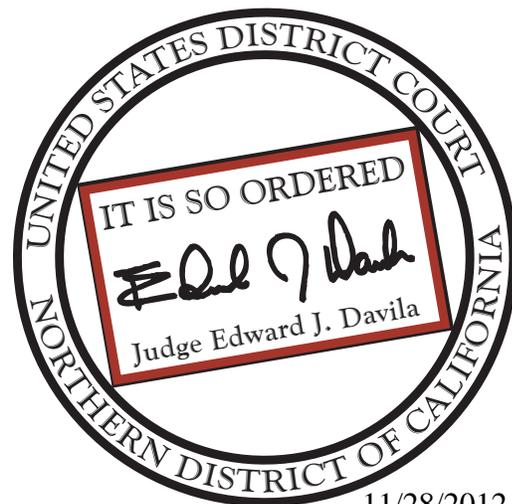


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11/28/2012

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 SECURITIES AND EXCHANGE
 COMMISSION,

12 Plaintiff,

13 vs.

14 SMALL BUSINESS CAPITAL CORP.;
 15 MARK FEATHERS; INVESTORS PRIME
 FUND, LLC; and SBC PORTFOLIOS, LCC,

16 Defendants.

Case No. CV12-03237 EJD

**STIPULATION BETWEEN RECEIVER
 AND THE SMALL BUSINESS
 ADMINISTRATION TO MODIFY THE
 RECEIVER'S ADMINISTRATIVE RELIEF
 MOTION RE SETTING A CLAIMS BAR
 DATE AND APPROVING CLAIM FORMS**

Ctrm: 4 - 5th Floor
 Judge: Hon. Edward J. Davila

18 Thomas A. Seaman ("Receiver"), the Court-appointed permanent receiver for Small
 19 Business Capital Corp. ("SB Capital"), Investors Prime Fund, LLC ("IPF"), SBC Portfolio
 20 Fund, LLC ("SPF") and their subsidiaries and affiliates (collectively, the "Receivership Entities")
 21 filed a Motion for Administrative Relief to set a claims bar date and obtain approval of proof of
 22 claim forms on November 19, 2012, as Docket No. 116. The Receiver and the Small Business
 23 Administration ("SBA"), by and through their counsel, have since conferred over the relief
 24 requested by the Receiver. Due to the fact that the Receivership Entities participated in several
 25 SBA programs and multiple loans are involved, the SBA has requested additional time to prepare
 26 its proof of claim or claims. The Receiver is agreeable to accommodating the SBA request
 27 provided that it does not delay the administration of the receivership estate. Accordingly, the
 28 Receiver and the SBA, by and through counsel, stipulate as follows:

1 provided that it does not delay the administration of the receivership estate. Accordingly, the
2 Receiver and the SBA, by and through counsel, stipulate as follows:

3
4 1. The SBA may have an additional 30 days beyond the proof of claim bar date set by
5 the Court to submit its proof of claim to the Receiver.

6 2. The SBA may also request an additional and further 60-day extension of the bar
7 date to submit its proof of claim. The Receiver will give due consideration to that request and will
8 agree the extension if it does not delay the administration of the Receivership Estate.

9
10 3. Nothing in this Stipulation shall preclude the SBA from seeking other or further
11 relief from the Court.

12 IT IS SO STIPULATED.

13
14 Dated: November 21 2012

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

15
16 By: 

17 DAVID R. ZARO
Attorneys for Thomas A. Seaman, Receiver

18
19
20 Dated: November 21, 2012

21 By: 

22 ERIC BENDERSON
23 Associate General Counsel for Litigation
24 Small Business Administration
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of
3 eighteen (18) and am not a party to this action. My business address is 515 South Figueroa Street,
4 Ninth Floor, Los Angeles, California 90071-3309.

5 On November 27, 2012, I served the within document(s) described as:

6 **STIPULATION BETWEEN RECEIVER AND THE SMALL BUSINESS
7 ADMINISTRATION TO MODIFY THE RECEIVER'S ADMINISTRATIVE RELIEF
8 MOTION RE SETTING A CLAIMS BAR DATE AND APPROVING CLAIM FORMS**

9 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on and in accordance with
10 a court order or agreement of the parties to accept service by e-mail or electronic transmission, I
11 caused a true copy of the document to be sent to the persons at the corresponding electronic
12 address as indicated above on the above-mentioned date. My electronic notification address is
13 mlyons@allenmatkins.com. I am readily familiar with this firm's Microsoft Outlook electronic
14 mail system and did not receive any electronic message or other indication that the transmission
15 was unsuccessful.

16 **BY E-FILING:** By causing the document to be electronically filed via the Court's
17 CM/ECF system, which effects electronic service on counsel who are registered with the
18 CM/ECF system.

19 **BY OVERNIGHT DELIVERY:** I deposited in a box or other facility regularly
20 maintained by FedEx, or delivered to a courier or driver authorized by said express service
21 carrier to receive documents, a true copy of the foregoing document(s) in sealed envelopes or
22 packages designated by the express service carrier, addressed as indicated above on the above-
23 mentioned date, with fees for overnight delivery paid or provided for.

24 Via Email and FedEx
25 Mark Feathers
26 1520 Grant Road
27 Los Altos, CA 94024
28 Email: markfeathers@sbcglobal.net

Via FedEx
Hon. Edward J. Davila
U.S. District Court
280 South 1st Street, Room 4
San Jose, CA 95113

I declare under penalty of perjury that I am employed in the office of a member of the bar
of this Court at whose direction the service was made and that the foregoing is true and
correct.

Executed on November 27, 2012, at Los Angeles, California.

Marcella Lyons
(Type or print name)


(Signature of Declarant)