, the Receiver shall submit the application to the SEC, and the CFTC, which may advise the Court whether it has any objection. Upon approval of any such application by the Court, the Receiver may pay himself and those employed by him from the assets of the Defendants and Relief Defendants under his control. Notwithstanding anything to the contrary in this paragraph, the Receiver is authorized, upon reasonable notice to the SEC and

CFTC, to pay from the receivership estate to himself and any person engaged or employed by him (including, without limitation, counsel, accountants, investment advisers, and such other consultants as he may determine to be necessary) a reasonable retainer to secure payment of the costs, fees, and expenses of the Receiver or such person engaged or employed by him, such retainer to be held pending approval of such costs, fees, and expenses by the Court.

V. INDEMNIFICATION

IT IS FURTHER ORDERED that the Receiver and all persons whom he may engage or employ to assist him in carrying out his duties and obligations hereunder shall not be liable for any act or omission of the Receiver or such person, or any of their partners, employees, or agents, unless it shall be proven that the Receiver or such other person acted in bad faith. This provision shall apply to claims based on conduct during the term of any agreement that may be entered into between the Receiver and any other person who may be engaged or employed by the Receiver hereunder, even if such claims are filed after the termination of any such agreement.

The Defendants and Relief Defendants shall indemnify, defend, and hold harmless the Receiver and his law firm and his or its agents, employees, consultants, successors, and assigns, from and against all actions (pending or threatened and whether at law or in equity in any forum), liabilities, damages, losses, costs and expenses, including but not limited to reasonable attorneys' and other professionals' fees, arising from conduct or omission of the Receiver or his law firm or his or its agents, employees, and consultants under the terms of this Order.

VI. COOPERATION

IT IS FURTHER ORDERED that the Defendants, Relief Defendants, and any entities that they control, in addition to their officers, directors, agents, servants, employees, and attorneys-in-fact and attorneys-at-law, shall:

A. transfer forthwith to the Receiver all funds, assets, and property, owned beneficially or otherwise, of the Defendants and Relief Defendants.

B. provide to the Receiver all information requested relating to the past and present operations, activities and condition (financial, legal, or otherwise) of the Defendants and Relief Defendants and shall take no action, directly or indirectly, to hinder, obstruct, delay, or otherwise interfere in any manner with the actions of the Receiver or any other person engaged or employed by the Receiver to assist him in carrying out his duties and obligations herein;

C. provide to the Receiver forthwith access to, and the location of, any and all documents, books and records of accounts, financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents and other papers of the Defendants and Relief Defendants; and computer files and databases in their possession, custody, or control relating to the assets of the Defendants or the Relief Defendants or to the allegations of the Complaints by the above named Plaintiffs, as may be amended, including, but not limited to, documents relating to the business operations of the Defendants or the Relief Defendants, the offer or sale of securities, and any use of investor funds;

D. provide the Receiver with all keys, combinations to locks, passwords, identification numbers, and entry codes required to open or gain access to any property, computer files, and all money or other assets deposited in or held by any financial institution to the credit of any of the Defendants or Relief Defendants, wherever situated; and

E. provide the Receiver with all passwords or codes required to access any hardware, software, or electronic files on any media relating to any of the Defendants or the Relief Defendants.

VII. INJUNCTION AND STAY

IT IS FURTHER ORDERED that:

A. The Defendants, Relief Defendants, their creditors, officers, agents, servants, employees, attorneys-in-fact, and those persons acting in concert or participation with them who receive actual notice of this Order by personal service, facsimile service, regular mail, or otherwise ("Noticed Entities and Individuals"), are restrained and enjoined from filing a voluntary or involuntary petition in bankruptcy or any proceeding seeking liquidation on behalf of, or against any of, the Defendants or Relief Defendants, without first seeking leave from this Court, with at least 24 hours notice to the Receiver, the SEC, and the CFTC. Leave shall be granted only after a hearing before this Court and upon such conditions as necessary to protect this Court's jurisdiction over the subject matter of this action;

B. Noticed Entities and Individuals, unless authorized by the Court, are hereby restrained and enjoined from destroying, erasing, mutilating, concealing, altering, transferring to any entity other than the Receiver or his attorneys or agents, or otherwise disposing of in any manner, directly or indirectly, any documents relating to 1. allegations in either of the Complaints in the actions brought by the above named Plaintiffs, 2. the business affairs of any of the Defendants or Relief Defendants, or 3. the assets of any of the Defendants or Relief Defendants (including, without limitation, any assets transferred by any of the Defendants or the Relief Defendants). These documents include but are not limited to: books and records; audio or video tape recordings; computer tapes, discs or other computerized records (including e-mail in

any form); accounting data; personal and business checks (fronts and backs); correspondence; forms; advertisements; brochures; manuals; banking records; customer lists; customer files; invoices; telephone records; ledgers; payroll records; scripts; postal receipts; appointment books; state or federal income tax returns; or other documents of any kind in their possession, custody, or control;

C. Noticed Entities and Individuals, unless directed otherwise by the Receiver, shall notify counsel for the Receiver of the receipt of any funds at all related to any of the Defendants or Relief Defendants subsequent to February 22, 2000 and shall identify each such receipt by the name, address, telephone number of the payer and the amount of funds received; and

D. Absent leave of the Court upon notice to the Receiver, the SEC, and the CFTC, all investors of the Defendants or Relief Defendants and said investors' creditors, and all other persons acting on behalf of any such investor, investor's creditor or other person, including sheriffs, marshals, other officers, deputies, servants, agents, employees, and attorneys, are stayed from:

1. using self-help or executing or issuing or causing the execution or issuance of any court attachment, subpoena, replevin, garnishment, execution or other process for the purpose of impounding or taking possession of or interfering with, or creating or enforcing a lien upon, setting off against, any property or assets owned by, or in the possession of, any of the Defendants or the Relief Defendants or the Receiver, wheresoever situated;

2. attempting to modify, cancel, terminate, call, extinguish, revoke, or accelerate the due date, of any lease, loan, mortgage, indebtedness, security agreement or other agreement with any of the Defendants or the Relief Defendants;
3. doing any act or thing whatsoever to interfere with the Receiver taking control or possession of, or managing the property and assets owned, controlled or in the possession of any of the Defendants or the Relief Defendants, or in any way interfering with or harassing the Receiver, or interfering in any manner with the exclusive jurisdiction of this Court over the receivership estate.

VIII. ASSET FREEZE

IT IS FURTHER ORDERED that the Defendants, Relief Defendants, and their officers, agents, servants, employees, and attorneys, and all other persons or entities directly or indirectly under their control or under common control with them, and all other persons or other entities acting in concert or participation with them, who receive actual notice of this Order by personal service or otherwise, unless agreed to by the Receiver, the SEC, and the CFTC, or until further order of this Court, are hereby restrained and enjoined, from:

A. transferring, encumbering, selling, concealing, pledging, hypothecating, assigning, spending, withdrawing, disbursing, conveying, gifting, dissipating, or otherwise disposing of any funds, property, accounts, contracts, lists of customer names, shares of stock, or other assets, wherever located, that are (1) owned by, controlled by, held for the benefit of, or belong to, any Defendant or Relief Defendant, in whole or in part; (2) in the actual or constructive possession of any Defendant or Relief Defendant; or (3) held by an agent of any

Defendant or Relief Defendant as a retainer for the agent's provision of services to any Defendant or Relief Defendant. The assets referenced in this subparagraph shall include, but are not limited to, any assets held by, for or under the name or alias of any Defendant or Relief Defendant at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, or other financial institution of any kind.

B. opening or causing to be opened any safe deposit boxes titled in the name of any Defendant or Relief Defendant, or subject to access by any Defendant or Relief Defendant.

C. incurring charges or cash advances on any credit card issued in the name, singly or jointly, of any Defendant or Relief Defendant; or for which any Defendant or Relief Defendant is obligated.

D. The assets affected by this Section shall include both existing assets and assets acquired after the effective date of this Order, including, without limitation, those acquired by loan or gift, and assets in the form of retainers paid to Defendants' or Relief Defendants' agents or compensation for the provision of services to Defendants or Relief Defendants. Any Defendant, Relief Defendant, or any third party, holding assets on behalf of or for the benefit of any Defendant or Relief Defendant, who receives actual notice of this Order, by personal service, telecopier, or regular mail, or otherwise, shall hold such assets, including without limitation, payments, loans and gifts, received after service of this Order, and shall deposit payments received into a domestic account at a financial institution that is titled in the individual defendant's name and is designated by concurrent written notice to the Receiver's, the SEC's, and the CFTC's counsel.

IX. RETENTION OF ASSETS AND RECORDS BY THIRD PARTIES

IT IS FURTHER ORDERED that, other than by agreement of the Receiver, the SEC, and the CFTC, any financial or brokerage institution, escrow agent, title company, commodity trading company, common carrier, storage company, trustee, or any person or other entity who received any funds from any of the Defendants or Relief Defendants who is served with a copy of this Order, by personal service, telecopier or regular mail, pending written instructions by the Receiver, shall:

A. Deny access, other than to the Receiver, to any safe deposit boxes that are either:

1. titled in the name, individually or jointly, of any Defendant(s), Relief Defendant(s) or other party subject to this Order; or
2. subject to access by any Defendant(s), Relief Defendant(s), or other party subject to this Order; and

B. Provide to counsel for the Receiver, within four (4) business days after service of this Order, a statement setting forth:

1. the identification of each account or asset titled in the name, individually or jointly, or held on behalf of, or for the benefit of, any Defendant(s), Relief Defendant(s) or other party subject to this Order, whether in whole or in part;
2. the balance of each such account asset, or a description of the nature and value of such account or asset;
3. the identification of any safe deposit box that is either titled in the name of, individually or jointly, or is otherwise subject to access or control by, any Defendant(s), Relief Defendant(s) or other party subject to this Order, whether in whole or in part; and

4. if the account, safe deposit box, or other asset has been closed or removed since January 1, 1992, the date closed or removed and the balance on said date.

IT IS FURTHER ORDERED that this section shall not prohibit transfers in accordance with any provision of this Order, or any further order of the Court. The Receiver may serve this Order on any bank, savings and loan institution, credit union, financial institution, brokerage house, escrow agent, title company, commodity trading company, common carrier, storage company, trustee or any person or entity.

X. RECEIVER'S RIGHT TO TAKE EXPEDITED DISCOVERY

IT IS FURTHER ORDERED that in light of the need to monitor compliance with and in furtherance of, the powers granted to the Receiver hereunder, the Receiver is hereby granted leave to conduct certain expedited discovery, and that, commencing with the time and date of this Order, in lieu of the time periods, notice provisions, and other requirements of Rules 26, 30, 34, and 45 of the Federal Rules of Civil Procedure, expedited discovery shall proceed as follows:

A. Pursuant to Fed. R. Civ. P. 30, the Receiver may take depositions upon oral examination concerning the nature, location, status, and extent of Defendants' and/or Relief Defendants' assets; the status and location of documents reflecting Defendants' and/or Relief Defendants' business transactions; and compliance with this Order, on three (3) days notice of any such deposition.

This subsection shall not be construed in any manner to preclude the right of the Receiver, or any party to the litigation, to take subsequent depositions of the same witnesses on the merits of these actions; and any deposition taken pursuant to this subsection is in addition to, and not subject to, the presumptive limits on depositions set forth in Fed. R. Civ. P. 30(a)(2)(A).

B. Pursuant to Fed. R. Civ. P. 34(b), within three (3) days of service of a request by the Receiver, Defendants and/or Relief Defendants shall produce all documents requested by the Receiver concerning: (1) the nature, location, status, and extent of Defendants' and/or Relief Defendants' assets; (2) the status and location of documents reflecting Defendants' and/or Relief Defendants' business transactions; and (3) Defendants' and/or Relief Defendants' compliance with this Order, with production of documents made to the name and address listed below or such other person or place as counsel for the Receiver may direct in writing.

C. The Receiver shall also have subpoena powers and may take depositions, obtain the production of documents, and take discovery by other means authorized by Federal Rule of Civil Procedure 45, upon three (3) days notice by facsimile or otherwise.

XI. IMMEDIATE ACCESS TO DEFENDANTS' BUSINESS PREMISES

IT IS FURTHER ORDERED that the Defendants and the Relief Defendants, each of them, and any other person served with a copy of this Order, shall permit the Receiver immediate access to the business premises of any of the Defendants or the Relief Defendants, wherever they may be situated, as well as all branch offices, storage facilities, and any premises (or portions thereof) used for, or in connection with, the business of any of the Defendants or the Relief Defendants, or the marketing of any of their products or services, provided that said offices, facilities, and premises are owned, leased and occupied, or controlled by any of the Defendants or the Relief Defendant(s).

XII. CREDIT REPORT PROVISION

IT IS FURTHER ORDERED that the Receiver may obtain credit reports concerning any of the Defendants or the Relief Defendants, pursuant to Section 604(1) of the Fair Credit

Case Nos.: 00 Civ. 1316 (RCC)
00 Civ. 1317 (RCC)

Reporting Act, 15 U.S.C. § 1681b(1), and that upon written request, any credit reporting agency from which such reports are requested shall provide them to the Receiver.


XIII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter
for all

purposes.

June
MAY 21, 2000

SO ORDERED:



UNITED STATES DISTRICT JUDGE

mc1

DAN

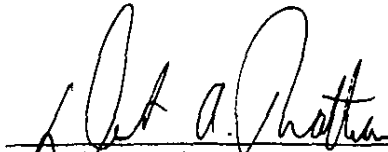
June 5

CONSENTED TO ON MAY 21, 2000

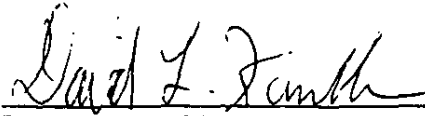
DLK

June

CONSENTED TO ON MAY 6, 2000



Daniel A. Nathan (DN 7595)
Susan B. Bovee
Michael Solinsky
Julie Reiley
Alan I. Edelman
U.S. Commodity Futures Trading Commission
115 21st Street, N.W.
Washington, D.C. 20581
Telephone (202) 418-5320
Fax (202) 418-5531



David L. Kornblau (DK-4518)
Assistant Chief Litigation Counsel
Securities and Exchange Commission
450 Fifth Street, N.W.
Washington, D.C. 20549-0808
Telephone (202) 942-4818
Fax (202) 942-9581

June 7

CONSENTED TO ON MAY 21, 2000:



Richard P. Krasnow
Weil, Gotshal & Manges, LLP
701 Brickell Avenue
Suite 2100
Miami, Florida 33131
Tel: (305) 577-3100
Fax: (305) 374-7159

CONSENTED TO ON MAY 30, 2000:

CONSENTED TO ON MAY 30, 2000

David M. Mobley, Sr.

David M. Mobley, Sr.
3951 Gulf Shore Boulevard North
Suite #203
Naples, Florida 34103-3636
Telephone (941) 430-9120
Fax (941) 430-3960
Defendant Pro Se

David M. Mobley, Sr.
David M. Mobley, Sr.

David M. Mobley, Sr.
Principal with signing authority for each of the
following Defendants and Relief Defendants:

MARICOPA INVESTMENT FUND, LTD.
MARICOPA INDEX HEDGE FUND, LTD.
MARICOPA FINANCIAL CORPORATION
ENSIGN TRADING CORPORATION
MARICOPA INTERNATIONAL INVESTMENT
CORP. d/b/a MARICOPA INVESTMENT CORP.
IAM INC.
MARICOPA ECLIPSE PARTNERS, LTD.
MARICOPA OVERSEAS LTD.
EPWORTH FINANCIAL, LTD.
MARICOPA CAPITAL MANAGEMENT L.C.
MOBLEY TRADING & INVESTMENT CORP.
D. MOBLEY INCORPORATED

SCHEDULE 1

Lot 3, QUAIL WEST UNIT ONE, REPLAT according to the plat recorded in Plat Book 21, Pages 84 through 106 of the Public Records of Collier County, Florida.

QUAIL WEST, Phase III, Lot 97, Block K, according to the plat thereof recorded in Plat Book 26, Pages 83 and 84, inclusive, of the Public Records of Collier County, Florida.

Lot 161 of VILLAGE WALK, PHASE ONE, a subdivision recorded in Plat Book 24, Pages 31 through 36 of the Public Records of Collier County, Florida.

Lot 223, AUTUMN WOODS UNIT ONE, according to the plat thereof, as recorded in Plat Book 28, Pages 27 through 32, of the Public Records of Collier County, Florida.

Lot 11, CORDILLERA SUBDIVISION, FILING NO. 18, according to the plat recorded October 1, 1994 in Book 653 Page 497, as Reception No. 548534, Count of Eagle, State of Colorado a/k/a 732 Forest Trail, Edwards, Colo.

Alcoholic Beverage License #21-03374 issued to Heaven Group, L.C. by the State of Florida Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco.

STATE OF NEW YORK, COUNTY OF

SS:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and

☐ certify that the annexed
Attorney's
Certification has been compared by me with the original and found to be a true and complete copy thereof.

☐ say that: I am the attorney of record, or of counsel with the attorney(s) of record, for
Attorney's
Verification I have read the annexed

by know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleg
Affirmation information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated
knowledge, is based upon the following:

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am

☐ in the action herein: I have read the annexed
Individual
Verification know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleg
information and belief, and as to those matters I believe them to be true.

☐ the of
Corporate
Verification a corporation, one of the parties to the action: I have read the annexed
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleg
information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 19

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

age and reside at

being sworn says: I am not a party to the action, am over 18 yea

On , 19 , I served a true copy of the annexed
in the following manner:

☐ by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal S
Service By Mail within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

☐ by delivering the same personally to the persons and at the addresses indicated below:
Personal
Service

Sworn to before me on

, 19