

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In Re

Chapter

Case No.

Adv. No.

Debtor(s)

Appellant(s)

v.

Appellee(s)

**TRANSMITTAL OF APPEAL TO
DISTRICT COURT**

TO: RICHARD H. WEARE
CLERK, U.S. DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Transmitted herewith is:

A Notice of Appeal filed on _____, a copy of the order of judgment appealed, and the election of appellant to have appeal transferred to the District Court pursuant to 28 U.S.C. Section 158(c)(1).

The Notice of Appeal Filing Fee _____ has been paid, _____ has not been paid, or _____ waived by order pursuant to 28 USC 1930(f).

Dated:

CLERK OF COURT
U.S. BANKRUPTCY COURT

By: _____
Deputy Clerk

Copies to be mailed to attorneys for interested parties and pro se parties to the appeal by the BNC.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In Re

Chapter

Case No.

Adv. No.

Debtor(s)

Appellant(s)

v.

Appellee(s)

**NOTICE OF FILING OF APPEAL
AND NOTICE OF REFERRAL OF
APPEAL TO THE DISTRICT COURT**

YOU ARE HEREBY NOTIFIED that a Notice of Appeal has been filed on _____ with the Clerk of the U.S. Bankruptcy Court. The appellant has filed an election to have the appeal transferred to the District Court. Pursuant to 28 USC Section 158(c), the Appeal is referred to the District Court.

NOTICE IS GIVEN TO THE APPELLANT that the appellant shall, within 14 days of the filing of the Notice of Appeal, file with the Clerk of the U.S. Bankruptcy Court, 230 N. 1st Ave, #101, Phoenix, Arizona, 85003 the following:

1. A designation of the items to be included in the record on appeal and serve a copy upon the appellee;
2. A statement of the issues to be presented and serve a copy upon the appellee; and
3. A written request for the transcript and deliver a copy to the court reporter where the record designated includes a transcript of any proceeding or a part thereof.

Dated:

CLERK OF COURT

By: _____
Deputy Clerk

Copies to be mailed to attorneys for parties and pro se parties to the appeal by the BNC

**United States Bankruptcy Court
District of Arizona**

APPEALS

ORDERING AN OFFICIAL TRANSCRIPT

An official transcript is a transcript that has been prepared by a designee of the Bankruptcy Court. (For appeal purposes, a tape cassette is not acceptable as a part of the Designation of Record.)

If you have designated a transcript of a Court proceeding in your Appeal documents, **it is your responsibility to order it** from the Bankruptcy Court ECR Operator (see list below). The order should be placed at the time you file your Statement of Issues and Designation of Record.

If you have filed an appeal and need a transcript of a hearing, please follow the steps below to obtain an "OFFICIAL" transcript:

1. Determine the date of the hearing.
2. Determine what portion of the hearing is needed. Do you need the entire hearing or only a specific portion of the hearing, (i.e., the judge's ruling).
3. Determine if the transcript is already on file with the Court. Any ECR Operator can advise you of this. If the transcript is already on file, the Court will determine if your check should be made payable to the Bankruptcy Court. If it is not on file, the ECR Operator can tell you who to contact to obtain one.
4. Each transcript ordered requires a deposit. This deposit varies and is dependent upon the estimated length of the transcript. If the transcript needs to be ordered, the ECR Operator will advise you of the correct way to issue your check and where to make payment.
5. Place your request for the transcript. File a "Notice of Request for Transcript" with the Bankruptcy Court. Be sure to indicate if the transcript was requested from the Court or the Court Reporting Agency.

A courtesy copy of every transcript ordered is sent to the Court; therefore, it is not necessary for you to file a copy with the Court.

Ordering Transcripts

PHOENIX OFFICE CASES

Judge Baum (RTB)	Team Line	(602) 682-4200
Judge Case (CGC)	Kayla Morgan	(602) 682-4200
Judge Curley (SSC)	Andamo Purvis	(602) 682-4200
Judge Haines (RJH)	Sheri Fletcher	(602) 682-4200
Judge Hollowell (EWH)	Annette Aguilar	(602) 682-4200
Judge Marlar (JMM)	Annette Aguilar	(602) 682-4200
Judge Nielsen (GBN)	Jo-Ann Stawarski	(602) 682-4200

TUCSON OFFICE CASES

Judge Marlar (JMM)	Bev Granillo	(520) 202-7990
Judge Hollowell (EWH)	Alicia Johns	(520) 202-7556

YUMA OFFICE CASES

Judge Hollowell (EWH)	Aida Urbalejo	(928) 783-2288
Judge Marlar (JMM)	Aida Urbalejo	(928) 783-2288
Judge Haines (RJH)	Sheri Fletcher	(602) 682-4200

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

NOTICE TO PARTIES TO APPEAL TO DISTRICT COURT

Procedure when an appeal is transmitted to District Court:

1. Upon receipt of an appeal from the Clerk of the Bankruptcy Court or from the Clerk of the Bankruptcy Appellate Panel, the appeal is assigned a civil case number in the District Court. The District Court then sends a “Notice of Receipt of Appeal” to the parties to the appeal advising them of the civil case number assigned in the District Court.
2. The bankruptcy appeal in the District Court is governed by the District Court Local Rules of Bankruptcy Appeal Procedure, as adopted on 12/1/2007. Please refer to those rules, a copy of which are attached.
3. When the statement of issues, designation of record and any designated transcripts are filed with the Bankruptcy Court, the Bankruptcy Court Clerk will transmit to the District Court a certificate that the record is complete. The date of transmittal to the District Court constitutes the date of the entry of the appeal on the docket in District Court.
4. The record is retained in the Bankruptcy Court. Copies of the record are no longer required to be filed with the District Court. Instead, the parties include copies from the record in their Excerpts of Record filed as appendix to their briefs. See Local District Court Rule 8009-2.

**LOCAL DISTRICT COURT RULES OF BANKRUPTCY APPEAL PROCEDURE
(12/1/2007)**

**LRBankr 8001-1
NOTICE OF APPEAL**

Order Being Appealed. The appellant shall attach to the notice of appeal filed in bankruptcy court a copy of the entered judgment, order or decree from which the appeal was taken. If a 28 U.S.C. Sec. 158(c) election to have the appeal heard by the district court is filed by the appellant at the time of filing the notice of appeal, the bankruptcy court clerk shall transmit the appeal to the district court clerk. If such an election is filed by any other party with the clerk of the bankruptcy appellate panel within thirty days after service of the notice of appeal, the clerk of the bankruptcy appellate panel shall transfer the appeal to the district court. If the notice of appeal is filed before entry of the order being appealed, it is the appellant's duty to transmit to the district court clerk a copy of the judgment or order immediately upon entry.

Committee Notes: Generally, the Local Rules of Bankruptcy Appeal Procedure track the content and the numbering of the local rules of the Ninth Circuit Bankruptcy Appellate Panel.

**LRBankr 8001-2
ELECTION PROCEDURE FOR MOTION FOR LEAVE TO APPEAL**

If the appellant moves for leave to appeal pursuant to FRBP 8003 and fails to file a separate notice of appeal concurrently with filing the motion for leave, the motion for leave will be treated as if it were a notice of appeal for purposes of calculating the time period for filing an election to transfer the appeal to the district court.

**LRBankr 8006-1
TRANSCRIPTS**

Any party submitting excerpts of the record shall include all transcripts necessary for adequate review in light of the standard of review applicable to the issues before the district court. The district court is required to consider only those portions of the transcript included in the excerpts of the record. If findings of fact and conclusions of law were made orally on the record, a transcript of those findings is mandatory.

LRBankr 8007-1

DOCKETING APPEAL AND APPELLATE RECORD

As soon as the statement of issues, designation of record, and any designated transcripts are filed with the bankruptcy court, the bankruptcy court clerk, upon exercise of the 28 U.S.C. Sec. 158(c) election to have the appeal heard by the district court, shall transmit to the district court clerk a certificate that the record is complete and shall notify the parties of that transmittal unless the certificate has been filed with the bankruptcy appellate panel. The date the bankruptcy court clerk transmits the certificate that the record is complete shall constitute the date of entry of the appeal on the docket of the district court. The bankruptcy court clerk shall retain the record. The district court clerk may request a copy of the record from the bankruptcy court clerk.

LRBankr 8009-1

BRIEFS - TIME LIMITS AND NUMBER

(a) **Scheduling Order.** Upon entry of the appeal on the docket, the district court shall issue a scheduling order regarding submission of briefs. Parties shall file briefs within the time limits set forth in the scheduling order rather than the time limits set forth in FRBP 8009(a)(1), (2), and (3).

(b) **Number.** Upon the filing of a brief, a party shall also provide one paper copy for use by the District Judge to whom the case is assigned, bound separately from the excerpts of the record. At the direction of the district court, the parties may be required to provide additional copies.

(c) **Motion for Extension of Time for Filing Brief.**

(1) Requirements. A motion for extension of time to file a brief shall be filed within the time limit prescribed by these rules for the filing of such brief and shall be accompanied by a proof of service. The motion shall be supported by a declaration stating:

1. When the brief was initially due;
2. How many extensions of time, if any, have been granted;
3. Reasons why this extension is necessary;
4. The specific amount of time requested; and
5. The position of the opponent(s) with respect to the motion or why the moving party has been unable to obtain

a statement of such position(s).

(2) Consequences. Appellant's failure to file a brief timely may result in the dismissal of the appeal. A brief received after the due date will not be accepted for filing unless it is accompanied by a motion for an extension of time and the motion is granted. The district court has no obligation to consider a late brief. Sanctions may be imposed, such as the waiver of oral argument, monetary sanctions or dismissal.

LRBankr 8009-2

BRIEFS AND EXCERPTS OF THE RECORD

(a) **Number and Form.** Upon the filing of any excerpts of the record, a party shall also provide one paper copy for use by the District Judge to whom the case is assigned, bound separately from the briefs. The copy shall be reproduced on white paper by any duplicating process capable of producing a clearly legible image and be bound with a white cover. The cover of the excerpts shall contain the caption information specified by LRBankr 8010-1(a).

(b) **Organization of Appendix.** Documents in the excerpts shall be divided by tabs in the paper copy provided for use by the Judge. The pages of the excerpts shall be continuously paginated. The excerpts shall contain a complete table of contents listing the documents and identifying both the tab and page number where each document is located. If the excerpts have more than one volume, the table of contents shall also identify the volume in which each document is located.

LRBankr 8010-1

BRIEFS - FORM AND CERTIFICATION REQUIREMENTS

(a) **Form.** Briefs shall comply with the form requirements of LRCiv 7.1 and shall contain the following cover information:

Name of Court;
Case numbers (District Court, Bankruptcy Court, and if applicable, adversary number(s));
Name of debtor;
Names of appellant(s) and appellee(s);
Title of document; and
Name, address, telephone number, email address, and bar number of counsel filing document.

(b) **Certification as to Interested Parties.** To enable the district judge to evaluate possible disqualification or recusal, all parties, other than

governmental parties, shall attach to the inside back cover of their initial briefs, a list of all persons, associations of persons, firms, partnerships and corporations that have an interest in the outcome of the case. The certification should be in substantially the following form:

Certification Required by Local Bankruptcy Rule 8010-

1(b)

[DISTRICT COURT CASE NUMBER,
DEBTOR'S NAME]

The undersigned certifies that the following parties have an interest in the outcome of this appeal. These representations are made to enable the district judge to evaluate possible disqualification or recusal [list the names of all such parties and identify their connection and interest]:

Signed

Dated

(c) **Certification of Related Cases.** The appellant shall attach as the last page of each copy of the opening brief a statement of all known related cases and appeals before the United States Court of Appeals, the BAP, or the district court. Appellee's answering brief shall contain appellee's certification of related cases. A related case is defined as one which involves substantially the same litigants, substantially the same factual pattern or legal issues, or arises from a case previously heard by the district court. The certification should be in substantially the following form:

Certification Required by Local Bankruptcy Rule 8010-

1(c)

[DISTRICT COURT NUMBER, DEBTOR'S
NAME]

The undersigned certifies that the following are known related cases and appeals [list the case name, court and status of all related cases and appeals]:

Signed

Dated

Committee Notes: Rule 8010-1 tracks 9th Circuit BAP Rule 8010(a)-1, except that the form requirements of LRCiv 7.1 are adopted over the differing form requirements of the BAP Rule, and colored brief covers are not required.

LRBankr 8010-2
LENGTH OF BRIEFS

Except with leave of the district court, the appellant's and appellee's initial briefs may not exceed seventeen (17) pages, and reply briefs may not exceed eleven (11) pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations or similar materials.

Committee Notes: The page limits are those set by LRCiv 7.2(e) for civil motions generally and differ from those in the Ninth Circuit BAP.

LRBankr 8011-1
EMERGENCY MOTIONS

(a) **Form and Number.** An emergency motion must have a cover page bearing the legend "Emergency Motion" in large, bold type. Upon filing the motion, one paper copy must be provided for use by the District Judge to whom the case is assigned.

(b) **Contents.** The motion and supporting declaration(s) must set forth the facts showing the existence and nature of the alleged immediate and irreparable harm.

(c) **Appendix.** An emergency motion must be accompanied by an appendix containing: (1) a conformed copy of the notice of appeal, and (2) a copy of the entered judgment, order or decree from which the appeal was taken. If the emergency motion concerns a stay pending appeal, the appendix must also contain: (1) a conformed copy of the bankruptcy court's order denying or granting the stay and any explanation by the bankruptcy court of its ruling, or a declaration explaining why such a copy is unavailable; and (2) copies of all documents regarding the stay filed in bankruptcy court.

(d) **Service.** The motion and appendix must be accompanied by a proof of service showing service on all parties.

LRBankr 8012-1

ORAL ARGUMENT

Unless otherwise directed by the district court, a party desiring oral argument shall request it by placing "Oral Argument Requested" immediately below the title of the brief. If oral argument is granted, notice will be given in a manner directed by the district court.

LRBankr 8014-1

COSTS

Costs under FRBP 8014 are taxed by filing a bill of costs with the bankruptcy court clerk.

LRBankr 8018-1

SILENCE OF LOCAL RULES OF BANKRUPTCY APPEAL PROCEDURE

In cases where these Local Rules of Bankruptcy Appeal Procedure and the FRBP are silent as to a particular matter of practice relating to a bankruptcy appeal, the district court may apply the Rules of the United States Court of Appeals for the Ninth Circuit and the Federal Rules of Appellate Procedure.

LRBankr 8018-2

CITATION TO LOCAL RULES OF BANKRUPTCY APPEAL PROCEDURE

Parties shall cite these Local Rules of Bankruptcy Appeal Procedure as:

"LRBankr".

LRBankr 8019-1

SUSPENSION OF LOCAL RULES OF BANKRUPTCY APPEAL PROCEDURE

Upon application, or upon the district court's own motion, any judge of the district court may suspend any of these Local Rules of Bankruptcy Appeal Procedure for good cause shown.

LRBankr 8020-1

DISMISSAL FOR FAILURE TO PROSECUTE

When an appellant fails to file an opening brief timely, or otherwise fails to comply with rules or orders regarding processing the appeal, the district court, after notice, may enter an order dismissing the appeal.

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10 Counsel for the Rev Op Group

11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 In re:

14 MORTGAGES LTD.,

15 Debtor.

16 In Proceedings Under Chapter 11

17 Case No. 2:08-bk-07465-RJH

18 **NOTICE OF APPEAL**

19 AJ Chandler 25 Acres, L.L.C., Bear Tooth Mountain Holdings, L.L.P., L.L.J.
20 Investments, LLC (as successor in interest to Louis B. Murphey, James C. Schneck Rev. Trust,
21 and The Lonnie Joel Krueger Family Trust), Queen Creek XVIII, L.L.C., and/or their successors
22 and assigns (collectively, the "Rev Op Group") hereby appeal, pursuant to 28 U.S.C. § 158(a)
23 and (b), from the Bankruptcy Court's *Order Approving Motion to Sell Real Property (Real*
24 *Property Located at the Northwest Corner of University Dr. and Ash Ave. in Tempe, Arizona)*
25 [Docket #3180] (the "Order"). A True and accurate copy of the Order is attached hereto as
26 Exhibit "A" and incorporated by reference herein.

27 The parties to the Order appealed from and the names, addresses, and telephone numbers
28 of their respective attorneys are as follows:

29 **ML Manager LLC**
30 Cathy Reece, Esq.
31 Keith Hendricks, Esq.
32 FENNEMORE CRAIG, P.C.
33 3003 North Central Avenue, Suite 2600
34 Phoenix, Arizona 85012-2913
35 Telephone: (602) 916-5000
36 creece@fclaw.com
37 khendric@fclaw.com

38 **The Rev Op Group**
39 Robert J. Miller, Esq.
40 Bryce A. Suzuki, Esq.
41 BRYAN CAVE LLP
42 Two North Central Avenue, Suite 2200
43 Phoenix, Arizona 85004-4406
44 Telephone: (602) 364-7000
45 rjmiller@bryancave.com
46 bryce.suzuki@bryancave.com

1 If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a
2 right to have the appeal heard by the district court. The appellant may exercise this right only by
3 filing a separate statement of election at the time of the filing of this notice of appeal. Any other
4 party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the
5 district court.

6 RESPECTFULLY SUBMITTED this 27th day of April, 2011.

7 BRYAN CAVE LLP

8
9 By /s/ BAS, #022721

10 Robert J. Miller
11 Bryce A. Suzuki
12 Two North Central Avenue, Suite 2200
13 Phoenix, AZ 85004-4406
14 Counsel for the Rev Op Group

15 COPY of the foregoing served via email
16 this 27th day of April, 2011, upon:

17 Cathy Reece, Esq.
18 Keith Hendricks, Esq.
19 FENNEMORE CRAIG, P.C.
20 3003 North Central Avenue, Suite 2600
21 Phoenix, Arizona 85012-2913
22 creece@fclaw.com
23 khendric@fclaw.com
24 Counsel for ML Manager LLC

25
26
27
28
29 /s/ Sally Erwin

EXHIBIT “A”

IT IS HEREBY ADJUDGED
and DECREED this is SO
ORDERED.

The party obtaining this order is responsible for
noticing it pursuant to Local Rule 9022-1.

Dated: April 14, 2011



1 FENNEMORE CRAIG, P.C.
Cathy L. Reece (005932)
2 Keith L. Hendricks (012750)
3003 N. Central Ave., Suite 2600
3 Phoenix, Arizona 85012
Telephone: (602) 916-5343
4 Facsimile: (602) 916-5543
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Randolph J. Haines

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

5 Attorneys for ML Manager LLC

6
7 IN THE UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF ARIZONA

9 In re
10 MORTGAGES LTD.,
11 Debtor.

Chapter 11
Case No. 2:08-bk-07465-RJH

**ORDER APPROVING MOTION TO SELL
REAL PROPERTY**

**Real Property located at the northwest corner of
University Dr. and Ash Ave. in Tempe, Arizona**

**Hearing Date: April 11, 2011
Hearing Time: 2:30 p.m.**

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14
15 ML Manager LLC ("ML Manager") filed a Motion ("Motion") (Docket No. 3113)
16 requesting that the Court enter an order authorizing ML Manager as the manager for U&A
17 Loan LLC and the agent for certain non-transferring pass-through investors, to sell the
18 property located at the northwest corner of University Dr. and Ash Ave. in Tempe,
19 Arizona which is more specifically described in the Sale Agreement (the "Property") for
20 the price and on the terms set forth in the Agreement of Sale and Purchase and Escrow
21 Instructions ("Sale Agreement") which were filed with the Court (Docket No. 3144) and
22 incorporated into the Motion. Among other things, the Sale Agreement provides for the
23 sale of the Property for approximately \$3.24 million to BREOF Investors LLC or assignee
24 ("Purchaser"). A notice to creditors, interested parties and the non-transferring pass-
25 through investors of the Motion and the hearing date was served. An Objection (Docket
26 No. 3153) was filed by members of the Rev Op Group Investors or certain of their alleged

1 successors in interest (the "Objection"). No other party filed a response or objection. The
2 hearing was held on the Motion on April 11, 2011 at 2:30 p.m. in Phoenix and the Court
3 at the conclusion of the hearing made findings of fact and conclusions of law on the
4 record.

5 Upon consideration of the Motion and statements and arguments of counsel at the
6 hearing; it appears to the Court and the Court finds that:

7 (a) This Court has jurisdiction over the issues presented in the Motion, and the
8 Motion and the Court's hearing thereon were duly and properly noticed;

9 (b) The purchase price offered constitutes fair consideration for the Property;

10 (c) The investors in U&A Loan LLC and the applicable MP Funds have agreed
11 by the applicable dollar vote to the sale terms;

12 (d) The ML Manager LLC is authorized to enter into the Sale Agreement, to
13 sell the Property pursuant to the terms of the Sale Agreement, to proceed with this sale
14 and to execute all necessary documents to implement the sale;

15 (e) The decision to sell and enter into the Sale Agreement is supported by the
16 best exercise of business judgment of ML Manager which is consistent with ML
17 Manager's fiduciary duties and responsibilities.

18 IT IS THEREFORE ORDERED THAT:

19 (1) The Motion is granted and approved and the Objection is overruled.

20 (2) ML Manager, as the Manager of U&A Loan LLC and as Agent for the pass-
21 through investors, including the alleged successors in interest to the Rev Op Group
22 Investors, has authority and is directed to enter into the Sale Agreement, to consummate
23 the sale, to sell the Property pursuant to the terms of the Sale Agreement, to execute the
24 conveyance deed to the Purchaser and to execute any and all documents needed to
25 consummate the sale.

26 (3) ML Manager is authorized to pay out of the sale proceeds all costs of sale,

1 including real property taxes, assessments, broker's fees, title insurance or other closing
2 costs and to pay out of the U&A Loan LLC proceeds any liens or encumbrances on the
3 Property owed to the current exit lender pursuant to the Loan Agreement, and to create
4 and use any Permitted Reserves out of the U&A Loan LLC proceeds pursuant to the Loan
5 Agreement.

6 (4) The purchase price is fair consideration for the Property.

7 (5) The net sale proceeds attributable to the ownership percentage for the U&A
8 Loan LLC shall be transferred at closing to the ML Manager as the Manager for the U&A
9 Loan LLC and used pursuant its agreements, the Interborrower Agreement and the
10 Confirmation Order. The ownership percentage interest of the non-transferring pass-
11 through investors, including the Rev Op Group Investors, shall attach to the sale proceeds.
12 The net sale proceeds attributable to the ownership percentage for the non-transferring
13 pass-through investors, including the Rev Op Group Investors, shall be transferred to ML
14 Manager as their Agent and held pending further motion of ML Manager and order of the
15 Court.

16 (6) Pursuant to Section 1146(a) of the Bankruptcy Code and Section 10.5 of the
17 confirmed Plan of Reorganization, any and all mortgage recording tax, stamp tax, real
18 estate transfer tax, speculative builder, transaction privilege or other similar tax imposed
19 by federal, state or local law are hereby waived.

20 DATED AND ORDERED AS STATED ABOVE.

21 2411509

1 Robert J. Miller, Esq. (#013334)
Bryce A. Suzuki, Esq. (#022721)
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8 **IN THE UNITED STATES BANKRUPTCY COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 In re:

11 MORTGAGES LTD.,

12 Debtor.

In Proceedings Under Chapter 11

Case No. 2:08-bk-07465-RJH

**APPELLANTS' STATEMENT OF
ELECTION TO HAVE APPEAL
HEARD BY THE UNITED STATES
DISTRICT COURT**

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15 Pursuant to 28 U.S.C. § 158(c), Federal Rule of Bankruptcy Procedure 8001(e), and the
16 Judicial Council of the Ninth Circuit's Amended Order Continuing the Bankruptcy Appellate
17 Panel of the Ninth Circuit § 3 (May 9, 2002), AJ Chandler 25 Acres, L.L.C., Bear Tooth
18 Mountain Holdings, L.L.P., L.L.J. Investments, LLC (as successor in interest to Louis B.
19 Murphey, James C. Schneck Rev. Trust, and The Lonnie Joel Krueger Family Trust), Queen
20 Creek XVIII, L.L.C., and/or their successors and assigns (collectively, "Appellants") hereby
21 elect to have this appeal heard by the United States District Court for the District of Arizona.
22 Appellants object to this appeal being heard by the Bankruptcy Appellate Panel of the Ninth
23 Circuit.
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1 RESPECTFULLY SUBMITTED this 27th day of April, 2011.

2 BRYAN CAVE LLP

3
4 By /s/ BAS, #022721

5 Robert J. Miller
6 Bryce A. Suzuki
7 Two North Central Avenue, Suite 2200
8 Phoenix, AZ 85004-4406
9 Counsel for the Rev Op Group

10 COPY of the foregoing served via email
11 this 27th day of April, 2011, upon:

12 Cathy Reece, Esq.
13 Keith Hendricks, Esq.
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/s/ Sally Erwin

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