

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

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

**RESPONSE OPPOSED TO MOTION FOR CLARIFICATION OF ORDER**  
**[Regarding Docket No. 141]**

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 Response Opposed to Motion for Clarification of Order (Docket No. 141) (the “Motion”), filed by MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC and F & B Note Holding, LLC (collectively, the “F&B Group”). In support of this Response, the Receiver would respectfully show the Court as follows:

**I.**  
**ARGUMENT AND AUTHORITIES**

1. Through their Amended Motion for Relief from Stay (Docket No. 96) (the “Lift Stay Motion”), the F&B Group sought relief from the litigation stay imposed by this Court so that the F&B Group could pursue various claims. Through his Order Denying Lifting Stay

(Docket No. 135) (the “Order”), Judge Mazzant correctly denied the Lift Stay Motion by applying applicable law to the facts of this case. *See Order; see also SEC v. Wencke*, 622 F.2d 1363, 1373-74 (9th Cir. 1980); *United States v. Acorn Tech. Fund, L.P.*, 429 F.3d 438, 444 (3d Cir. 2005).

2. In their Motion, the F&B Group now asks that the Court make various rulings on matters never before the Court in the Lift Stay Motion.

3. The Receiver believes that any additional rulings are unnecessary because the only relief requested in the Lift Stay Motion was fully addressed in the Court’s Order. The Receiver submits that any additional rulings at this time would be unnecessary and, perhaps, impermissible advisory opinions.<sup>1</sup>

**II.**  
**PRAYER**

WHEREFORE, the Receiver prays that the Court deny the F&B Group’s Motion and grant the Receiver such other relief to which he may be entitled.

Dated: October 8, 2012

**BRYAN CAVE LLP**

By: //s// Jay L. Krystinik

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*Counsel for Keith Miles Aurzada, Receiver*

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<sup>1</sup> The Receiver also incorporates by reference his Response Opposed to Motion for Reconsideration of Magistrate’s Order and Motion for Oral Hearing Thereon.

**CERTIFICATE OF SERVICE**

I certify that on October 8, 2012, I served a true and correct copy of the foregoing pleading by electronic mail through the Court's CM/ECF system to all parties consenting to service through same, including to counsel for the SEC, the Defendants, and the Objectors.

Moreover, the foregoing will be uploaded to [www.stewardshipfundreceivership.com](http://www.stewardshipfundreceivership.com)

//s// Jay L. Krystinik

Jay L. Krystinik

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SHERMAN DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

JAMES G. TEMME and  
STEWARDSHIP FUND, LP,

Defendants.

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Civil Action No. 4:11-CV-00655-MHS

**ORDER DENYING**  
**MOTION FOR CLARIFICATION OF ORDER**  
**[Regarding Docket No. 141]**

CAME ON FOR CONSIDERATION the Motion for Clarification of Order (Docket No. 141) (the “Motion”) filed by MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC and F & B Note Holding, LLC (collectively, the “Movants”). Having considered the Motion, all responses and objections thereto, and the arguments of counsel for and against the approval of the Motion, the Court finds and concludes that the Motion should be, and hereby is, **DENIED**.

**It is SO ORDERED.**