

**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.**

**MOTION TO APPROVE AGREEMENT TO PERFORM TITLE CURATIVE WORK**

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 Motion to Approve Agreement to Perform Title Curative Work. In support of the Motion, the Receiver would respectfully show the Court as follows:

**I.**  
**BACKGROUND**

1. By this Motion, the Receiver seeks a Court Order approving an agreement to perform title curative work between the Receiver and Transportation Alliance Bank Inc. d/b/a TAB Bank (“TAB”).<sup>1</sup>

---

<sup>1</sup> TAB also includes FJ Management Inc.

2. On October 14, 2011, the Securities and Exchange Commission instituted the above-captioned action, and the Receiver was appointed as receiver for the Receivership Entities through the Court's entry of the 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").

3. As the Receiver has conducted his investigation, it has become apparent that the Receivership Entities offered and sold interests in notes, limited partnerships, and REO properties to various investors through the use of material misrepresentations regarding the value of the interests, the assets owned or to be purchased on behalf of investors, and the expected returns on such investments. It has also become apparent that the Receivership Entities frequently failed to complete basic due diligence and complete the necessary paperwork to acquire and sell the interests, notes, and REO properties they purportedly sold to investors. As a result, the chain of title and other real property records for the properties owned, serviced, or affiliated with the Receivership Entities are often incomplete, inaccurate, or otherwise in need of correction.

4. TAB has acquired or will acquire approximately 22 assets from investors in the Receivership Entities (the "TAB Assets"), including ER, LLC; Home Solutions Partners I, LLC; Home Solutions Partners II, LLC; Home Solutions Partners III, LLC; Home Solutions Partners IV, LLC; Home Solutions Partners I REO, LLC; Home Solutions Partners II REO, LLC; Home Solutions Partners III REO, LLC or Home Solutions Partners IV REO, LLC.

5. The TAB Assets, like most assets affiliated with the Receivership Entities, have incomplete or inaccurate documents in their chain of title and, therefore, require title curative

work from the Receivership Entities. As a result, TAB has requested that the Receiver complete title curative documents related to the TAB Assets.

6. The Receiver believes that performing title curative work on the TAB Assets is necessary to prevent continued harm to the investors and homeowners whose interest have been adversely effected by the Receivership Entities and to prevent the actions of the Receivership Entities from unduly restraining the alienation of such assets.

7. Accordingly, the Receiver has agreed to perform such title curative work if: (1) the Receiver is satisfied that no other investor claims an interest in the TAB Assets; and (2) TAB compensates the Receivership Estate for such work (so that the other investors do not bear the burden of funding the title curative work for TAB's benefit). TAB, therefore, has agreed to pay the Receiver and his counsel for any fees and costs incurred in performing title curative work.

## **II.** **ARGUMENT**

8. By this Motion, the Receiver requests that the Court authorize the Receiver to enter into the Agreement to Perform Title Curative Work ("Agreement") (attached hereto as Exhibit A).

9. The Receiver believes that entering into the Agreement is in the best interest of the Estate, the investors, and the homeowners whose interest have been adversely effected by the Receivership Entities. Accordingly, the Receiver requests that the Court approve the Agreement upon service on all known investors so that they may have an opportunity to review the TAB Assets and assert any known interest in the TAB Assets. If no objection is filed within the time proscribed by the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of Texas, the Receiver shall perform the title curative work.

**III.**

**RELIEF REQUESTED**

WHEREFORE, the Receiver prays that, upon final consideration of this Motion, the Court approve the Agreement and authorize the Receiver to execute the Agreement on behalf of the Estate.

Dated: April 25, 2013

**BRYAN CAVE LLP**

By: //s// Bradley J. Purcell

Keith Miles Aurzada

State Bar No. 24009880

Jay L. Krystinik

State Bar No. 24041279

Bradley J. Purcell

State Bar No. 24063965

2200 Ross Avenue, Suite. 3300

Dallas, Texas 75201

(214) 721-8000

(214) 721-8100 Fax

[keith.aurzada@bryancave.com](mailto:keith.aurzada@bryancave.com)

[jay.krystinik@bryancave.com](mailto:jay.krystinik@bryancave.com)

*Counsel for Keith Miles Aurzada, Receiver*

**CERTIFICATE OF CONFERENCE**

I have discussed the relief requested herein with David Reece of the Securities and Exchange Commission. The relief requested herein is not opposed by the Securities and Exchange Commission.

//s// Bradley J. Purcell  
Bradley J. Purcell

**CERTIFICATE OF SERVICE**

I certify that on April 25, 2013 I served a true and correct copy of the foregoing pleading by United States First Class Mail, postage prepaid, to the following in accordance with the Federal Rules of Civil Procedure:

David Reece  
United States Securities and Exchange Commission  
Burnett Plaza, Suite 1900  
801 Cherry Street  
Fort Worth, Texas 76102

John Helms, Jr.  
Helms, Roberts & Diaz LLP  
6060 N. Central Expressway, Suite 560  
Dallas, Texas 75206  
COUNSEL FOR JAMES G. TEMME

ALL INVESTORS THAT HAVE FILED A PROOF OF CLAIM IN THIS  
MATTER, WHICH ARE PROVIDED IN THE ATTACHED LIST.

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

//s// Bradley J. Purcell  
Bradley J. Purcell