

1 DAVID R. ZARO (BAR NO. 124334)
YALE K. KIM (BAR NO. 188895)
2 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
3 515 South Figueroa Street, Ninth Floor
Los Angeles, California 90071-3309
4 Phone: (213) 622-5555
Fax: (213) 620-8816
5 Email: dzaro@allenmatkins.com
ykim@allenmatkins.com

6 Attorneys for Michael A. Grassmueck, Monitor
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO

11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.

14 ALEXANDER JAMES TRABULSE,

15 Defendant.

16 and

17 FAHEY FUND, L.P., FAHEY FINANCIAL
18 GROUP, INC., INTERNATIONAL TRADE &
DATA, and ITD TRADING,

19 Relief Defendants.
20
21

Case No. C 07-4975 (WHA)

**NOTICE OF MOTION TO APPROVE SALE
OF MOBILE HOMES FREE AND CLEAR
OF LIENS**

Date: October 15, 2009

Time: 8:00 a.m.

Place: Courtroom 9, 19th Floor
United States District Court
Northern District of California-
San Francisco Division
450 Golden Gate Avenue
San Francisco, CA 94102

22
23 PLEASE TAKE NOTICE THAT Michael A. Grassmueck, the Court-appointed corporate
24 monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group, Inc.;
25 International Trade & Data; and ITD Trading (collectively, the "Relief Defendants") and
26 Alexander James Trabulse ("Trabulse"), has submitted a Motion To Approve Sale Of Mobile
27 Homes Free And Clear Of Liens (the "Motion").
28

1 On December 17, 2007, this Court entered the Order Appointing Monitor And Other
2 Ancillary Relief ("Monitor Order"), which authorized the appointment of Michael A. Grassmueck,
3 as corporate monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group,
4 Inc.; International Trade & Data; and ITD Trading (collectively, the "Relief Defendants") and
5 Alexander James Trabulse ("Trabulse"). Pursuant to the Monitor Order, the Monitor was
6 empowered and directed to, among other things, conduct such investigation as would be necessary
7 to locate and account for the Relief Defendants' assets, and review the overall operation of the
8 Relief Defendants in accordance with the Monitor Order.

9 On February 13, 2008, the Court entered an Order implementing certain recommendations
10 of the Monitor, and which also incorporated the terms of the Monitor Order (the "Modified
11 Order"). The Modified Order authorized the Monitor to, among other things, undertake the
12 review and analysis of claims, and determine the allowance of claims, through a claims review
13 process, and *assist in the sale and liquidation of assets*.

14 In connection with his duties under the Modified Order, the Monitor, by this Motion, seeks
15 approval of the sale of four (4) mobile homes ("Mobile Homes") that are property of the Relief
16 Defendants' estate ("Estate"), free and clear of liens, claims and encumbrances, to proposed buyer,
17 Salel Enterprises, Inc. ("Buyer"), or to the buyer with the highest offer for the purchase of the
18 Mobile Homes.

19 The Mobile Homes are identified by the following reference labels: (1) Mobile Home #1
20 (Space #38, CA decal # AAJ7548, Built Approximately 1959), (2) Mobile Home #2 (Space #40,
21 CA decal # AAN7849, Built Approximately 1959), (3) Mobile Home #3 (Space #45, CA decal #
22 AAT8217), Built Approximately 1961), and (4) Mobile Home #4 (Space #59, CA decal #
23 LAD4425), Built Approximately 1978). These Mobile Homes are currently located at Salel's
24 Mobilehome Park, at 747 Lewelling Blvd., Spc 65, San Leandro, California. Mobile Home #'s 2
25 and 3 are unoccupied and have no tenants. Mobile Home #'s 1 and 4 are occupied by tenants,
26 subject to rental agreements with tenants ("Rental Agreements").

27 The Monitor has received an offer to purchase the Mobile Homes from the Estate, with an
28 assignment of the Rental Agreements, for the amount of \$42,000. Prior to receipt of this offer, the

1 Monitor had ascribed no value to these assets above the cost to market and sell the same.
 2 Accordingly, the Monitor has agreed to sell the Mobile Homes and assign the Rental Agreements
 3 (collectively, the "Mobile Home Assets") to the Buyer, subject to receipt of any higher offers for
 4 the Mobile Home Assets. The Monitor has prepared a Bill of Sale document for transfer of the
 5 Mobile Home Assets to Buyer, which is attached in substantially its final form to the Motion as
 6 Exhibit "A". The Mobile Home Assets shall be sold on an "as-is" basis, without any
 7 representations and warranties, and free and clear of any liens, claims and encumbrances.

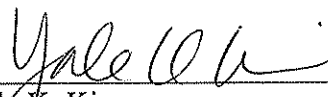
8 As detailed in the Motion, the Monitor also requests that the Court waive the provisions of
 9 28 U.S.C. §§ 2001(a) and 2002, which generally call for the Monitor to sell personal property
 10 assets such as the Mobile Home Assets pursuant to a foreclosure-type or public auction process.
 11 Further, the Monitor seeks waiver of the private sale provisions of 28 U.S.C. § 2001(b), which call
 12 for appraisals, newspaper publications, and the Court's confirmation of the private sale.

13 PLEASE TAKE FURTHER NOTICE that the Motion will be served concurrently with
 14 this Notice, and otherwise copies of the Motion can also be obtained from or viewed at the Clerk
 15 of the Court, U.S. District Court, Northern District of California, San Francisco Division, 450
 16 Golden Gate Avenue, San Francisco, CA 94102, or by contacting counsel to the Monitor at the
 17 above-referenced address.

18 PLEASE TAKE FURTHER NOTICE any objecting party may file a response not later
 19 than twenty-one (21) days prior to the hearing date, pursuant to Local Rule 7-3. Failure to file a
 20 response may be deemed as a waiver of any opposition to the Motion.

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 22 Dated: September 9, 2009

ALLEN MATKINS LECK GAMBLE
 MALLORY & NATSIS LLP
 DAVID R. ZARO
 YALE K. KIM

23
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 25 By: 
 26 Yale K. Kim
 27 Attorneys for Michael A. Grassmueck,
 28 Monitor