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6
7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF ARIZONA**

9 In re:

10 VISITALK CAPITAL CORPORATION, a
11 Nevada Corporation, formerly known as
VISITALK.COM, INC., an Arizona
12 corporation,

13 Reorganized Debtor.

Bankruptcy No. 00-13035-ECF-RTB

**AMENDED APPLICATION TO
APPOINT CREDITOR'S TRUSTEE
PURSUANT TO PLAN**

14
15 The Reorganized Debtor, Visitalk Capital Corporation, a Nevada corporation, formerly
16 known as visitalk.com, Inc., an Arizona corporation, by and through its undersigned counsel,
17 respectfully requests that the Court appoint, pursuant to Section 12.4 of the Reorganized
18 Debtor's Second Joint Plan of Reorganization Dated June 22, 2004 ("Plan"), Biltmore Associates
19 as Creditor's Trustee ("Trustee") of the Creditors' Trust identified in Article 12 of the Plan.

20
21 The Reorganized Debtor's Plan was confirmed by the Court on or about August 27, 2004.
22 Pursuant to Article 12 of the Plan, the Reorganized Debtor's Causes of Action were conveyed to
23 a Creditors' Trust to be managed by a Trustee selected by the Debtor subject to Creditors'
24 Committee approval.

25
26 Biltmore Associates is a financial services and management firm specializing in
27 insolvencies, bankruptcies, and liquidation issues. Its principals, Vernon S. Schweigert and
28 Heather Litton, have extensive experience working with insolvent and bankruptcy estates

1 including the management of the same. Mr. Schweigert has served as a Chapter 11 Trustee in
2 the past in the District of Arizona. Posted to the Reorganized Debtor's web site at
3 <http://reorg.visitalk.com> (the same site that the Debtor's Plan and Disclosure Statement were
4 posted) is a resume of Biltmore Associates, including Mr. Schweigert's and Ms. Litton's
5 credentials and experience. Any unsecured creditor who cannot access the web site and wishes a
6 copy of the resume to be emailed or mailed to them is to contact the Reorganized Debtor's
7 counsel's office and request the same. A courtesy copy of the resume is being emailed to the
8 Court.
9

10 Because of Biltmore Associates extensive experience, qualifications, and expertise, the
11 Reorganized Debtor selected Biltmore Associates as Trustee pursuant to Section 12.4(a) of the
12 Plan. Counsel for the Creditors' Committee has met with the principals of Biltmore Associates
13 and indicated approval for the selection of Biltmore Associates. The appointment of Biltmore
14 Associates as Trustee is in the best interest of the Creditors' Trust.
15

16 To the best of the Reorganized Debtor's knowledge, Biltmore Associates has no
17 connection with the creditors and parties in interest of the Creditors' Trust, the former Debtor, or
18 the Reorganized Debtor, or their attorneys or accountants. To the best of the Reorganized
19 Debtor's knowledge, Biltmore Associates holds no adverse interest to the Creditors' Trust.
20

21 Biltmore Associates has received no retainer in this matter, though as Trustee, it would be
22 responsible for administering the \$50,000 future expense reserve transferred to the Creditors'
23 Trust by the Reorganized Debtor pursuant to Section 12.4(g) of the Plan.
24

The hourly rates of Biltmore Associates are as follows:

25	Vernon S. Schweigert:	\$300/hr
26	Heather Litton:	\$250/hr
27	Accounting staff:	\$200/hr

1 Other professionals as needed:\$200/hr

2 Paralegals: \$150/hr

3 The compensation of Biltmore Associates shall be on an hourly basis and it shall not
4 receive compensation until such time as the Trustee files with the Bankruptcy Court a written
5 Application requesting said compensation subject to the requirements of Section 12.4(h) of the
6 Plan.

7 For the foregoing reasons, the Reorganized Debtor respectfully requests that the Court
8 enter an Order approving the appointment of Biltmore Associates as Trustee pursuant to Section
9 12.4 of the Plan. A ten-day negative notice of this Application is being sent to all creditors
10 pursuant to Section 12.4 of the Plan.
11

12 RESPECTFULLY SUBMITTED this 21st day of September, 2004.

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14 LAW OFFICE OF MARK J. GIUNTA

15
16 By /s/ 015079
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20 A Copy of the foregoing was electronically filed
21 This 21st day of September, 2004 with the U.S. Bankruptcy Court.

22 COPY of the foregoing mailed (and/or served via
23 fax* or e-mail** if so marked) September 21, 2004, to:

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