

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

SECURITIES AND EXCHANGE COMMISSION	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 4:11-cv-655
	§	
JAMES G. TEMME, and	§	
STEWARDSHIP FUND, LP,	§	
Defendants.	§	

RECEIVER’S SUR-REPLY TO AMENDED MOTION FOR RELIEF FROM STAY

COMES NOW, Keith M. Aurzada, as receiver in the above-captioned matter (the “Receiver”) for James G. Temme (“Temme”), Stewardship Fund, LP, and all other entities directly or indirectly controlled by Temme or Stewardship Fund, LP, including, but not limited to Stewardship Advisors, LLC, d/b/a Stewardship Advisors, LP, Stewardship Asset Management Genpar I, LLC, Stewardship Group, LLC, Destiny Fund, LP, and Stewardship Management, LP (collectively, the “Receivership Entities”), and submits this Sur-Reply to Amended Motion for Relief from Stay (the “Motion”) and the Reply Brief in Support of Amended Motion for relief from Stay (the “Reply”). In support of his response to the Motion, the Receiver respectfully shows the Court as follows:

1. In the Motion, MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC, and F & B Note Holdings, LLC (collective, the “Movants”) seek relief from the stay to investigate and potentially pursue claims against the Affiliates (as that term is defined in the Motion). Based on statements in the Motion and in Movants’ Reply in Support of the Motion [Dkt. No. 117], it appears a portion of the relief requested implicates claims that properly belong to the Receivership Estate.

2. If Movants seek authority to pursue claims solely based solely on the facts alleged in the Motion and Reply, the Receiver asserts that those claims are property of the Receivership Estate and the stay should not be lifted. *See* Agreed Order Appointing Receiver Over Entities Under Control of James G. Temme (Dkt. No. 24); Agreed Order Appointing Receiver Over Stewardship Fund, LP, and Related Entities (Dkt. No. 25); and Order Appointing Receiver Over James Temme (Dkt. No. 30) (together, the “Receiver Orders”) (directing Receiver to “immediately take and have complete and exclusive control, possession, and custody of the Receivership Estate and to any assets traceable to assets owned by the Receivership Estate.”)

3. To the extent Movants seek merely to investigate or pursue independent claims against the Affiliates that are unrelated to the Receivership Estate and the actions of the Receivership Entities, the Receiver expresses no opinion, but reserves his right to intervene in any such action and specifically objects to any inquiries, subpoenas, or discovery requests directed to the Receiver and any Receivership Entity should the Court grant any relief from the stay.

Dated: August 29, 2012

BRYAN CAVE LLP

By: //s// Bradley J. Purcell

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CERTIFICATE OF SERVICE

I certify that on August 29, 2012, I served a true and correct copy of the foregoing pleading by United States First Class Mail, postage prepaid and electronic mail to the following in accordance with the Federal Rules of Civil Procedure:

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Moreover, the foregoing will be uploaded to www.stewardshipfundreceivership.com

//s// Bradley J. Purcell
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