

IN THE COURT OF COMMON PLEAS  
FOR FRANKLIN COUNTY, OHIO

In The Matter of:

C.V. Perry & Co.  
C.V. Perry Builders, LLC  
C.V. Perry Builders II, LLC  
Manors at Homestead, LLC  
Pointe at Blacklick, LLC  
Manors at CrossCreeks, LLC  
C.V. Land II, LLC  
Arlington Remodeling, LLC

CASE NO.: 07MS-11-454

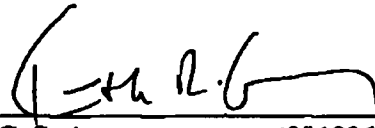
JUDGE JOHN F. BENDER

**MOTION**

**RECEIVER'S/LIQUIDATING TRUSTEES' MOTION FOR  
AUTHORIZATION TO ESTABLISH FUND FOR ADMINISTRATIVE  
FEES, COSTS AND OPERATING EXPENSES**

NOW COMES Receiver and Liquidating Trustee, Martin Management Services, Inc., by and through counsel, and hereby seeks authorization from the Court to periodically assess the administrative fees and costs and operating expenses of the receivership as against the respective secured lenders in relation to the secured debt carried by each, as determined in 60-day intervals, and as further set forth herein. The Receiver/Liquidating Trustee makes said request for all reasons set forth in the attached and incorporated memorandum.

Respectfully submitted,



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Kenneth R. Goldberg (0059724)  
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**MEMORANDUM IN SUPPORT**

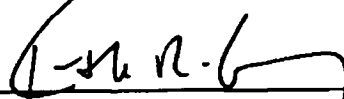
Receiver and Liquidating Trustee, Martin Management Services, Inc. herein requests authorization to periodically assess each secured lender a percentage of the expenses of the receivership (including receiver's/liquidating trustees' fees and costs) which are not otherwise paid from the sale of the various parcels of real estate, in relation to each lender's secured debt as it appears every sixty (60) days. These funds will be used for the payment of administrative fees and costs, as well as operating expenses of the business.

Since the various real estate parcels are encumbered by liens from different secured lenders, the Receiver/Liquidating Trustee recommends that the administrative expenses (including fees and costs of the Receiver/Liquidating Trustee and counsel) and operating expenses be borne equitably by the creditors and lienholders. Accordingly, the Receiver/Liquidating Trustee proposes the following procedure: that every sixty (60) days, the Receiver/Liquidating Trustee shall assess each secured lender a percentage of the then-unpaid expenses of the receivership based on a figure arrived at by dividing the secured lender's then-outstanding debt by the total outstanding debt of each of the secured lenders. Any funds expended specifically at the request, or with the approval of a secured lender, relative to a specific parcel of real estate, would be assessed directly to that secured lender.

Thereafter, every sixty (60) days, the Receiver/Liquidating Trustee would recalculate the assessment based upon the amounts then outstanding to the secured lenders. Under this formula, sales of the various parcels would be accounted for, and the secured lenders would bear only a proportional share of the administrative expenses until such time as the property secured by their first mortgage is sold. The Receiver/Liquidating Trustee believes that given the value of the



Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Receiver's/Liquidating Trustees' Motion For Authorization To Establish Fund For Administrative Fees, Costs, and Operating Expenses has served via regular U.S. mail, postage prepaid, this 8<sup>th</sup> day of February, 2008 upon:

Mr. Reg Martin  
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Receiver/Liquidating Trustee

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