

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.

Dated: April 14, 2011



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11 Trustee of the ML Liquidating Trust

Randolph J. Haines

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

12 IN THE UNITED STATES BANKRUPTCY COURT
13 FOR THE DISTRICT OF ARIZONA

14 In re:

15 MORTGAGES, Ltd.,

16 Debtor.

Chapter 11

Case No.: 2:08-bk-07465-RJH

**ORDER GRANTING ML LIQUIDATING
TRUST'S OMNIBUS OBJECTION TO
CLAIMS AS IT RELATES TO EXHIBIT
D AND DISALLOWING AND
EXPUNGING DUPLICATE CLAIMS
AND RECLASSIFYING CERTAIN
CLAIMS LISTED ON EXHIBIT D TO
OMNIBUS OBJECTION**

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19 Having reviewed and considered the "*ML Liquidating Trust's Omnibus Objection To Claims*
20 *And Motion To Expunge, Reduce or Reclassify Such Claims*" filed on October 13, 2009 ("**Omnibus**
21 **Objection**") [Docket No. 2306], as amended by the "*First Amendment To The ML Liquidating*
22 *Trust's Omnibus Objection To Claims And Motion To Expunge, Reduce or Reclassify Such Claims*"
23 filed on November 6, 2009 ("**First Amendment**") [Docket No. 2375]; and having further reviewed
24 and considered the "*Notice To Claimants Listed On Exhibit D To ML Liquidating Trust's Omnibus*
25 *Objection To Claims And Motion To Expunge, Reduce Or Reclassify Such Claims And Notice Of Bar*
26 *Date To Respond To Omnibus Objection*", ("**Notice of Bar Date**"), filed with the Court and served by
27 U.S. Mail upon all Claimants listed on Exhibit D to the Omnibus Objection and electronically served

1 upon all parties in interest listed on the Court's ECF System on November 2, 2009 [Docket No.
2 2358]; and having further reviewed and considered the "*Certificate Of Service And Summary of*
3 *Responses As To Claimants Listed On Exhibit D To ML Liquidating Trust's Omnibus Objection To*
4 *Claims And Motion To Expunge, Reduce Or Reclassify Such Claims*" filed on April 12, 2011; and
5 having found that proper notice of the Omnibus Objection was given; and having found that the only
6 Response that was timely filed and served was mutually resolved by the Claimant and ML
7 Liquidating Trustee and, such Response was authorized by the Claimant to be withdrawn; and having
8 further found that no other Responses to the Omnibus Objection were timely filed and served by any
9 of the other Claimants listed on Exhibit D to the Omnibus Objection (Exhibit "1" attached hereto);
10 and good cause appearing therefore:

11 **IT IS HEREBY ORDERED** granting ML Liquidating Trust's Omnibus Objection to Claims
12 as it relates to the Claims listed on Exhibit D to the Omnibus Objection (Exhibit "1" hereto).

13 **IT IS FURTHER ORDERED** that the Response filed on November 12, 2009 by Earl Geller,
14 as Trustee of the Martin Hershman Living Trust, and on behalf of the Hershman Family L.L.C., Earl
15 Geller and Joyce Tobe Rocamora Geller, Trustees of the Geller Family Revocable Trust, and First
16 Trust Company of Onaga, Custodian FBO Earl Geller IRA [Docket No. 2402] is hereby deemed
17 withdrawn by mutual agreement of the Claimant and Liquidating Trustee.

18 **IT IS FURTHER ORDERED** that the Claims listed in the column entitled "Non Surviving
19 Claim No" on Exhibit D to the Omnibus Objection (Exhibit "1" hereto) are hereby disallowed in their
20 entirety for all purposes and expunged.

21 **IT IS FURTHER ORDERED** that the Claims listed in the column entitled "Surviving
22 Claim" on Exhibit D to the Omnibus Objection (Exhibit "1" hereto) shall be classified as
23 "Unsecured" as such term is defined in the confirmed Plan of Reorganization in this matter.

24 SIGNED AND DATED ABOVE.
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EXHIBIT “1”

(Exhibit “D” to Omnibus Objection)

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EXHIBIT “D”

Duplicate Claims that need to be removed and Surviving Claim to be Reclassified

Non-Surviving Claim No.	Surviving Claim	InpCode	Total Claim	Allowed Claim	IdpVesting	FullName	Salutation	First Name	Last Name	Street	City	State	ZIP	As Claimed	Objection/Issues
1771	1413	DO03	121,517.68	121,517.68	Ann Flaherty, Trustee of The Marshall C. Donaldson Testamentary Trust dated May 28, 1986	The Marshall C. Donaldson Testamentary Trust	Ms.	Ann	Flaherty	908 Kaim Dr.	Phoenix	AZ	85014	Secured	1771 - Not filed as amended. Need to clarify that this is the surviving claim and reclassify as unsecured
232	1761	GE12	68,117.13	68,117.13	Earl Geller and Joyce Toke Rocamora Geller, Trustees of the Geller Family Revocable Trust Agreement dated July 31, 2003, and any amendments thereto	Earl Geller and Joyce Geller, Trs. of the Geller Family Trust	Mr. & Mrs.	Earl	Geller	4531 N. 16th St. Ste #103	Phoenix	AZ	85016	Secured	1761 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
142	1763	GE13	88,198.48	88,198.48	First Trust Company of Onaga, Custodian FBO Earl Geller IRA	First Trust Company of Onaga, Cust. FBO Earl Geller IRA	Mr. & Mrs.	Earl	Geller	4531 N. 16th St., #103	Phoenix	AZ	85016	Secured	1763 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
995	1029	HA12	9,342.70	8,954.68	Tyler David Harcus By Barry J. Harcus, Custodian UGMA	Tyler David Harcus, by Barry J. Harcus, Custodian	Mr.	Barry	Harcus	9086 E. Janice Way	Scottsdale	AZ	85260	Secured	1029 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
997	1028	HA19	11,977.89	11,700.00	Stacey Ann Harcus, By Barry J. Harcus, Custodian UGMA	Stacey Ann Harcus, by Barry J. Harcus, Custodian	Mrs.	Stacey	Harcus	9086 E. Janice Way	Scottsdale	AZ	85260	Secured	1028 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured

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Non-Surviving Claim No.	Surviving Claim	INCODE	Total Claim	Allowed Claim	Investing	Full Name	Salutation	First Name	Last Name	Street	City	State	ZIP	As Claimed	Objection/Issues
129	1762	HE14	50,000.00	50,000.00	Earl Geller, Trustee of The Martin Hershman Living Trust, dated October 17, 1996, and any amendments thereto	Earl Geller, Tr. of The Martin Hershman Trust dated 10/17/96	Mr. & Mrs.	Earl	Geller	4531 N. 16th St., #103	Phoenix	AZ	85016	Secured	1762 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
130	1764	HE24	31,964.80	31,964.80	The Hershman Family L.L.C., an Arizona limited liability company Sidney Hollander and/or Renee Hollander, Trustees of the Sidney and Renee Hollander Family Revocable Trust dated April 28, 1999, and any amendments thereto	The Hershman Family L.L.C. c/o Earl Geller	Mr. & Mrs.	Earl	Geller	4531 N. 16th St., #103	Phoenix	AZ	85016	Secured	1764 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
92	1110	HO17	50,000.00	49,876.36	Beth Lynn Hoffman, Trustee of The Sanford and Beth Hoffman Family Trust dated April 1, 2005, and any amendments thereto	Sidney and Renee Hollander Family Revocable Trust	Mr. and Mrs.	Sidney	Hollander	11635 E. Appaloosa Pl	Scottsdale	AZ	85259	Secured	1110 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
293	818	HO19	235,970.57	235,492.15	Beth Lynn Hoffman, Trustee of The Sanford and Beth Hoffman Family Trust dated April 1, 2005, and any amendments thereto	Beth Lynn Hoffman, Trustee of The Sanford and Beth Hoffman Family Trust	Mrs.	Beth	Hoffman	10328 E. Sierra Pinta Dr.	Scottsdale	AZ	85255	Secured	818 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
45 & 137	1767	HU13	500,000.00	493,692.00	Jui-Hsiung Huang, a single man	Jui-Hsiung Huang	Mr.	Jui-Hsiung	Huang	1761 E. McNair Dr. #101	Tempe	AZ	85283	Secured	1767 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
22 & 23		276	75,000.00	75,000.00	Kenneth P. Johnson, Trustee of The Johnson Decedent's Trust u/a dated January 16, 1995, and any amendments thereto	Kenneth P. Johnson, Tr. of The Johnson Decedent's Trust	Mr.	Kenneth	Johnson	7302 W. Thunderbird Rd.	Peoria	AZ	85381-5035	Secured	276 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured

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Non-Surviving Claim No.	Surviving Claim	Inv Code	Total Claim	Allowed Claim	Investing	Full Name	Sex	First Name	Last Name	Street	City	State	ZIP	Claimed	Objection Issues
263	274	JO28	280,220.40	279,783.73	Gerry Jones and Leslie Jones, Trustees of The Gerry Jones and Leslie Jones Family Trust dated May 24, 2004, and any amendments thereto	Gerry Jones and Leslie Jones, Trustees of The Gerry Jones and Leslie Jones Family Trust	Mr. & Mrs.	Gerry	Jones	P.O. Box 1255	Caretree	AZ	85377	Secured	274 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
770	774	KE09	200,000.00	199,844.17	E & L Enterprises, L.L.C., an Arizona limited liability company	E & L Enterprises, L.L.C., an Arizona limited liability company	Mr.	Marc	Keinan	10645 N. Tatum Blvd., Ste. #250-258	Phoenix	AZ	85028	Secured	774 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
775	769	KE12	450,000.00	450,000.00	MAV Investments, L.L.C., an Arizona limited liability company	MAV Investments, L.L.C., an Arizona limited liability company	Mr.	Marc	Keinan	10645 N. Tatum, Ste. #200-258	Phoenix	AZ	85028	Secured	769 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
67	763	KR05	292,000.00	291,544.96	Eduard R. Kress, a widower	Eduard R. Kress	Mr.	Eduard	Kress	32353 San Juan Creek Rd. Unit #315	San Juan Capistrano	CA	92675	Secured	763 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
713	714	LE49	87,615.32	87,398.66	First Trust Company of Onaga, Custodian FBO Olyn D. Levy IRA #41021XXXXX	First Trust Company of Onaga, Custodian FBO Olyn D. Levy IRA #41021XXXXX	Ms.	Olyn	Levy	727 E. Rose Marie Lane	Phoenix	AZ	85022	Secured	714 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
44 & 1766	161	LI23	706,653.18	705,263.76	Mills Enterprise, LLC, an Arizona limited liability company	Mills Enterprise, LLC, an Arizona limited liability company	Ms.	Ching	Lin	PO Box 11373	Tempe	AZ	85284	Secured	161 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured

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Non-Surviving Claim No.	Surviving Claim	Invoice	Total Claim	Allowed Claim	Investing	Full Name	Salutation	First Name	Last Name	Street	City	State	ZIP	As Claimed	Objection Issues
66235		LU01	150,211.11	149,977.04	Maxine M. Lucas-Moorefield, Trustee of The Maxine M. Lucas-Moorefield Revocable Living Trust originally dated May 1, 1991, and any amendments thereto	The Maxine M. Lucas-Moorefield Revocable Living Trust	Ms.	Maxine	Lucas-Moorefield	1331 N. Dixie Downs Rd. #135	St. George	UT	84770	Secured	235 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
1526	1714	MC09	325,000.00	324,419.71	Gloria McFadden, Trustee of the Gloria McFadden Revocable Living Trust, Agreement dated April 1, 1999, and any amendments thereto	Gloria McFadden, Tr. of the Gloria McFadden Rev. Living Trust	Ms.	Gloria	McFadden	5223 W. Lone Cactus Dr.	Glendale	AZ	85308	Secured	1714 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
38267		OV01	100,000.00	99,821.53	Joly Oveill and Li Xiao, as joint tenants with right of survivorship	Joly Oveill and Li Xiao, as joint tenants with right of survivorship	Mr.	Joly	Oveill	4229 E. Linda Ln.	Gilbert	AZ	85234	Secured	267 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
205183		RO11	197,825.41	197,472.39	David Neal Rosen, Trustee of the David Neal Rosen, Ltd. Retirement Plan and Trust Agreement dated January 1, 2003, and any amendments thereto	David N. Rosen, Tr. of the David Neal Rosen, Ltd. Ret. Plan & Tr.	Mr.	David	Rosen	111 W. Monroe Suite #1400	Phoenix	AZ	85003	Secured	205 is duplicate of 183 - need to clarify that 183 is surviving claim and reclassify as unsecured
2	153	RO19	161,322.00	161,070.61	Samuel A. Robbins, husband of Elaine F. Robbins, as his sole and separate property	Samuel A. Robbins	Mr.	Samuel	Robbins	7330 E. Palo Verde Dr. #5	Scottsdale	AZ	85250	Secured	153 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured

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Not Surviving Claim No.	Surviving Claim	Inv Code	Total Claim	Allowed Claim	Inv Vesting	FullName	Salutation	First Name	Last Name	Street	City	State	ZIP	As Claimed	Objection Issues
27 & 836 53		RO37	235,887.80	235,520.21	Gary G. Robinson and Karen E. Robinson, husband and wife, as joint tenants with right of survivorship.	Gary G. Robinson and Karen E. Robinson	Mr.	Gary	Robinson	10835 Furlong Dr.	Hanford	CA	93230	Secured	53 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
499 481		SC07	218,557.12	218,245.16	Steven M. Scheiner and Lois L. Scheiner, Trustees of The Steven M. L. Scheiner Revocable Trust U/A dated July 14, 1988, and any amendments thereto	Steven M. Scheiner and Lois L. Scheiner, Trs.	Mr. & Mrs.	Steven	Scheiner	7621 E. Tuckey Lane	Scottsdale	AZ	85250-4617	Secured	499 is duplicate of 481. Need to clarify that 481 is the surviving claim and reclassify as unsecured
494 480		SC24	221,286.00	220,896.79	Steven M. Scheiner, Trustee of the Steven M. Scheiner, C.P.A., P.C. Profit Sharing Plan	Steven M. Scheiner, Tr. of the Scheiner CPA PC Prof Sharing Plan	Mr.	Steven	Scheiner	7621 E. Tuckey Lane	Scottsdale	AZ	85250-4617	Secured	494 is duplicate of 480. Need to clarify that 480 is the surviving claim and reclassify as unsecured
1157 1447		SC40	990,000.00	988,053.48	Sunco Holdings, Inc., an Arizona corporation, Robert Arnold Seligman, Trustee and Linda Carol Seligman, Trustee of The Seligman Family Trust, a Revocable Living Trust Agreement dated June 28, 1996, and any amendments thereto	Sunco Holdings, Inc.	Mr.	Bart	Schrader	7457 E. Million Dr.	Scottsdale	AZ	85262	Secured	1447 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
1818 160		SE09	98,403.55	98,259.98	Robert Arnold Seligman and Linda Carol Ann Seligman, Trs.	Robert Arnold Seligman and Linda Carol Ann Seligman, Trs.	Mr. & Mrs.	Robert	Seligman	3330 E. Kachina	Phoenix	AZ	85044	Secured	1818 is duplicate of 160. Need to clarify that 160 is the surviving claim and reclassify as unsecured

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Num. Surviving Claim No.	Surviving Claim	InvCode	Total Claim	Allowed Claim	Inv/Vesting	Full Name	Saluted on	First Name	Last Name	Street	City	State	ZIP	As Claimed	Objection/Issues
773	771	SE18	127,837.16	127,532.32	Howard M. Segel, a single man	Howard M. Segel	Mr.	Howard	Segel	449 Santa Fe, #220	Endicott	CA	92024	Secured	773 is duplicate of 771. Need to clarify that 771 is the surviving claim and reclassify as unsecured
42	119	SH62	314,562.41	313,941.79	James W. Shires, Trustee of Shires Defined Benefit & 401(k) Plans Trust	James W. Shires, Trustee of Shires Defined Benefit & 401(k) Plans Trust	Mr.	James	Shires	0217 SW Seymour Ct.	Portland	OR	97239	Secured	119 - Not filed as amended. Need to clarify that this is the surviving claim and reclassify as unsecured
154	1821	ST20	1,189,469.00	1,197,110.70	Michael D. Stewart and Mary Jude Stewart, Trustees of the Michael D. Stewart and Mary Jude Stewart Living Trust dated January 15, 1998, and any amendments thereto	Michael D. Stewart, Tr. of the Stewart Living Trust	Mr. & Mrs.	Michael	Stewart	294 E. Davis St.	Raleigh	NC	27601	Secured	1821 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify as unsecured
9	585	WE01	500,000.00	499,016.99	Barry Weiss and Karen Weiss, husband and wife as joint tenants with right of survivorship	Barry Weiss and Karen Weiss	Dr.	Barry	Weiss	7467 E. Pontebella Dr.	Scottsdale	AZ	85262	Secured	585 - Surviving Claim not marked as amended and need to reclassify as Unsecured
17 & 18	972	ZAO6	105,165.05	104,977.36	Leland J. Zacharias and Emily W. Zacharias, husband and wife, as joint tenants with right of survivorship	Leland J. Zacharias and Emily W. Zacharias	Mr. & Mrs.	Leland	Zacharias	2716 S. Paseo Loma	Mesa	AZ	85202	Secured	972 - Not filed as amended claim. Need to clarify that this is the surviving claim and reclassify and unsecured
414	415	HO15	35,000.00	35,000.00	Jim Homan, Trustee of the Jim Homan Appraisal Co., Inc. Profit Sharing Plan effective June 1, 1997, and any amendments	Jim Homan, Tr of the Homan Appraisal Co., Inc. Profit Sharing Plan	Mr.	Jim	Homan	2822 N. 43rd St.	Phoenix	AZ	85008-1438	Secured	415 - Not filed as amended. Need to clarify that this is the surviving claim

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Non-Surviving Claim No.	Surviving Claim	Inv Code	Total Claim	Allowed Claim	Investing	Full Name	Salutation	First Name	Last Name	Street	City	State	ZIP	As Claimed	Objection/Issues
208	750	MO19	100,000.00	88,819.60	Morr Sharp, Inc., an Illinois corporation	Morr Sharp, Inc., Rich	Mr.	Richard	Sharp	11371 E. Cochise	Scottsdale	AZ	85259	Secured	750 - Not filed as amended. Need to clarify that this is the surviving claim
80, 753, 819, 1832 & 1833	43	RU10, RU11, RU12	315,364.82	314899.26	Robert V. Russo and Kathleen A. Russo, Trustees of the Robert V. Russo and Kathleen A. Russo Living Trust dated February 28, 1997, and any amendments thereto	Robert V. Russo and Kathleen A. Russo Living Trust dated February 28, 1997, and any amendments thereto	Mrs. &	Robert	Russo	1859 E. Oasis Dr.	Tempe	AZ	85283	Secured	Many Duplicate Claims filed. Need to clarify that the original claim No. 43 was correct and is the surviving claim
					First Regional Bank, Custodian FBO Robert V. Russo IRA Account #05XXXX	First Regional Bank, Custodian FBO Robert V. Russo IRA Account #05XXXX	Mr.	Robert	Russo	1859 E. Oasis Dr.	Tempe	AZ	85283		
					First Regional Bank, Custodian FBO Kathleen A. Russo IRA	First Regional Bank, Custodian FBO Kathleen A. Russo IRA	Mrs.	Kathleen	Russo	1859 E. Oasis Dr.	Tempe	AZ	85283		

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