

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Civil Action No. 4:11-CV-00655

JAMES G. TEMME,
STEWARDSHIP FUNDS, LP

Defendants.

MOTION FOR CLARIFICATION OF ORDER AND SUPPORTING BRIEF

The F & B Group (consisting of MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC, and F & B Note Holding, LLC) file this their Motion for Clarification Of Order and Supporting Brief with respect to the honorable Court's Order dated September 13, 2012, entitled Order Denying Lifting Stay, and would respectfully show the Court the following:

1. The Court's September 13, 2012 Order finds that the claims which are the subject of F & B's Amended Motion to Lift Stay implicate the litigation stays previously entered by this Court, and in the Order, the Court denies a request to lift these stays to allow the F & B Group to assert any of its claims against the Home Solutions Affiliates at this time. The F & B Group desires to stand down on these claims for a while (that is, without a current costly appeal to the Fifth Circuit) with the assurance now granted by the Court that no statutes of limitation are running on F & B's claims against the Home Solutions Affiliates because of the litigation stays issued by this Court.

2. Therefore, so that the F & B Group can stand down at this time on asserting direct claims against the Home Solutions Affiliates, and to understand the

intended effect and scope of the Court's September 13, 2012 Order, the F & B Group respectfully requests that the Court enter its order at this time confirming that the September 13, 2012 Order is not intended to:

- a. Adjudicate the merits of F & B's claims against the Home Solutions Affiliates; and
- b. Adjudicate the final ownership of F & B's tort or contract claims outlined in the Amended Motion to Lift Stay.

Entry of such order would obviate the need for any current appeal of the Court's Order of September 13, 2012 by the F & B Group.

3. The F & B Group further seeks clarification that the Court's decision not to lift the stay in this matter is without prejudice to F & B's right to request again the lifting of the stay found applicable by the Court at an appropriate time in the future based upon changed circumstances, a change in the position of the Receiver on these matters, or the significant passage of time.

WHEREFORE, the Finch & Barry Group respectfully requests that the Court enter its order clarifying the intent of the September 13, 2012 order, as requested above, and for such other and further relief as they show themselves justly entitled in this matter.

Respectfully submitted,

PENNINGTON HILL, LLP.

By: /s/ H. Allen Pennington, Jr.
H. Allen Pennington, Jr.
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REALTY HOLDINGS, LLC AND F & B NOTE
HOLDING, LLC

CERTIFICATE OF CONFERENCE

This is to certify that I have conferred with Mr. Brad Prucell, attorney for the Receiver and Mr. Michael Donley counsel for Home Solutions and the Vose Entities, on the merits of this Motion. Both oppose this motion. Therefore, this matter is submitted to the Court for determination, and a hearing is requested on this motion.

/s/ H. Allen Pennington, Jr.
H. Allen Pennington, Jr.

CERTIFICATE OF SERVICE

I certify that on September 27, 2012, a true and correct copy of the foregoing document was served on the following counsel of record via electronic case filing or certified mail, return receipt requested.

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ORDER GRANTING MOTION FOR CLARIFICATION OF ORDER

On this day the Court considered the Motion For Clarification of Order (“Motion”) filed by certain nonparties to this action, namely MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC, and F & B Note Holding, LLC (collectively, the “F & B Group”), and any responses filed thereto. After considering the Motion and the responses, if any, it is the Court’s opinion that the motion should be granted as follows:

It is ORDERED that this Court’s September 13, 2012 Order entitled “Order Denying Lifting Stay” does not and is not intended to:

- a. Adjudicate the merits of F & B’s claims against the Home Solutions Affiliates; and
- b. Adjudicate or determine the final ownership of F & B’s tort or contract claims outlined in F & B’s Amended Motion to Lift Stay.
- c. Prevent the F & B Group from making a request to lift stay at the appropriate time in the future based upon changed circumstances, a

change in the position of the Receiver on these matters, or the significant passage of time.