1 Keith L. Hendricks (No. 012750) Stephen Brower (No. 024908) 2 MOYES SELLERS & HENDRICKS 1850 North Central Avenue, Suite 1100 3 Phoenix, Arizona 85004-4584 Tel: (602) 604-2120 4 khendricks@law-msh.com sbrower@law-msh.com 5 Attorneys for ML Manager, LLC 6 7 UNITED STATES BANKRUPTCY COURT 8 FOR THE DISTRICT OF ARIZONA 9 In re: Chapter 11 10 MORTGAGES, LTD. Case No. 2:08-bk-07465-RJH Debtor. 11 NOTICE OF NON-COMPLIANCE AND LODGING OF BENCH 12 WARRANT 13 14 15 On March 28, 2011, ML Manager, LLC submitted an Emergency Application 16 [Docket 3124] for an Order regarding the \$112,075.31 sent to and retained by Ron Barness 17 that had been earmarked for disbursement to the Town of Gilbert (the "Funds"). 18 March 29, 2011, the Court entered an Order [Docket 3126] requiring Ron Barness to 19 return the Funds, but Mr. Barness failed to do so. 20 On April 14, 2011, ML Manager filed an Application to Show Cause regarding the 21 matter. After consideration of the evidence and argument presented at the June 15 22 evidentiary hearing, the Court entered an Order dated June 21, 2011 holding Ron Barness 23 in contempt [Docket 3251]. 24 The Court expressly found, "Barness is capable of returning the Funds to ML 25 Manager" and expressly "overrul[ed] Barness's defense that he is unable to return the 26 funds." See Order at p. 2. The Court ordered, "Barness shall return the Funds no later 27 than June 30, 2011 [or] a civil arrest warrant may be issued by the Court." See Order at p.

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1	2. Barness failed to appeal this Order, and the time to do so has now passed. <u>See</u> Fed. R.		
2	Bankr. P. 8002.		
3	As of July 25, 2011, Ron Barness has still not returned the Funds. See Affidavit of		
4	Stephen Brower (attached as Exhibit A) at ¶ 4. ML Manger has been diligent in its efforts		
5	to follow up with Mr. Barness, but he refuses to return the Funds. See Affidavit (Exhibit		
6	A) ¶ 5. Accordingly, with this Notice, ML Manager lodges a Bench Warrant to be entered		
7	and sent to the U.S. Marshalls regarding Ron Barness's willful disobedience of this		
8	Court's Order.		
9	DATED: July 25, 2011.		
10	MOYES SELLERS & HENDRICKS		
11			
12	By: <u>/s/ Stephen Brower</u> Keith Hendricks		
13	Stephen Brower 1850 North Central Avenue, Suite 1100		
14	Phoenix, Arizona 85004-4584 Attorneys for ML Manager, LLC		
15	Attorneys for ME Manager, EDC		
16			
17	EFILED THIS DATE: 07/25/11		
18	COPY Emailed this date:		
19	Ron Barness ronbarness@aol.com		
20	barnessron@gmail.com		
21	Phillip R. Rupprecht Aiken Schenk Hawkins & Ricciardi PC		
22	4242 N. 24tn Street, Suite 100 Phoenix, AZ 85016		
23	Attorney for Ron Barness prr@ashrlaw.com		
24			
25	/s/ L. Carol Smith		
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EXHIBIT A

1	Keith L. Hendricks (No. 012750)		
2	Stephen Brower (No. 024908) MOYES SELLERS & HENDRICKS 1850 North Central Avenue, Suite 1100 Phoenix, Arizona 85004-4584		
3			
4	Tel: (602) 604-2120		
5	khendricks@law-msh.com sbrower@law-msh.com		
6	Attorneys for ML Manager, LLC		
7	UNITED STATES BANKRUPTCY COURT		
8	FOR THE DISTRICT OF ARIZONA		
9	In re:	Chapter 11	
10	MORTGAGES, LTD.	Case No. 2:08-bk-07465-RJH	
11	Debtor.	AFFIDAVIT OF STEPHEN BROWER	
12			
13			
۱4	Upon penalty of perjury, Stephen Brower declares as follows:		
15	1. I am an attorney with Moyes Sellers & Hendricks, counsel for ML Manager		
16	LLC and am competent in all respects to make this affidavit.		
17	2. On March 29, 2011, the Cour	t entered an Order [Docket 3126] requiring	
18,	Ron Barness to return \$112,075.31 sent to and retained by Ron Barness that had been		
19	earmarked for disbursement to the Town of Gilbert (the "Funds").		
20	3. On April 14, 2011, ML Manager filed an Application to Show Cause as a		
21	result of Mr. Barness's failure to do so. After consideration of the evidence and argumen		
22	presented at the June 15 evidentiary hearing, the Court entered an Order dated June 21		
23	2011 holding Ron Barness in contempt [Docket 3251].		
24	4. As of July 25, 2011, Ron Barne	ss still has not returned the Funds.	
25	5. ML Manger has been diligent	in its efforts to follow up with Mr. Barness,	
26	but he refuses to return the Funds.		
27			

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1	6. The Court has good cause to enter the Arrest Warrant referenced in its June		
2	21, 2011 Order Holding Ron Barness in Contempt of Court [Docket 3251].		
3	DATED: July 25, 2011.		
4			
5			
6	Stephen Brower		
7	Stephen Brower		
8	STATE OF ARIZONA)		
9	County of MARICOPA) ss		
10	The foregoing instrument was acknowledged by Stephen Brower who personally		
11	appeared before me on July 25, 2011 and signed this affidavit.		
12 13	& Carol Smith		
14	Notary Public My Commission Expires:		
15	4.4.2014		
16	L. CAROL SMITH		
17	NOTARY PUBLIC - ARIZONA MARICOPA COUNTY My Comm. Exp.: April 4, 2014		
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