

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 TO COMPEL PRODUCTION OF DOCUMENTS  
FROM RECEIVER AND BRIEF IN SUPPORT THEREOF**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Nonparties to this action, MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC and F & B Note Holding, LLC (collectively, the "Finch and Barry Group"), file this their Motion to Compel Production of Documents in response to First Request for Production to the Receiver, and would respectfully show the Court the following:

1. The Finch and Barry Group served its First Request for Production of Documents upon the Receiver, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated by reference, on May 22, 2012. These requests primarily seek the information obtained by the Receiver from the Home Solutions Affiliates, regarding their involvement with Temme and the Stewardship entities. The Request for Production clearly stated that the documents were due within thirty days after service of their request, or at least 48 hours prior to any setting on one or both of the Receiver's

Motions to Approve Settlement filed on April 25, 2012 or the objections to such motions filed on May 15, 2012.

2. After sending the Request for Production, the undersigned counsel received word from the Receiver's law firm that a confidentiality agreement would be required for the production of some of the documents sought. Counsel for the Finch and Barry Group therefore prepared a proposed confidentiality agreement and forwarded it to Mr. Aurada, as shown by Exhibit "B" attached hereto and incorporated by reference. The agreement was never returned or commented upon.

In all parties' recognition of this accelerated production date, when the Court set an early hearing on the objections to the Vose settlement agreements for June 6, 2012, counsel for Finch and Barry Group corresponded with counsel for the Receiver and asked for all of the documents requested, as by the correspondence between counsel, namely counsel's June 5, 2012 emails attached hereto as Exhibit "C" and incorporated by reference. Given the shortness of time, the Receiver's attorney stated he was only able to produce some of the documents prior to the hearing, and specifically only those documents the Receiver intended to offer as exhibits at the June 6 hearing. No objection was made at that time to the accelerated response date, and indeed it was professionally recognized by counsel at that time, and documents were produced pursuant to and in recognition of the request.

4. No objection to the accelerated response date was made in the Receiver's response to the Movant's Request for Production.

5. Counsel for the Finch and Barry Group also sent a letter to counsel for the Receiver on June 11, 2012, attached as Exhibit "D" (and incorporated by reference)

reminding him of the accelerated production date and requesting immediate review of the documents. No response to this letter was received.

6. Now counsel for the Receiver is objecting the production of any documents pursuant to the attached Request for Production for a number of reasons. The effect of the response is to declare that the Receiver is immune from discovery in this civil action, which is not believed to be the case. (See the Receiver's Responses to the Finch and Barry Group's Request for Production of Documents, attached hereto as Exhibit "E" and incorporated by reference.) As the Receiver knows, many of the documents requested are relevant to the hearing, currently scheduled for August 0, 2012 with respect to the Finch and Barry Group's Motion for Relief from Stay. Thus, the Receiver is both opposing this Motion for Relief From Stay, for reasons that have not been revealed, and declining to produce any further documents which could be used by the Movants to support their Motion.

This Motion was originally filed on or about June 21, 2012, but the Court declined to consider same because of an inadequate certificate of conference. Several conferences have occurred since then with counsel for the Receiver, several ideas including confidentiality orders, agreed limitations, and the like, have been considered, but the bottom line is that the Receiver still refuses to produce a single piece of paper in response to the Finch & Barry Group's request. Counsel is now advised that all communications between the Receiver and the Home Solutions entities, and their counsel, are "privileged" from the Finch & Barry Group and the Stewardship investors generally. What that "privilege" might be is anyone's guess, especially since the Receiver has made numerous representations to the Court regarding the content of

information received from the Home Solutions entities, including that these entities are supposedly “net losers” in this receivership. The Movants and the Investors in this case are clearly entitled to see the documents supporting these claims.

8. The items of the request for production are few in number and carefully worded to request only those items which are relevant and likely to lead to the discovery of admissible evidence in this action at this time. The focus of these materials are the documents obtained by the Receiver and his attorneys from Charles Vose and the Home Solutions and Harbour Portfolio entities, which should have been provided prior to the Court being asked to approve settlements with some of these parties. Not only the Finch and Barry Group, but the direct investors in the Stewardship entities, are certainly entitled to have access to these documents which are not the subject of any legitimate claim of privilege. In addition, the Receiver has possession of documents which support the present Motion for Relief from Stay, which the Receiver is now opposing. There is certainly no privilege that attaches to any documents which have been obtained by the Receiver from these parties, who are not currently parties to this proceeding, and all the requested documents are clearly discoverable materials in this cause. Counsel has offered to go to the Receiver’s office in Dallas to review responsive documents on several occasions, to no avail.

WHEREFORE, the Finch and Barry Group requests that the Court compel the Receiver to produce all documents responsive to their Request for Production of Documents dated May 22, 2012, overrule all of the objections and alleged privileges to the items of the request for production, and that they be granted such other and further relief as they show themselves justly entitled in this action.

Respectfully submitted,

PENNINGTON HILL, LLP.

By: /s/ H. Allen Pennington, Jr.  
H. Allen Pennington, Jr.  
State Bar No. 15 58500

Tindall Square Warehouse No.  
509 Pecan Street, Suite 101  
Fort Worth, Texas 6102  
Telephone: (817) 2-5055  
Facsimile: (817) 2-5054

ATTORNEYS FOR MDA REALT HOLDINGS,  
LLC, MVB REALT HOLDINGS, LLC, LF  
REALT HOLDINGS, LLC AND F & B NOTE  
HOLDING, LLC

#### **CERTIFICATE OF CONFERENCE**

The undersigned lead counsel for the Finch & Barry Group, has conferred extensively with Mr. Jay Rystinik, lead counsel for the Receiver in this matter, regarding the relief sought in this motion. The undersigned counsel and Mr. Rystinik have complied with the "meet and confer" requirement of local Rule CV- (h), agree that they have met this requirement, and this motion remains opposed in all respects. Mr. Rystinik and I conferred on the merits of this motion on July 25, July 26 and July 1, 2012. The undersigned counsel believes that the reason that an agreement cannot be reached on this motion is that the Receiver's attorney feels that all of the Receiver's documents, including communications with and documents received from third parties, are "privileged" from the Investors and from the Finch & Barry Group. It is the opinion of the undersigned counsel that these documents are not privileged from the Investors, since the Receiver represents these parties, that the documents should be made available to the Investors and to the Finch & Barry Group, and that selective production and characterization of this information to the Court and the Investors, without having to reveal the proof or basis for these statements, runs afoul of the principles, purposes and spirit of an SEC investor receivership. Thus, the parties have reached an impasse on this motion, leaving this matter for the Court to resolve.

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

**CERTIFICATE OF SERVICE**

I certify that on August 2, 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.

Mr. David B. Reece  
U.S. Securities and Exchange Commission  
Fort Worth Regional Office  
Burnett Plaza, Suite 1900  
801 Cherry Street, Unit #18  
Fort Worth, Texas 76102-6882  
Ph: 817-988-6466  
Fx: 817-988-492  
*Attorney for SEC*

*Via ECF*

Mr. Jay L. Rystinik  
Bryan Cave, LLP  
2200 Ross Ave., Suite 2000  
Dallas, Texas 75201-965  
Ph: 214-21-8000  
Fx: 214-21-8100  
*Attorney for Receiver Keith Aurzada*

*Via ECF*

Mr. John Helms  
Helms Roberts & Dia  
6060 N. Central Expressway, Suite 560  
Dallas, Texas 75206  
Ph: 214-800-2086  
Fx: 214-800-205  
*Attorney for Defendant James Temme*

*Via ECF*

Mr. Jim L. Flegle  
Loewensohn Flegle Deary, LLP  
1200 Merit Drive, Suite 900  
Dallas, Texas 75251  
Ph: 214-522-1000  
Fx: 214-522-1011  
*Attorney for Non-Party Charles A. Vose, III*

*Via ECF*

Mr. Michael J. Culling  
Culling, Selander, et al.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
*Attorney for Non-Party Robert Boyce*

*Via CMRRR*

/s/ H. Allen Pennington, Jr.

H. Allen Pennington, Jr.

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SECURITIES AND EXCHANGE COMMISSION,

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JAMES G. TEMME,  
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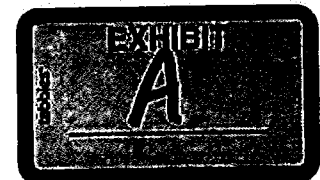
Defendants.

**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO THE RECEIVER**

To: Mr. Keith Miles Aurzada, Receiver, by and through his attorney of record, Mr. Jay L. Krystinik, Bryan Cave, LLP, 2200 Ross Ave., Suite 3300, Dallas, Texas 75201.

Pursuant to Federal Rule of Civil Procedure Rule 34, MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC and F & B Note Holding, LLC (the "Finch and Barry Group") serve the following First Request for Production of Documents upon the Receiver, Keith Miles Aurzada, Esquire, by and through his attorneys of record.

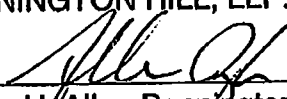
The Receiver is requested to produce all documents set forth herein (as they are kept in the ordinary course of business, or organized and labeled to correspond with categories in each request) for inspection and copying, not more than 30 days after service of this request, at Pennington Hill, LLP, 509 Pecan Street, Suite 101, Fort Worth, TX 76102, or the undersigned counsel is agreeable to reviewing the responsive documents at the office of the office of the Receiver and his counsel in Dallas, Texas upon notice that same is preferred.



In the event of the setting of a hearing on either or both of the Receiver's Motions to Approve Settlement, filed on April 25, 2012 in this action, or on either or both of the Objections to such Motions filed on May 15, 2012 in this action, documents responsive to this request must be made available to the undersigned counsel at least 48 hours before such hearing, so they will be available for use at the hearing.

Respectfully submitted,

PENNINGTON HILL, LLP.

By:   
H. Allen Pennington, Jr.  
State Bar No. 15758500

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509 Pecan Street, Suite 101  
Fort Worth, Texas 76102  
Telephone: (817) 332-5055  
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ATTORNEYS FOR MDA REALTY HOLDINGS,  
LLC, MVB REALTY HOLDINGS, LLC, LF  
REALTY HOLDINGS, LLC AND F & B NOTE  
HOLDING, LLC



**CERTIFICATE OF SERVICE**

I certify that on May 22, 2012, a true and correct copy of the foregoing document was served on the following counsel of record via certified mail, return receipt requested.

Mr. David B. Reece  
U.S. Securities and Exchange Commission  
Fort Worth Regional Office  
Burnett Plaza, Suite 1900  
801 Cherry Street, Unit #18  
Fort Worth, Texas 76102-6882  
Ph: 817-978-6476  
Fx: 817-978-4927  
*Attorney for SEC*

*Via CMRRR*

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Bryan Cave, LLP  
2200 Ross Ave., Suite 3300  
Dallas, Texas 75201-7965  
Ph: 214-721-8000  
Fx: 214-721-8100  
*Attorney for Receiver Keith Aurzada*

*Via Hand Delivery*

Mr. John Helms  
Helms Roberts & Diaz  
6060 N. Central Expressway, Suite 560  
Dallas, Texas 75206  
Ph: 214-800-2086  
Fx: 214-800-2057  
*Attorney for Defendant James Temme*

*Via CMRRR*

Mr. Jim L. Flegle  
Loewensohn Flegle Deary, LLP  
12377 Merit Drive, Suite 900  
Dallas, Texas 75251  
Ph: 214-572-1700  
Fx: 214-572-1717  
*Attorney for Non-Party Charles A. Vose, III*

*Via CMRRR*

Mr. Michael J. Quilling  
Quilling, Selander, et al.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
*Attorney for Non-Party Robert Boyce*

*Via CMRRR*

  
\_\_\_\_\_  
H. Allen Pennington, Jr.

**DOCUMENTS TO BE PRODUCED**

1. All correspondence, documents exchanged and emails between the Receiver, and/or counsel for the Receiver, on the one hand, and Charles Vose, any Home Solutions entity, any Harbour Portfolio Entity, or any attorney for any of such parties, on the other hand (except for documents which are simply service of filed pleadings in this case).

**RESPONSE:**

2. All correspondence, documents exchanged and emails between the Receiver, and/or counsel for the Receiver, on the one hand, and Robert Boyce, or his attorneys, on the other hand (except for documents which are simply service of filed pleadings in this case).

**RESPONSE:**

3. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Charles Vose, any Home Solutions entity, and any Harbour Portfolio entity, or their attorneys, on the other hand, regarding any potential settlement between or among any of these parties.

**RESPONSE:**

4. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Robert Boyce, or his attorneys, on the other hand, regarding any potential settlement between or among any of these parties.

**RESPONSE:**

5. All signed copies, if any, of the settlement agreements which are the subject of the Receiver's pending Motions to approve Settlement Agreements filed in the captioned action on or about April 25, 2012.

**RESPONSE:**

6. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Charles Vose, any Home Solutions entity, and any Harbour Portfolio entity, or their attorneys, on the other hand, regarding the Finch and Barry Group, or any claims of the Finch and Barry Group.

**RESPONSE:**

7. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Robert Boyce, or his attorneys, on the other hand, regarding the Finch and Barry Group, or any claims of the Finch and Barry Group.

**RESPONSE:**

8. All documents provided to the Receiver on behalf of any Home Solutions entity or any Harbour Portfolio entity showing proof of ownership of any mortgages, which were provided in response or opposition to the Receiver's Amended Motion to Show Cause filed in this matter on or about February 7, 2012.

**RESPONSE:**

9. All documents evidencing the July, 2008 agreement involving Harbour Portfolio I, LLC referenced in paragraph 3 of the Receiver's Motion to Approve Settlement Agreement with the Vose Entities filed on April 25, 2012.

**RESPONSE:**

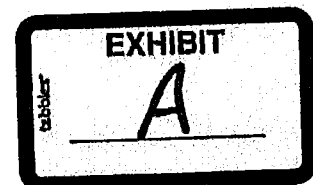
10. All documents evidencing the November, 2008 agreement involving Harbour Portfolio II, LLC referenced in paragraph 6 of the Receiver's Motion to Approve Settlement Agreement with the Vose Entities filed on April 25, 2012.

**RESPONSE:**

11. All documents developed by the Receiver which indicate the current ownership, or alleged ownership, of any of the mortgages set forth on the list attached hereto as Exhibit "A".

**RESPONSE:**

Street Address	City	State	Zip
07 Eufaula Avenue	Birmingham	AL	35208
3 Highland Drive	Horseshoe Lake	AR	72348
0 WEST 4TH STREET	Mulberry	AR	72947
15 W VERNON AVE	PHOENIX	AZ	85009
01 North 35Th Drive	Phoenix	AZ	85019
08 NORTH 40TH AVENUE	Phoenix	AZ	85019
40 N 73RD DR	PHOENIX	AZ	85035
10 NORTH 50TH LN	Phoenix	AZ	85035
1 Q STREET	Rio Linda	CA	95673
05 West 47Th Avenue	Denver	CO	80211
16 STONE AVENUE	PUEBLO	CO	81004
PUTNAM ST	MERIDEN	CT	6450
34 West 3rd Street	Wilmington	DE	19805
64 McIntire Rd	Brooksville	FL	34601
36 HWY 273	CAMPBELLTON	FL	32426
55 Nw 90 Avenue #207	Coral Springs	FL	33065
71 RIVERSIDE DR	Coral Springs	FL	33065
8 Fairmont Rd	Daytona	FL	32114
1 Mulberry St	Daytona Beach	FL	32114
90 LAKE DRIVE # 120	Doral	FL	33166
40 NORTHWEST 21ST STREET #126	FORT LAUDERDALE	FL	33313
7 CLARA ST	FORT MYERS	FL	33916
49 MARAVILLA AVENUE APT B4	Fort Myers	FL	33901
20 ARAGON WAY #13-303	FORT MYERS	FL	33912
28 WALNUT STREET	Green Cove Sprngs	FL	32043
UNCLE PETE RD	HAINES CITY	FL	33844
55 HARVARDSTON LOOP	HOLIDAY	FL	34691
23 EISENHOWER	HOLIDAY	FL	34691
37 PRIMROSE DRIVE	HOLIDAY	FL	34691
21 Grant Street	Jacksonville	FL	32202
31 W. 6th Street	Jacksonville	FL	32209
14 E 19TH STREET	JACKSONVILLE	FL	32206
16 W 28TH STREET	JACKSONVILLE	FL	32209
ANDRESS STREET	Jacksonville	FL	32208
39 LENOX AVENUE	JACKSONVILLE	FL	32254
79 IMAGES CIRCLE UNIT # 108	Kissimmee	FL	34746-4742
2 SOUTH C STREET	LAKE WORTH	FL	33460
726 GAGE LOOP UNIT #47	Land O Lakes	FL	34639
50 Nw 21st Street, Unit 209-F	Lauderhill	FL	33313
40 NW 52ND AVENUE	LAUDERHILL	FL	33313
3 GERALD AVENUE UNIT 426	LEHIGH ACRES	FL	33972
3 RICHMOND AVE S	LEHIGH ACRES	FL	33936
108 PEREGRINES PERCH PL APT 303	Lutz	FL	33558-2793
26 COURTYARD DRIVE	Margate	FL	33063
560 SW 80TH STREET UNIT K105	Miami	FL	33193
NW 40 ST	Miami	FL	33127



06 E. JACKSON AVE	Mount Dora	FL	32757
45 PUMP ROAD	MULBERRY	FL	33860-0000
9 NW 9TH ST	Mulberry	FL	33860
31 W. LAKEVIEW BLVD #7	NORTH FORT MYERS	FL	33903
08 Jolly Road	North Fort Myers	FL	33903
0 FAIRWAYS CIRCLE	OCALA	FL	34472
1 Bahman Avenue	Opa Locka	FL	33054
6 AHMAD STREET	Opa Locka	FL	33054
20 Yount Drive	Orlando	FL	32822
35 South Conway Road Unit G8	Orlando	FL	32812
02 FOREST CITY ROAD UNIT D	Orlando	FL	32810
64 RALEIGH ST. #1612	Orlando	FL	32835
350 SW 1ST STREET APT 106	Pembroke Pines	FL	33027
0 SW 111TH AVENUE UNIT 7-103	PEMBROKE PINES	FL	33025
18 ALTON ROAD	Pensacola	FL	32507
25 W FAIRFIELD DRIVE UNIT A-7	Pensacola	FL	32506
101 NORTHWEST 4 TERRACE #191	POMPANO BEACH	FL	33064
43 ADMINISTRATION STREET	PORT CHARLOTTE	FL	33948-9669
49 SW CYCLE STREET	Port Saint Lucie	FL	34953
435 NE 236TH COURT	Salt Springs	FL	32134
06 40TH STREET	Sarasota	FL	34234
77 SUMMERSIDE LANE	SARASOTA	FL	34231
199 TARRYTOWN DR	SPRING HILL	FL	34606
155 10TH AVENUE SOUTH	St Petersburg	FL	33705
124 3RD AVE. NORTH	ST. PETERSBURG	FL	33710
100 NW 34 PLACE #105	SUNRISE	FL	33351
120 N Brooks St	Tampa	FL	33612
16 MAYDELL CT	Tampa	FL	33619
17 41ST ST	WEST PALM BEACH	FL	33407
120 N CONGRESS AVE #B203	West Palm Beach	FL	33401
130 LAKE DRIVE NW	Winter Haven	FL	33881
12 Dover St SW	Atlanta	GA	30310
14 East North Street	Marshalltown	IA	50158
2548 Main Street	Mediapolis	IA	52637
12 SW FIRST	MELCHER	IA	50163
29 Maple Street	Murray	IA	50174
MARIAN DRIVE	Muscatine	IA	52761
14 WRIGHT STREET	PARKERSBURG	IA	50665
15 S CARROLL STREET	ROCK RAPIDS	IA	51246-1439
20 4TH STREET	SIBLEY	IA	51249
308 Lafayette Street	Waterloo	IA	50703
0537 S CORLISS AVE	CHICAGO	IL	60628
363 SOUTH SHORE DRIVE UNIT #308	Chicago	IL	60649
34 West 58Th Street	Chicago	IL	60621
1240 SOUTH STEWART	CHICAGO	IL	60628
413 SOUTH CARPENTER STREET	Chicago	IL	60621
07 SHERIDAN	DANVILLE	IL	61832

POST PLACE	EAST SAINT LOUIS	IL	62205
ROSELAWN AVENUE	Fairview Heights	IL	62208
14 EAST LOSEY STREET	Galesburg	IL	61401
31 HONORE AVE	HARVEY	IL	60426
24 S Wood St	Harvey	IL	60426
3 N PARK AVE	KANKAKEE	IL	60901
2 W. WASHINGTON AVE.	LEWISTOWN	IL	61542
19 Oak Grove Road	Metropolis	IL	62960
5 Andrew Street	Paris	IL	61944
5N.Gale Ave	Peoria	IL	61604
200 S MICHIGAN AVENUE	RIVERDALE	IL	60827
314 SOUTH WABASH AVE	Riverdale	IL	60827
36 13Th Street	Rock Island	IL	61201
38 SOUTH 5TH STREET	Rockford	IL	61104
4 N PLUM STREET	ALBANY	IN	47320
7 EAST GRANT STREET	ALEXANDRIA	IN	46001
3 WEST 2ND STREET	ANDERSON	IN	46016
13 E. 37th St.	Anderson	IN	46013
24 BROWN STREET	Anderson	IN	46013
15 VERMONT AVENUE	CONNERSVILLE	IN	47331
7 NORTH CROSS STREET	Danville	IN	46122
98 WASHINGTON STREET	DELONG	IN	46922
11 Pulaski Street	East Chicago	IN	46312
5 Thomas St	Elkhart	IN	46516
6 JEFFERSON STREET	ELKHART	IN	46516
1 VINE ST	Elkhart	IN	46517
4 MIDDLEBURY STREET	ELKHART	IN	46517
1 EAST EMERALD STREET	Elkhart	IN	46514
23 STRATHMORE STREET	FORT WAYNE	IN	46802
01 THOMPSON AVENUE	FORT WAYNE	IN	46807
32 Barthold	Fort Wayne	IN	46808
17 FERNWOOD AVENUE	Fort Wayne	IN	46809
33 ALVERADO DRIVE	Fort Wayne	IN	46816
6 JACKSON ST	GARY	IN	46402
50 RHODE ISLAND STREET	GARY	IN	46409
61 VAN BUREN STREET	GARY	IN	46407
2 HAMLIN ST	GARY	IN	46406
54 JEFFERSON ST	Gary	IN	46408
14 W 43rd Ave	Gary	IN	46408
32 CAROLINA STREET	GARY	IN	46407
136 Alabama Ave	Hammond	IN	46323
28 EATON AVE	HAMMOND	IN	46320
32 HARRISON AVENUE	HAMMOND	IN	46320
118 JACKSON AVENUE	Hammond	IN	46324
59 W. PROSPECT ROAD	Hanover	IN	47243
19 E. MAIN ST.	HARTFORD CITY	IN	47348
54 PARK STREET	Huntington	IN	46750

46750	IN	Huntington	1 INDIANA STREET
46235	IN	INDIANAPOLIS	17 BRENTWOOD DRIVE
46222	IN	Indianapolis	5 NORTH CONCORD STREET
46203	IN	INDIANAPOLIS	19 COTTAGE AVE
46201	IN	INDIANAPOLIS	36 SAMOA ST
46226	IN	INDIANAPOLIS	24-1826 E Maryland
46241	IN	Indianapolis	38 N SHERIDAN AVE
46227	IN	Indianapolis	3 S RYBOLT AVE
46201	IN	INDIANAPOLIS	30 S Randolph
46201	IN	Indianapolis	NORTH WALCOTT STREET
46201	IN	Indianapolis	3-541 North Oakland Avenue
46218	IN	Indianapolis	25 N Oakland Avenue
46240	IN	INDIANAPOLIS	38-2040 North Ohney Street
46235	IN	INDIANAPOLIS	34 RUTH DRIVE
46208	IN	Indianapolis	48 KINGSBORO COURT
46219	IN	INDIANAPOLIS	14 N Capital Avenue
46219	IN	INDIANAPOLIS	NORTH HAWTHORNE AVE
46219	IN	INDIANAPOLIS	2 SOUTH HAWTHORNE LANE
46205	IN	Indianapolis	44-2246 ADMIRAL DRIVE
46217	IN	Indianapolis	15 North Kingsley Drive
46901	IN	KOKOMO	02 West Sumner Avenue
47858	IN	LEWIS	2 SOUTH LOCKE ST
46947	IN	LOGANSPORT	27 WEST COUNTY ROAD 850 SOUTH
46953	IN	Marion	5 TANGUY STREET
47302	IN	MUNCIE	0 E. 22Nd Street
47362	IN	New Castle	10 EAST 23RD STREET
46774	IN	New Haven	3 N 20TH STREET
47037	IN	OSGOOD	149 Seward Street
47374-5607	IN	RICHMOND	104 NORTH FINKS ROAD
47040	IN	RISING SUN	3 S 13TH STREET
46173	IN	RUSHVILLE	80 STATE ROAD 56 N
47581	IN	SHOALS	18 NORTH SPENCER STREET
46628	IN	South Bend	1929 RAMA OVE ROAD
46616	IN	South Bend	316 Sibley Avenue
46617	IN	SOUTH BEND	5 N Allen St
46617	IN	SOUTH BEND	22 E HOWARD ST
46613	IN	South Bend	11 NAPOLEON ST
47804	IN	TERRRE HAUTE	128 East Bowman Street
67208	KS	WICHITA	223 N. 17TH STREET
41031	KY	CYNTHIANA	326 N GLENDALE
42743	KY	Greensburg	34 N. ELMARCH AVENUE
40208	KY	LOUISVILLE	22 SOUTH MCCULLUM AVENUE
40211	KY	Louisville	210 TENNESSEE AVE
42066	KY	Mayfield	101 Elliot Ave
70714	LA	BAKER	18 South 16th St
70043	LA	Chalmette	508 Loyds
			506 GREENWOOD LANE

0 W Solidelle	Chalmette	LA	70043
4 WEST 59TH STREET	Cutoff	LA	70345
03 NORTH UNIVERSITY	LAFAYETTE	LA	70506
6 N FRANKLINTOWN RD	Baltimore	MD	21223
50 W. NORTH AVENUE	BALTIMORE	MD	21216
3 BRISTOL ST	ADRIAN	MI	49221
1 WALLACE STREET	CADILLAC	MI	49601
5 EAST HIGHWAY 134	CEDARVILLE	MI	49719
20 MEAD ST	DEARBORN	MI	48126
53 Pelham St	Dearborn Heights	MI	48125
132 Andover	Detroit	MI	48203
001 SYRACUSE	Detroit	MI	48234
176 Coyle	Detroit	MI	48235
45 Delta Avenue	Detroit	MI	48212
29 ALTER ROAD	DETROIT	MI	48215
838 Nottingham	Detroit	MI	48224
396 Dwyer Street	Detroit	MI	48234
212 Fenton St	Detroit	MI	48219
54 CLARK ST	DETROIT	MI	48209
21 BADGER	Detroit	MI	48213
.70 Illinois Street	Detroit	MI	48207
105 BLACKMORE	DETROIT	MI	48234
50 BEACONSFIELD ST	DETROIT	MI	48224
1800 Gable Street	Detroit	MI	48234
136 NOTTINGHAM	DETROIT	MI	48224-0000
1669 Eureka Street	Detroit	MI	48234
1291 HUBBELL	Detroit	MI	48227-0000
171 Edwards Street	Detroit	MI	48210
1667 CEDARGROVE	DETROIT	MI	48205
1750 ALLONBY ST	DETROIT	MI	48227
146 MAXWELL ST	DETROIT	MI	48213
1316 LAMPHERE	DETROIT	MI	48223
1369 Holmur	Detroit	MI	48238
129 PROCTOR ST	Detroit	MI	48210
1434 KENTFIELD	DETROIT	MI	48219
1509 IRVINGTON	Detroit	MI	48203
1947 Marlowe	Detroit	MI	48227
1686 Cascade Street	Detroit	MI	48204
103 Grandville Avenue	Detroit	MI	48228
1025 BELAND	DETROIT	MI	48234-3837
119 PLAINVIEW AVE	DETROIT	MI	48228
1508-15510 WABASH ST	DETROIT	MI	48238
75-577 KING STREET	DETROIT	MI	48202
1343 Rosemary	Detroit	MI	48213
20 Gladstone Street	Detroit	MI	48202
7856 RUNYON	Detroit	MI	48234
1116 Hickory	Detroit	MI	48205



316 BAGLEY STREET	DETROIT	MI	48209
3214 GREENLAWN	DETROIT	MI	48221
5385 Washburn	Detroit	MI	48238
5713 PATTON STREET	DETROIT	MI	48223
5841 TACOMA STREET	Detroit	MI	48205
1813 ENGLSIDE ST	DETROIT	MI	48205
3000 Woodbine St	Detroit	MI	48219
1 West Broadway Street	Ecorse	MI	48229
195 W Williamson Avenue	Flint	MI	48507
17 W JAMIESON ST	Flint	MI	48504
710 CLEMENT STREET	Flint	MI	48504
95 BRANDT	Garden City	MI	48135
481 NORTH M-18	GLADWIN	MI	48624
12 Olympia St SW	Grand Rapids	MI	49503
412 College Avenue Ne.	Grand Rapids	MI	49505
05-407 GENIE	GWINN	MI	49841
31-133 FURY	GWINN	MI	49841
055 MOORE ST.	INKSTER	MI	48141
9947 SPRING ARBOR DR	INKSTER	MI	48141
10 Union Street	Jackson	MI	49203
010 MAPLE	JACKSON	MI	49203
05 North Pleasant St	Jackson	MI	49201
434 PRINCETON AVE.	KALAMAZOO	MI	49007
21 ELM STREET	Kalamazoo	MI	49007
29 Farrand	Lansing	MI	48906
512 INGHAM STREET	LANSING	MI	48910
49 Wisconsin Avenue	Lansing	MI	48915
29 E MAIN STREET	LINCOLN	MI	48742
091 Cicotte Ave	Lincoln Park	MI	48146
61 Park Ave	Lincoln Park	MI	48146
235 HILTON LN	Mt Morris	MI	48458
384 PALMER AVE	MUSKEGON	MI	49441
041 Hoyt	Muskegon Heights	MI	49444
395 Ash Street	National City	MI	48748
2101 MORTON ST	Oak Park	MI	48237
5 W. HOPKINS	Pontiac	MI	48342
1 Kimball Street	Pontiac	MI	38342
0462 Sumner	Redford	MI	48240
9141 WAKENDEN	REDFORD	MI	48240
12 WALNUT ST	RIVER ROUGE	MI	48218
638 CADILLAC AVE	WARREN	MI	48089
608 MEADOW ST	WARREN	MI	48091
2555 Masch Avenue	Warren	MI	48091
204 LOZIER AVENUE	WARREN	MI	48089
98 Dartmoor St	Whitmore Lake	MI	48189
701 Dover Court	Ypsilanti	MI	48198
607 Bryant Ave N	Minneapolis	MN	55412

39 WASHBURN AVE N	MINNEAPOLIS	MN	55411
23 UPTON AVE NORTH	MINNEAPOLIS	MN	55412
12 18Th Ave N	Minneapolis	MN	55411
42 North Market Street	Saint Louis	MO	63135
16 East Olive Street	Springfield	MO	65802
39 PROPER STREET	CORINTH	MS	38834
3 S WASHINGTON AVENUE	Greenville	MS	38701
5 N WST ST	HOLLY SPRINGS	MS	38635
38 PALMYRA STREET	JACKSON	MS	39204
16-1718 GRAND AVENUE	Jackson	MS	39209
3 RUTHERFORD B HAYES CIRCLE	JACKSON	MS	39213
10 S Charleston Drive	Jackson	MS	39212
01 40TH AVE.	MERIDIAN	MS	39307
09 PERSHING STREET	HIGH POINT	NC	27260
9 Sagebrush Trail	Lexington	NC	27292
1 VERMILLION DRIVE	PARKTON	NC	28371
05 STAR STREET	ROCKY MOUNT	NC	27804
9 PERRY ROAD	TROUTMAN	NC	28166
32 E PARK RD	Williamston	NC	27892
09 FOOTHILL SW	ALBUQUERQUE	NM	87105
H & HEMSTREET	Vaughn	NM	88353
THOMPSON STREET	BUFFALO	NY	14207
WHEELOCK STREET	BUFFALO	NY	14206
DAVIDSON AVE	BUFFALO	NY	14215
8 WEST HUDSON STREET	Elmira	NY	14904
8 E HUDSON ST	ELMIRA	NY	14904
7 BAUM ROAD	HASTINGS	NY	13076
5 GLENWOOD AVE	MEDINA	NY	14103
1 HURON STREET	SYRACUSE	NY	13207
5 CUYAHOGA ST	Akron	OH	44304
09 Fuitz Street	Akron	OH	44307
2 MERTON AVE.	AKRON	OH	44306
9 BELL STREET	AKRON	OH	44307
13 BLANCHE STREET	AKRON	OH	44307
16 ROSELAWN AVENUE	AKRON	OH	44306
12 STANTON AVENUE	AKRON	OH	44301
13 COURTLAND AVE	AKRON	OH	44307
15 WORK DRIVE	Akron	OH	44320-0000
163 East Avenue	Akron	OH	44306
14 CLEARVIEW AVENUE	AKRON	OH	44314
190 EASTWOOD AVENUE	AKRON	OH	44305
111 EAST SUMMIT STREET	ALLIANCE	OH	44601
115 WOOSTER ROAD	Barberton	OH	44203
116 HILL ST	BELPRE	OH	45714
16 NORTH CHERRY STREET	BRYAN	OH	43506
222 Arbor Road Sw	Canton	OH	44710
112 FAIRMONT AVENUE	CINCINNATI	OH	45214

109 SETON AVENUE	CINCINNATI	OH	45205
156 KIRKUP AVENUE	Cincinnati	OH	45213
15 Earnshaw Avenue	Cincinnati	OH	45219
18 East 156th Street	Cleveland	OH	44110
173-1175 ROZELLE AVENUE	CLEVELAND	OH	44112
1814 PEPPER AVE	CLEVELAND	OH	44110
133 East 106Th Street	Cleveland	OH	44105
121 East 103Rd Street	Cleveland	OH	44104
155 WEST 98TH STREET	Cleveland	OH	44102
149E 158Th St	Cleveland	OH	44128
116 EAST 38TH STREET	Cleveland	OH	44115
119 Melrose Avenue	Columbus	OH	43211
1-87 North Yale Avenue	Columbus	OH	43222
148-1750 E. MOUND STREET	Columbus	OH	43205
186 Moonlight Lane	Columbus	OH	43207
185 THAMES DR	Columbus	OH	43219
191 East Kenworth Road	COLUMBUS	OH	43224
173 WILSON AVENUE	COLUMBUS	OH	43205
15 NORTH OAKLEY AVENUE	COLUMBUS	OH	43204
15 ONION STREET	CRESTON	OH	44217
152 SHAFTSBURY ROAD	DAYTON	OH	45406
144 Rugby Road	Dayton	OH	45404
11 S Kilmer St	Dayton	OH	45417
16 WHITMORE AVENUE	DAYTON	OH	45417
12 OSMOND AVENUE	Dayton	OH	45417
179 LARKSPUR DRIVE	DAYTON	OH	45406
150 ELMER AVENUE	DAYTON	OH	45417
174 BECKER DRIVE	DAYTON	OH	45427
19 LEXINGTON AVE	DAYTON	OH	45407
120 VALLEY ST	DAYTON	OH	45404
141 CARLYON	EAST CLEVELAND	OH	44112
1651 FOX AVE UNIT C	EUCLID	OH	44123
143 Carver Road	Franklin Furnace	OH	45629
175 Cherry Street	Galion	OH	44833
140 FRANKLIN STREET	HAMILTON	OH	45011
12 1st Avenue	Hebron	OH	43025
155 Biltz Rd	Ken	OH	44240
16 EAST OHIO STREET	KENTON	OH	43326
209 WEST 14TH STREET	LORAIN	OH	44052
151 HAMILTON AVENUE	Lorain	OH	44052
1 PENN AVE	MANSFIELD	OH	44903
14 GRACE STREET	Mansfield	OH	44902
115 THOMAS ST	MAPLE HEIGHTS	OH	44137-0000
188 SOUTH BOULEVARD	Maple Heights	OH	44137
1619 GARDENVIEW DR	MAPLE HEIGHTS	OH	44137
21 7TH STREET SW	Massillon	OH	44647
13 8TH STREET SOUTH WEST	Massillon	OH	44647

3 RACE ST	MECHANICSBURG	OH	43044
6 BEACH DR	MEDWAY	OH	45341
9 HARRISON AVENUE	MT HEALTHY	OH	45231
Hobson St.	Napoleon	OH	43545
4 CEDAR AVENUE	NILES	OH	44446
1 MORSE AVENUE	Painesville	OH	44077
1 Main Street	Pleasant City	OH	43772
1 HARDING AVENUE	PORTSMOUTH	OH	45662
100 KANSAS RD	SALESVILLE	OH	43778
1 NORTH RACE ST	Springfield	OH	45504
15 HEARD AVENUE	SPRINGFIELD	OH	45501
1-948 Oak Street	Springfield	OH	45505
1 MONTGOMERY AVENUE	SPRINGFIELD	OH	45506
10 Morton Dr	Springfield	OH	45505
18 Chase Street	Toledo	OH	43611
1 Western Avenue	Toledo	OH	43609
5 POTTER ST	TOLEDO	OH	43605
2 MCKINLEY AVE	TOLEDO	OH	43605-2921
28 CAROLINE AVE	TOLEDO	OH	43612
34 FORAKER AVE	Toledo	OH	43609
30 Walker Ave	Toledo	OH	43612
32 FORTUNE DR	Toledo	OH	43611
4 BANK STREET	TORONTO	OH	43964
78 FERNDALE SW	WARREN	OH	44485
1 SUMMIT STREET NW	WARREN	OH	44485
35 IRMA AVENUE	YOUNGSTOWN	OH	44502
80 RUSSELL STREET	ZANESVILLE	OH	43701
63 W Oklahoma Avenue	Sapulpa	OK	74066
1 DONAHOE STREET	Avella	PA	15312
14 TURKEY HOLLOW ROAD	BELLE VERNON	PA	15012
24 ROUTE 104	CHAPMAN TWP.	PA	17853
1 WEST MINISTER AVENUE	GREENSBURG	PA	15601
109 N 5th Street	Harrisburg	PA	17110
125 Florida Ave	Johnstown	PA	15902
1 EUCLID AVENUE	MCKEES ROCKS	PA	15136
115 FREEMONT STREET	MCKEESPORT	PA	15132
17 NORRIS STREET	Norristown	PA	19401
102 STATE RTE 1042 BOX 170	NU MINE	PA	16244
116 WEST ALLEGHENY AVENUE	Philadelphia	PA	19132
3 N DEARBORN STREET	PHILADELPHIA	PA	19139
411 N JUDSON ST	Philadelphia	PA	19140
516 ASPEN STREET	PHILADELPHIA	PA	19104
200 FRANKLIN AVENUE	PITTSBURGH	PA	15221
14 Todd Street	Pittsburgh	PA	15221
908 BREVARD AVENUE	PITTSBURGH	PA	15227
956 MERWYN AVENUE	PITTSBURGH	PA	15204
83 HOWARD STREET	PITTSBURGH	PA	15235

18 HARMONY AVENUE	ROCHESTER	PA	15074
30 WATER STREET	Seegertown	PA	16433
17 SOUTH IRVINE AVENUE	SHARON	PA	16146
4 LINHART STREET	TURTLE CREEK	PA	15145
140 Sycamore Street	Washington	PA	15301
105 ST	WICONISCO	PA	17097
131 PARK AVENUE	WILLIAMSPORT	PA	17701
11 Bow String Rd	Elgin	SC	29045
15 WASHINGTON AVENUE	Gaffney	SC	29340
129/1131 Weston St	North Augusta	SC	29841
340 ROOSTER CIRCLE	PINEWOOD	SC	29125
35 GRANT STREET	LEOLA	SD	57456
12 South Lindsey Street	Jackson	TN	38301
144 DEWEY AVENUE	BELOIT	WI	53511
324 - 2824A N. ST	Milwaukee	WI	53206
345 N 11TH STREET	MILWAUKEE	WI	53206
374 N. 64 STREET	Milwaukee	WI	53218
336 S.20TH STREET	Milwaukee	WI	53204



**Allen Pennington**

---

**From:** Allen Pennington  
**Sent:** Tuesday, May 29, 2012 10:44 AM  
**To:** 'keith.aurzada@bryancave.com'  
**Subject:** Proposed Agreed Confidentiality Order

Keith, attached is a proposed confidentiality agreement for your review. Thanks. HAP.

H. Allen Pennington, Jr.

**Pennington Hill, LLP**  
Tindall Square - Warehouse No. 3  
509 Pecan Street, Suite 101  
Fort Worth, Texas 76102  
Telephone: (817) 332-5055  
Facsimile: (817) 332-5054  
[apennington@phblaw.com](mailto:apennington@phblaw.com)



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.

**CONFIDENTIALITY AGREEMENT**

WHEREAS, the parties to this agreement desire to protect and limit the disclosure of information produced in discovery in this matter;

NOW, THEREFORE, upon agreement of the parties hereto, it is hereby agreed that documents and information, including the substance and content thereof, designated by these parties as "Confidential Information", and produced between these parties for inspection in response to the requirements of the *Federal Rules of Civil Procedure* and other formal requests for discovery in this litigation, shall be subject to the terms of this Confidential Agreement as set forth below:

1. For purposes of this Agreement, Confidential Information means any document, written response or tangible thing (including photographs, videos, and electronically or digitally recorded and maintained information of any kind) provided, disclosed or designated by any party to this action as "Confidential", by so indicating on the face of the document, or on a cover correspondence conveying a volume of documents.



Confidential Information also means and includes any interrogatory answer, deposition testimony and exhibit or other disclosure as to which the disclosing party (or the party's counsel) specifically identifies as "CONFIDENTIAL" in writing, or on the deposition record, or in open court, at the time such material is produced or disclosed.

2. All Confidential Information shall be used for the purpose of this lawsuit only, and the claims herein, including as evidence in any motion, response or hearing in the captioned action, and for no other purpose or use, and specifically shall not be used for any business or commercial use.

3. The parties hereto and their attorneys shall not give, show or otherwise divulge or disclose the substance of any Confidential Information, or any copies, prints, negatives or summaries thereof, to any entity or person with the exception of the parties and experts and/or consultants employed by the parties and their attorneys and persons employed by the attorneys in connection with the preparation and trial of this action and any claims herein.

4. Before any such Confidential Information, or substance or summary thereof, shall be disclosed to experts or consultants retained by the parties, the parties' attorneys shall tender a copy of this Confidentiality Agreement to each such expert and/or consultant in order that each such entity or person to whom such disclosure of Confidential Information is made shall be on notice and fully informed of the existence, terms, and substance of this Agreement, and that it is intended to be equally binding upon it, him or her, as well as upon the parties hereto and their counsel. Each such expert or consultant to whom such Confidential Information has been disclosed shall provide an affidavit stating

that the expert has received a copy of this Agreement, that the expert will not give, show or otherwise divulge any of the Confidential Information or any copies, prints, or summaries thereof, to any entity or person other than the parties or their attorneys and their staff, and, that upon the completion of the trial and appeals, if any, in this action, or at the satisfaction of any judgment, or upon conclusion of any settlement in this matter, if any, the experts shall return to the respective parties the documents and/or things designated as Confidential, and any and all copies, prints, and negatives thereof, within the experts' possession, custody or control.

5. Nothing in this Agreement shall be deemed a waiver or limitation of the parties' rights to (a) oppose discovery on grounds, other than that said documents and information sought constitute or contain Confidential Information; (b) object on any ground to the admission in evidence, at trial or hearing of this action, of any Confidential Information; or (c) request the Court place under seal any Confidential Information produced pursuant to this Agreement.

6. All materials designated as Confidential shall be treated as confidential until further Order of the Court. The parties may challenge the designation of any material as confidential or otherwise apply to the Court by motion at any time during the pendency of this case for a ruling upon good cause shown that materials not be treated as Confidential. It shall be the burden of the party claiming confidentiality to prove the information is in fact confidential by a preponderance of the evidence. Acceptance and/or treatment by a party of any information as Confidential Information pursuant to this Order shall not constitute a concession or admission that such information is in fact confidential within the meaning of

applicable law.

7. Nothing herein shall prevent any party from using the Confidential Information in connection with this litigation, including any trial, hearing or other public proceeding in this matter, or from seeking further protection with respect to the use of any such Confidential Information in connection with such trial, hearing or other public proceeding in this matter.

8. Nothing in this agreement shall prevent either party from requesting and receiving any of the Confidential Information in the course of discovery in federal or state court proceedings other than the captioned federal court proceeding. In addition, a party to this Agreement may tender for in-camera inspection in such other proceedings any documents obtained pursuant to this Agreement, in order to challenge a statement by a party to such other proceeding that such documents do not exist and/or that they should not be produced in discovery in such other proceeding.

9. The Finch and Barry Group does not concede, by entering into this agreement, that any of its claims are within the jurisdiction of the captioned civil action; or are governed or controlled by actual or prospective orders in this action.

**SO AGREED** by these parties on the date last entered below:

**Bryan Cave, LLP**

By: \_\_\_\_\_  
Mr. Jay L. Krystinik  
Texas State Bar No. 24041279

2200 Ross Ave., Suite 3300  
Dallas, Texas 75201-7965  
Telephone: 214-721-8000  
Facsimile: 214-721-8100

**Attorneys for the Receiver Kelth Aurzada**

**PENNINGTON HILL, LLP**

By: \_\_\_\_\_  
H. Allen Pennington, Jr.  
Texas State Bar No. 15758500

Tindall Square Warehouse No. 3  
509 Pecan Street, Suite 101  
Fort Worth, Texas 76102  
Telephone: 817-332-5055  
Facsimile: 817-332-5054

**Attorneys for the Finch & Barry Group**

R:\10Aufrecht\SEC Pleadings\Confidential Agreement.doc

## Allen Pennington

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**From:** Krystinik, Jay [Jay.Krystinik@BryanCave.com]  
**Sent:** Tuesday, June 05, 2012 4:38 PM  
**To:** Allen Pennington; Aurzada, Keith; Purcell, Bradley  
**Subject:** RE: Document production

Allen -

We can make some, but not all, of the documents you have requested available by noon tomorrow.

Also, do you anticipate that your lift stay motion is proceeding tomorrow? The request for expedited relief referred only to the settlement motions/objections, but the court's order is less than clear. Please let us know your understanding. Thank you,

### Jay L. Krystinik

Associate



JP Morgan Chase Tower | 2200 Ross Avenue | Suite 3300 | Dallas, TX 75201  
t: 214.721.8048 | f: 214.220.6748 | e: [jay.krystinik@bryancave.com](mailto:jay.krystinik@bryancave.com)

---

**From:** Allen Pennington [mailto:[apennington@phblaw.com](mailto:apennington@phblaw.com)]  
**Sent:** Tuesday, June 05, 2012 8:19 AM  
**To:** Aurzada, Keith; Krystinik, Jay; Purcell, Bradley  
**Subject:** Document production

Gentlemen, since it appears we will have a hearing tomorrow on the objections to the settlement agreements, I would like to come over this afternoon to review documents requested in our clients' request for production. Please recall that I asked in the request for earlier production in the event of a setting on the objections to the settlement agreement. I sent over a plain vanilla protective order last week, which I am authorized to sign at this time. Please let me know when I can come by this afternoon to begin reviewing documents. I appreciate in advance your professional courtesies in this regard. HAP.

H. Allen Pennington, Jr.

### Pennington Hill, LLP

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509 Pecan Street, Suite 101  
Fort Worth, Texas 76102  
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Facsimile: (817) 332-5054  
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**recommending to another party any transaction or matter addressed herein.**

**bc1p2012**

## Pennington Hill, LLP

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Fort Worth, Texas 76102  
Telephone: 817-332-5055  
Facsimile: 817-332-5054

H. Allen Pennington, Jr.

June 11, 2012

***Via Facsimile: 214-721-8100***

Mr. Keith Miles Aurzada  
Bryan Cave, LLP  
2200 Ross Ave., Suite 3300  
Dallas, Texas 75201-7965

***Via Facsimile: 214-721-8100***

Mr. Jay L. Krystinik  
Bryan Cave, LLP  
2200 Ross Ave., Suite 3300  
Dallas, Texas 75201-7965

Re: *Civil Action No. 4:11-CV-00655; Securities and Exchange Commission vs. James G. Temme, Stewardship Funds, LP, In the United States District Court for the Eastern District of Texas Sherman Division*

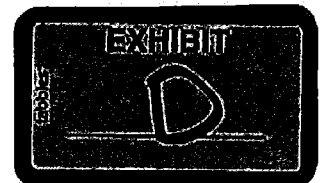
Dear Messrs. Aurzada and Krystinik:

I would like to complete the review of documents called for by our request for production of documents to the Receiver attached hereto. As you know, the response date for this request for production was accelerated due to the setting of the hearing last week on the Receiver's Motion to Approve Settlements. I very much appreciate your efforts in producing a number of the items called for by the Requests for Production the day of the hearing, and understand the difficulties of providing all of the responsive documents on such short notice.

Nevertheless, I would like to complete the review of responsive documents as soon as possible and will make myself available most any time this week to come over and continue reviewing documents.

I am also sorry that we were unable to discuss the proposed order on the Motions to Approve Settlement. I waited at my office Friday for your return call until 8:00 p.m., and also was in the office most of the day Saturday.

Please let me know when I may come over and begin reviewing additional documents.

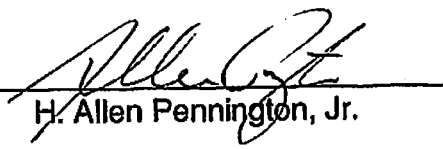


June 11, 2012  
Page 2 of 2

Sincerely yours,

PENNINGTON HILL, LLP

By:

  
H. Allen Pennington, Jr.

HAP/tkv  
Enclosure  
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## Pennington Hill, LLP

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H. Allen Pennington, Jr.

June 11, 2012

### FACSIMILE TRANSMITTAL

TO: Mr. Keith Aurzada 214-721-8100  
Mr. Jay L. Krystinik 214-721-8100

FROM: H. Allen Pennington, Jr.

Re: *Civil Action No. 4:11-CV-00655; Securities and Exchange Commission  
vs. James G. Temme, Stewardship Funds, LP, In the United States District  
Court for the Eastern District of Texas Sherman Division*

COMMENTS: Please see attached.

Number of pages including cover: 18

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**Pennington Hill, LLP**  
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Telephone: 817-332-5055  
Facsimile: 817-332-5054

H. Allen Pennington, Jr.

June 11, 2012

**FACSIMILE TRANSMITTAL**

TO: Mr. Keith Aurzada 214-721-8100  
Mr. Jay L. Krystinik 214-721-8100

FROM: H. Allen Pennington, Jr.

Re: *Civil Action No. 4:11-CV-00655; Securities and Exchange Commission vs. James G. Temme, Stewardship Funds, LP, In the United States District Court for the Eastern District of Texas Sherman Division*

COMMENTS: Please see attached.

Number of pages including cover: 18

## Pennington Hill, LLP

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H. Allen Pennington, Jr.

June 11, 2012

***Via Facsimile: 214-721-8100***

Mr. Keith Miles Aurzada  
Bryan Cave, LLP  
2200 Ross Ave., Suite 3300  
Dallas, Texas 75201-7965

***Via Facsimile: 214-721-8100***

Mr. Jay L. Krystinik  
Bryan Cave, LLP  
2200 Ross Ave., Suite 3300  
Dallas, Texas 75201-7965

Re: *Civil Action No. 4:11-CV-00655; Securities and Exchange Commission vs. James G. Temme, Stewardship Funds, LP, In the United States District Court for the Eastern District of Texas Sherman Division*

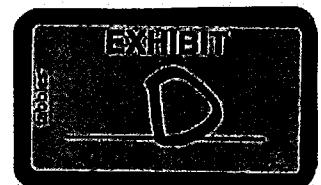
Dear Messrs. Aurzada and Krystinik:

I would like to complete the review of documents called for by our request for production of documents to the Receiver attached hereto. As you know, the response date for this request for production was accelerated due to the setting of the hearing last week on the Receiver's Motion to Approve Settlements. I very much appreciate your efforts in producing a number of the items called for by the Requests for Production the day of the hearing, and understand the difficulties of providing all of the responsive documents on such short notice.

Nevertheless, I would like to complete the review of responsive documents as soon as possible and will make myself available most any time this week to come over and continue reviewing documents.

I am also sorry that we were unable to discuss the proposed order on the Motions to Approve Settlement. I waited at my office Friday for your return call until 8:00 p.m., and also was in the office most of the day Saturday.

Please let me know when I may come over and begin reviewing additional documents.



June 11, 2012  
Page 2 of 2

Sincerely yours,

PENNINGTON HILL, LLP

By:



H. Allen Pennington, Jr.

HAP/tkv  
Enclosure  
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## Pennington Hill, LLP

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Fort Worth, Texas 76102  
Telephone: 817-332-5055  
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H. Allen Pennington, Jr.

June 11, 2012

### FACSIMILE TRANSMITTAL

TO: Mr. Keith Aurzada 214-721-8100  
Mr. Jay L. Krystinik 214-721-8100

FROM: H. Allen Pennington, Jr.

Re: *Civil Action No. 4:11-CV-00655; Securities and Exchange Commission  
vs. James G. Temme, Stewardship Funds, LP, In the United States District  
Court for the Eastern District of Texas Sherman Division*

COMMENTS: Please see attached.

Number of pages including cover: 18

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COMMENTS: Please see attached.

Number of pages including cover: 18



A. 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"). Pursuant to the Receiver Orders, "Creditors and all other persons are hereby restrained and enjoined, without prior approval of the Court, from: (a) Any act to obtain possession of the Receivership Estate assets;" Agreed Order Appointing Receiver Over Entities Under Control of James G. Temme ¶ 8 (Dkt. No. 24). The Discovery Requests seek to obtain documents that are assets of the Receivership Estate. The Finch and Barry Group have not requested or received leave of Court to obtain assets of the Receivership Estate. Receiver, therefore, objects to each of the Discovery Requests as a violation of the Receiver Orders.

B. Receiver objects to the Discovery Requests to the extent they individually and cumulatively seek to impose any duties or obligations beyond those required by, or are otherwise inconsistent with, the Federal Rules of Civil Procedure 26, 33, 34, 36 and 37.

C. Receiver objects to the Discovery Requests to the extent that they seek information concerning communications or other matters protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or protection. Any inadvertent disclosure of privileged or otherwise protected information shall not constitute, nor be deemed a waiver of the attorney-client privilege, work product doctrine, or any other applicable privilege or protection.

D. Receiver objects to the Discovery Requests to the extent that they seek information not in the possession, custody or control of the Receiver, on the grounds that they



seek to require more than is required by the Federal Rules of Civil Procedure 26, 33, 34, 36 and 37 and, therefore, subject Receiver to unreasonable and undue annoyance, oppression, burden and expense.

E. Receiver objects to the Discovery Requests to the extent that they seek materials equally available to the Finch and Barry Group through public sources or records, on the grounds that this subjects Receiver to unreasonable and undue annoyance, oppression, burden and expense.

F. The following responses and objections are based upon information presently available to Receiver and its attorneys in the continuing investigation of the matters that are the subject of this litigation. Accordingly, the responses and objections given herein are without prejudice to Receiver's right to further supplement or revise these responses and objections after further investigation, discovery, and trial preparation, and Receiver expressly reserves the right to so further supplement or revise these responses or objections.

G. In providing responses to the Discovery Requests, Receiver does not waive, or intend to waive, any privilege or objection, including but not limited to, any objection to the competency, relevance, materiality, or admissibility of any of the Discovery Requests, or any privilege for Receiver's responses thereto or their subject matter.

H. In addition to the foregoing General Objections, Receiver states the following Specific Objections to the individual Discovery Requests where appropriate. By setting forth such Specific Objections, Receiver does not, and does not intend to, limit or restrict the foregoing General Objections. To the extent that Receiver does not respond to specific Discovery Requests pursuant to the Federal Rules of Civil Procedure 26, 33, 34, 36 and 37 such

responses do not waive any of the foregoing General Objections or the following Specific Objections.

Subject to the foregoing General Objections, each of which is incorporated into the Receiver's Specific Objections and Responses to the Discovery Requests below, Receiver provides the following Specific Objections and Responses.

### **RESPONSES**

**Request No. 1:** All correspondence, documents exchanged and emails between the Receiver, and/or counsel for the Receiver, on the one hand, and Charles Vose, any Home Solutions entity, any Harbour Portfolio Entity, or any attorney for any of such parties, on the other hand (except for documents which are simply service of filed pleadings in this case).

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or work product doctrine. Receiver additionally objects to this Request to the extent it requests settlement communications protected by Federal Rule of Evidence 403.

**Request No. 2:** All correspondence, documents exchanged and emails between the Receiver, and/or counsel for the Receiver, on the one hand, and Robert Boyce, or his attorneys, on the other hand (except for documents which are simply service of filed pleadings in this case).

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or work product doctrine. Receiver additionally objects to this Request to the extent it requests settlement communications protected by Federal Rule of Evidence 403.

**Request No. 3:** All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Charles Vose, any Home Solutions entity, and any Harbour Portfolio entity, or their attorneys, on the other hand, regarding any potential settlement between or among any of these parties.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or

work product doctrine. Receiver additionally objects to this Request to the extent it requests settlement communications protected by Federal Rule of Evidence 403.

**Request No. 4:** All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Robert Boyce, or his attorneys, on the other hand, regarding any potential settlement between or among any of these parties.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or work product doctrine. Receiver additionally objects to this Request to the extent it requests settlement communications protected by Federal Rule of Evidence 403.

**Request No. 5:** All signed copies, if any, of the settlement agreements which are the subject of the Receiver's pending Motions to approve Settlement Agreements filed in the captioned action on or about April 25, 2012.

**Answer:** Receiver objects to this Request on the grounds that it is moot.

**Request No. 6:** All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Charles Vose, any Home Solutions entity, and any Harbour Portfolio entity, or their attorneys, on the other hand, regarding the Finch and Barry Group, or any claims of the Finch and Barry Group.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or work product doctrine. Receiver additionally objects to this Request to the extent it requests settlement communications protected by Federal Rule of Evidence 403.

**Request No. 7:** All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Robert Boyce, or his attorneys, on the other hand, regarding the Finch and Barry Group, or any claims of the Finch and Barry Group.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or work product doctrine. Receiver additionally objects to this Request to the extent it requests settlement communications protected by Federal Rule of Evidence 403.

**Request No. 8:** All documents provided to the Receiver on behalf of any Home Solutions entity or any Harbour Portfolio entity showing proof of ownership of any mortgages, which were

provided in response or opposition to the Receiver's Amended Motion to Show Cause filed in this matter on or about February 7, 2012.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to this Request to the extent such documents may be obtained directly from the Home Solutions entities or Harbour Portfolio entities because such documents may be obtained from those sources without cost to the Receivership Estate.

**Request No. 9:** All documents evidencing the July, 2008 agreement involving Harbour Portfolio I, LLC referenced in paragraph 3 of the Receiver's Motion to Approve Settlement Agreement with the Vose Entities filed on April 25, 2012.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to this Request to the extent such documents may be obtained directly from Harbour Portfolio I, LLC because such documents may be obtained therefrom without cost to the Receivership Estate.

**Request No. 10:** All documents evidencing the November, 2008 agreement involving Harbour Portfolio II, LLC referenced in paragraph 6 of the Receiver's Motion to Approve Settlement Agreement with the Vose Entities filed on April 25, 2012.

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to this Request to the extent such documents may be obtained directly from Harbour Portfolio II, LLC because such documents may be obtained therefrom without cost to the Receivership Estate.

**Request No. 11:** All documents developed by the Receiver which indicate the current ownership, or alleged ownership, of any of the mortgages set forth on the list attached hereto as Exhibit "A".

**Answer:** Receiver objects to this Request on the grounds that it is overly broad and that compliance would be unduly burdensome to Receiver and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Receiver further objects to the extent that the Request seeks documents protected by the attorney-client privilege and/or work product doctrine.

Respectfully submitted,

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

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*Counsel for Keith Miles Aurzada, Receiver*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 21st day of June, 2012, the foregoing document was served *via* facsimile and first-class mail on the parties listed below:

H. Allen Pennington, Jr.  
Tindall Square-Warehouse No. 3  
509 Pecan Street, Suite 101  
Fort Worth, TX 76012

By: //s// Bradley J. Purcell

Bradley J. Purcell



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.

**ORDER ON MOTION TO COMPEL PRODUCTION OF  
DOCUMENTS FROM RECEIVER**

The Court has considered the Motion to Compel Production of Documents From Receiver and Brief In Support Thereof filed by MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC and F & B Note Holding, LLC (collectively, the "Finch and Barry Group"), any response thereto by the Receiver through his attorneys, and the arguments of counsel, if any. After considering same, it is the Court's opinion that the motion should be granted in all respects.

It is therefore ORDERED that all objections and privileges asserted with respect to the Finch and Barry Group's Motion for Production of Documents is hereby Overruled and that all documents responsive to each of the items of the request shall be produced by August \_\_\_\_\_, 2012.

