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Attorneys for Appellees-Debtors and Debtors-in-Possession

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE CO.; USA  
CAPITAL REALTY ADVISORS, LLC; USA  
CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC; USA CAPITAL FIRST TRUST DEED FUND,  
LLC, and USA SECURITIES, LLC,

Debtors.

THE LENDERS PROTECTION GROUP; CHARLES  
B. ANDERSON TRUST; RITA P. ANDERSON  
TRUST; BALTES CO.; KEHL FAMILY MEMBERS;  
MOJAVE CANYON, INC.,

Appellants,

v.

USA COMMERCIAL MORTGAGE CO., et al.,

Appellees.

Appeal No. 07-00072-RCJ-GWF

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER GRANTING JOINT  
EMERGENCY MOTION TO  
QUASH STAY PENDING APPEAL,  
VACATE TEMPORARY STAY  
ORDER, AND REFER STAY  
MOTION TO THE BANKRUPTCY  
COURT**

Date: January 22, 2007  
Time: 1:30 p.m.

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1 The matter before the Court is the Joint Emergency Motion to Quash Stay Pending Appeal,  
2 Vacate Temporary Stay Order, and Refer Stay Motion to the Bankruptcy Court (“Motion”). A  
3 hearing on the Motion was held by the Court on January 22, 2007, with appearances being made  
4 on the record.

5 The Court having considered the pleadings and documents filed, having heard the  
6 arguments of counsel and having considered the applicable law, finds that the temporary stay in  
7 the Order Granting Temporary Stay entered by the United States Bankruptcy Appellate Panel of  
8 the Ninth Circuit on January 17, 2007 (“Stay Order”) was improvidently granted in violation of  
9 Federal Rule of Bankruptcy Procedure 8005. Accordingly,

10 IT IS HEREBY ORDERED that:

- 11 1. The Motion is GRANTED; and
- 12 2. The Stay Order is VACATED.


13 Submitted by:

14 /s/ Lenard E. Schwartzer, Esq.  
15 Lenard E. Schwartzer, Nevada Bar No. 0399  
16 Jeanette E. McPherson, Nevada Bar No. 5423  
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18 and  
19 Annette W. Jarvis, Utah Bar No. 1649  
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20 36 South State Street, Suite 1400  
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21 Salt Lake City, Utah 84145-0385  
Attorneys for Appellees-Debtors and  
22 Debtors-in-Possession

23  
24 **IT IS SO ORDERED.**

25 DATED this 24th day of January, 2007

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U.S. DISTRICT COURT JUDGE

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