

DAVID L. OSIAS (CSB NO. 091287) (PRO HAC VICE)  
E-Mail: dosias@allenmatkins.com  
DAVID R. ZARO (CSB NO. 124334) (PRO HAC VICE)  
E-Mail: dzaro@allenmatkins.com  
STEPHEN A. WALTERS (OSB No. 80120)  
E-Mail: swalters@allenmatkins.com  
FRANCIS N. SCOLLAN (CSB NO. 186262) (PRO HAC VICE)  
E-Mail: fscollan@allenmatkins.com  
ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
515 South Figueroa Street, Ninth Floor  
Los Angeles, California 90071-3309  
Telephone: (213) 622-5555  
Facsimile: (213) 620-8816

Attorneys for Receiver Michael Grassmueck

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON  
Eugene Division

SECURITIES AND EXCHANGE COMMISSION,  
Plaintiff,

vs.

SUNWEST MANAGEMENT, INC., CANYON  
CREEK DEVELOPMENT, INC., CANYON CREEK  
FINANCIAL, LLC, and JON M. HARDER,

Defendants,

DARRYL E. FISHER, J. WALLACE GUTZLER,  
KRISTIN HARDER, ENCORE INDEMNITY  
MANAGEMENT, LLC, SENENET LEASING  
COMPANY, FUSE ADVERTISING, INC. KDA  
CONSTRUCTION, INC., CLYDE HAMSTREET,  
and CLYDE A . HAMSTREET & ASSOCIATES,  
LLC,

Relief Defendants.

In Re: STAYTON SW ASSISTED LIVING, L.L.C.  
(Constituting the Sunwest Unitary Enterprise as  
determined by the Order Entered  
on October 2, 2009 in U.S. District Court  
Case No. 09-cv-6056-HO,

Debtor

Case No. 09-CV-6056-HO

NOTICE OF MOTION FOR ORDER  
ESTABLISHING ALLOWED AMOUNTS FOR  
CLAIMS

HEARING DATE: November 29, 2010  
TIME: 9:00 a.m.

LOCATION: Courtroom of the  
Honorable Michael Hogan  
United States District Court  
District of Oregon  
Eugene Division  
405 East 8th Avenue,  
Eugene, Oregon 97401

USDC Case No. 09-cv-6082-HO

Bankruptcy Court Case No. 08-36637-tmb11  
(Reference Withdrawn)

**PLEASE TAKE NOTICE:**

Michael A. Grassmueck, the Court-appointed Receiver in this matter, will move the Court for an order establishing an allowed "Tranche A" amount for submitted Claims pursuant to the Distribution Plan (the "Motion"). Pursuant to this Court's order, the claims process in *SEC v. Sunwest Management Inc., et al.*, Case No. 09-CV-6056-HO and in the Chapter 11 proceeding *Stayton SW Assisted Living, LLC*, Case No. 09-CV-6082-HO are jointly administered.

The Receiver has conducted a claims review process as contemplated by the Distribution Plan and the orders of the Court. The Motion requests that the Court enter an order establishing an allowed Tranche A amount for the Claims in the amounts set forth in Exhibit "1" filed with the Motion, and disallowing the remainder of the Claims in their entirety for purposes of the Tranche A determinations.

Please take further notice that the Receiver and certain Lone Star Claimants have reached terms on a settlement through mediation, and the Receiver's intention as part of the Motion is to have all Lone Star Claimants and their claims and/or causes of action arising out of or related to the Lone Star transaction treated in accordance with the settlement absent a showing of cause for exclusion.

A hearing on the Motion is set for November 29, 2010 at 9:00 a.m. in the courtroom of the Honorable Michael Hogan, United States District Court, District of Oregon, Eugene Division, 405 East 8th Avenue, Eugene, Oregon 97401. Any opposition should be filed with the Court and served on or before November 18, 2010 and a reply by the Receiver, if any, on or before November 24, 2010.

The Motion is based on the Motion, the Memorandum of Points & Authorities in Support of the Motion ("Memorandum") and the exhibits thereto, and the declaration of Michael A. Grassmueck in support thereof ("Declaration"), any reply, and evidence and argument at the hearing. Copies of the Memorandum and Declaration with exhibits are available through the Court's CM/ECF system (account required); on the Receiver's website for this matter at [www.grassmueckgroup.com/sunwest.php](http://www.grassmueckgroup.com/sunwest.php); and by contacting the Receiver at: [sunwestclaims@grassmueckgroup.com](mailto:sunwestclaims@grassmueckgroup.com) or 1-866-674-6791.

Dated: November 11, 2010

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By: /s/ Francis N. Scollan

Attorneys for Receiver Michael Grassmueck