



Dated: July 25, 2006

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GEORGE B. NIELSEN, JR
U.S. Bankruptcy Judge

5 Lawrence E. Wilk, #006510
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

11 In re:
12 MATHON FUND, L.L.C., et al,
13 Debtors.

Chapter 11 Proceedings
Case No: 05-27993 PHX GBN
(Jointly Administered with Case Nos.
05-27994 PHX-SSC and
05-27995 PHX-JMM)

THIS FILING APPLIES TO:

- ALL DEBTORS
- SPECIFIED DEBTORS

ORDER APPROVING SETTLEMENT
WITH LOBO EXCAVATING &
UNDERGROUND, INC.

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

18 This matter having come before this Court pursuant to the Debtors' *Motion to Approve*
19 *Settlement with Lobo Excavating & Underground, Inc.*, and no party having responded or
20 objected to the Motion and the Court has considered the Motion, and there being no objections
21 thereto, and having found that the Settlement is in the best interests of the Debtors' Estates, it is
22 **ORDERED** approving the Settlement with Lobo Excavating & Underground, Inc.,
23 attached hereto as Exhibit "A", and

24 **IT IS FURTHER ORDERED** that the Conservator is authorized to enter into any and
25 all documents necessary to consummate the Settlement.

26 DATED this _____ day of _____, 2006.

27
28 THE HONORABLE GEORGE B. NIELSEN
UNITED STATES BANKRUPTCY JUDGE

GRANTED

Exhibit "A"

1 TERRY A. DAKE, LTD.
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2 Suite 3031
Phoenix, Arizona 85028-1621
3 Telephone: (480) 368-5199
Facsimile: (480) 368-5198
4 tdake@cox.net

5 Terry A. Dake - 009656
6 Attorney for Trustee

7 IN THE UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF ARIZONA

9 In re:) In Chapter 7 Proceedings
10 LOBO EXCAVATING &)
UNDERGROUND, INC.;) Case No. 2-03-17048-SSC
11 Debtor.)

12 _____)
13 LOUIS A. MOVITZ, Trustee) Adversary No. 04-831
14 Plaintiff,)
15 v.)

16 SLADE WILLIAMS)
& ASSOCIATES, LLC)
17 aka Slade Williams)
And Associates, Inc.)
18 Defendant.)

19 _____)
20 MOTION TO APPROVE COMPROMISE
AND NOTICE OF BAR DATE FOR OBJECTIONS

21 The trustee moves this Court for the entry of an order
22 approving a compromise of this adversary proceeding. The trustee's
23 motion is more fully set forth in and is supported by the following
24 Memorandum Of Points and Authorities.

25
26
27
28

1 DATED June 5, 2006.

2 TERRY A. DAKE, LTD.

3 By /s/ TD009656

4 Terry A. Dake - 009656
5 11811 North Tatum Boulevard
6 Suite 3031
7 Phoenix, Arizona 85028-1621

8 MEMORANDUM OF POINTS AND AUTHORITIES

9 Prior to the bankruptcy filing, the debtor paid to the
10 defendant the sum of \$50,000.00. The trustee contends that the payment
11 made by the debtor is avoidable under 11 U.S.C. §547 and/or §548. The
12 defendant disputes the trustee's allegations contending, among other
13 things, that the payment was made for valuable consideration in the
14 ordinary course of business and that new value was provided.

15 In order to resolve this litigation, but without admitting the
16 trustee's allegations or that any claims against the defendant exist,
17 the defendant has agreed to pay to the trustee the sum of \$25,000.00 in
18 full satisfaction of the trustee's claims.

19 In light of the amounts at issue, and the costs and
20 uncertainties of additional litigation, the trustee believes that the
21 proposed compromise is reasonable and in the best interest of the
22 estate. The proposed compromise avoids the delay, expense and
23 uncertainty of additional litigation and provides a return to the
24 estate.

25 The agreed upon amount of \$25,000.00 will be paid by the
26 defendant to the trustee not later than ten (10) days after the later of
27 the entry of an order approving this compromise, and after approval of
28 this compromise by the courts currently holding jurisdiction over the

1 affairs of the defendant. Upon payment, the trustee will lodge an order
2 providing for the dismissal of this adversary proceeding with prejudice,
3 with each party to bear their own attorneys' fees and costs.


4
5 DATED June 5, 2006.

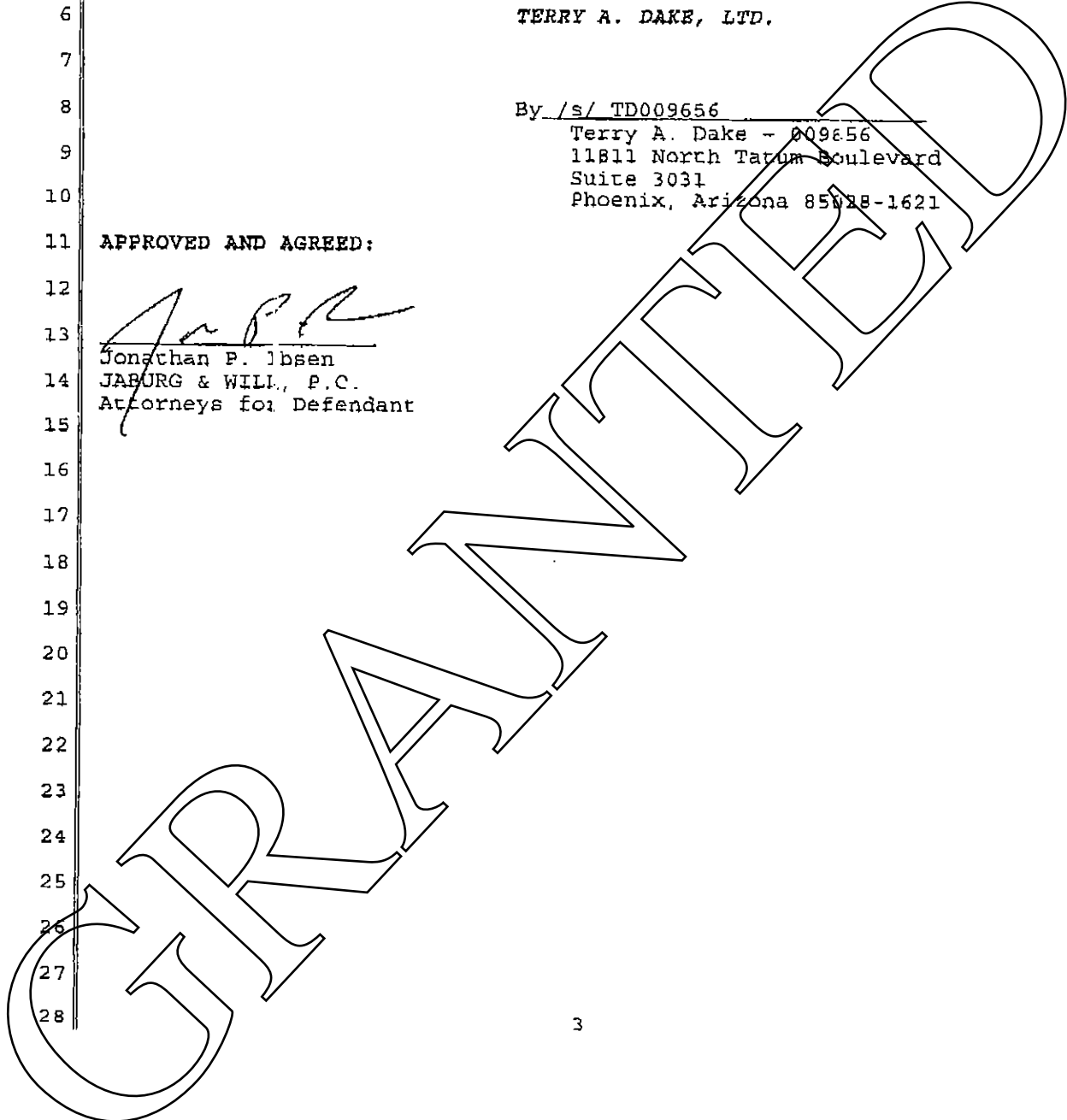
6 TERRY A. DAKE, LTD.

7
8 By /s/ TD009656

9 Terry A. Dake - 009656
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11 APPROVED AND AGREED:

12 
13 Jonathan P. Ibsen
14 JABURG & WILLI, P.C.
15 Attorneys for Defendant



Label Matrix for local noticing
0970-2
Case 2:03-bk-17048-SSC
District of Arizona
Phoenix
Wed Jun 7 16:34:39 MST 2006

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End of Label Matrix
Total addresses 103

GRANITE

File a Motion:

2:05-bk-27993-GBN MATHON FUND LLC

U.S. Bankruptcy Court

District of Arizona

Notice of Electronic Filing

The following transaction was received from WILK, LAWRENCE E. entered on 7/7/2006 at 12:48 PM AZ and filed on 7/7/2006

Case Name: MATHON FUND LLC

Case Number: 2:05-bk-27993-GBN

Document Number: 251

Docket Text:

Motion to Approve *Settlement with Lobo Excavating & Underground, Inc.* filed by LAWRENCE E. WILK of JABURG & WILK, P.C. on behalf of MATHON FUND LLC. (WILK, LAWRENCE)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:G:\Shared\Janet\Mathon Bnky\Motion to Settle with Lobo 7-7-06.pdf

Electronic document Stamp:

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