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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,  
SENET 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

MOTION FOR ORDER ESTABLISHING  
ALLOWED AMOUNTS FOR CLAIMS

ORAL ARGUMENT REQUESTED

USDC Case No. 09-cv-6082-HO

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(Reference Withdrawn)

**TO THE COURT AND ALL INTERESTED PARTIES:**

Michael A. Grassmueck, the Court-appointed Receiver in this matter, hereby moves the Court for an order establishing an allowed "Tranche A" amount for submitted Claims pursuant to the Distribution Plan. 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 Receiver respectfully 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 Memorandum of Points & Authorities filed in support of this 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 this Motion is to treat all Lone Star Claimants in accordance with such settlement terms, and have 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.

This Motion is based on this Motion, the Memorandum of Points & Authorities in Support of the Motion for an Order Establishing Allowed Amounts for Claims, and the exhibits thereto, and the declaration of Michael A. Grassmueck in support thereof, and such further evidence and argument as may be presented in the reply, if any, and at the hearing on this matter.

Dated: November 10, 2010

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By: /s/ Francis N. Scollan  
Attorneys for Receiver Michael Grassmueck