

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF SECURITIES)
Ex rel. IRVING L. FAUGHT, Administrator,)
and DOUGLAS L. JACKSON, in his capacity as)
the court appointed receiver for the investors and)
creditors of Schubert & Assoc. and for the assets)
of Marsha Schubert, individually, and doing)
business as Schubert & Associates, and for)
Schubert & Associates,)

Plaintiffs/Appellees,)

vs.)

ROBERT W. MATHEWS, MARVIN L. WILCOX,)
PAMELA J. WILCOX, DETRIA J. OWENS,)
KATHLEEN GIBSON, SHERYL MERCER,)
FRANK WARD, ALICE SUE WARD, BEN J.)
ALLEN, SHARON A. ALLEN, MICHAEL)
ROGERS, BOB E. HUDSON,)
JANICE FAGG, EDWARD G. STATON,)
KENNETH LARUE, ELLA CARR, MARTIN W.)
MATHEWS, BETH ARMER, individually, and as)
trustee for the BETH ARMER REVOCABLE)
TRUST, SHANNA KINSLOW, ROY E.)
LANDWEHR, VICKI L. LANDWEHR, SCOTT A)
WILCOX, RYAN E. LANDWEHR, LINDSEY)
LANDWEHR, JOHN PUMPHREY, CAROLYN)
PUMPHREY, JUSTIN R. TARRANT, JEFFREY)
L. WILCOX, JACQUELYN BOUNDS, STEVEN)
R. ESPOLT, PHILLIP YENZER, GLENDA)
YENZER, LOYD R. JONES, RICHARD)
BRANDON SCHUBERT, HILLARY MICHELLE)
SCHUBERT, GARRETT LEE SCHUBERT, JACK)
D. SIMPSON, SUE J. SIMPSON, ROBERT J.)
OWENS, CHAD JOHNSON, SONNY HARMON)
RODNEY J. MARTIN, WANDA MARTIN,)
K.R. LARUE, DANA LARUE,)
KENNETH YOUNG, LESLIE A. YOUNG,)
ALEXANDER YOUNG, DEAN CUE,)
CLAUDETTE CUE, THERESA PITTMAN,)
DANILE JACKSON, CRYSTAL JACKSON,)
JERALD WAYNE DRAKE, REGINA KRAUS,)
LARRY E. BERRY, ROBERT E. PROCTOR, if)
living, individually and as trustee for the PROCTOR)

FILED
SUPREME COURT
STATE OF OKLAHOMA

JAN - 4 2007

MICHAEL S. RICHIE
CLERK

Case No. CJ-2005-3796

Consolidated with

Case No. CJ-2005-3299

Supreme Court No.

#104161

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

JAN - 4 2007

PATRICIA PRESLEY, COURT CLERK

by _____
DEPUTY

PETITION IN ERROR

FAMILY REVOCABLE TRUST, and if deceased,)
his unknown successors, BOBBY PROCTOR,)
individually and as trustee for the PROCTOR)
FAMILY REVOCABLE TRUST, SANDRA K.)
PHILLIPS, ELNORA VIEFHAUS, CHESTER J.)
WEEMS, BECKY DRAKE, CURTIS R.)
SANDERS, PAUL LEE, DANNY GREGORY,)
MARTHA GREGORY, LINDA K. JINDRA,)
JOSEPHINE WARD, KERRY LONG, RAYMOND)
C. LAUBACH, GARY L. SCOTT, JAMES W.)
POWELL, BILLIE A. VINCENT, TED A. PAYNE,)
JOYCE E. PAYNE, SEAN WINN, TREY A.)
ROEHRIG, ANGELA D.)
EWERS, BRENDA L. ENOS, OLIN R. RISING,)
J.M. MILLER, WILLIS LUBER, CAROL A.)
LINDLEY, MAUDIE L. COOK, BILL HARRIS,)
REBECCA HONEYMAN, TODD A. WARD,)
WILLIAM ETHERIDGE, CHRISTOPHER)
LARUE, VIOLA M. ESTES, BRIAN)
REINHARDT, TONYA REINHARDT, JAMES)
WYATT, THELMA WYATT, ARTHUR PLATT,)
BETTE MCCLURE, PHILLIP MATTHEWS,)
BRAD POLLARD, ALLEN GRIFFITH, LINDA)
ELLIOTT, LINDA STEWART, CHELSEA)
VENABLE, GAYLE VENABLE, JAMIE)
WALKER GLOVER, RICHARD LEBOEUF, E.E.)
TACKETT, TIMOTHY W. RAINS, KRISTA)
RAINS, MICHAEL L. MALLOY, RENYSSA)
WINES, MIKE BOSTICK, DON POINDEXTER,)
ANITA TARRALBO, KIRSTEN ALLARD,)
MICKE RICHEY, SHAWNA ALLEN, TIMOTHY)
JACKSON, JULIA JACKSON, BETTY LAMB,)
BILL MCCUTCHEN, BRANDI POLLARD,)
CRAIG SIMMONS, BILL D. HORN, JACK)
MCNALLY, LAURA PAYNE, MANUEL)
SEGURA, KENNETH R. WILLIAMS, BERTHA)
L. COPPER, WES PRICE, TRICIA PRICE,)
TAWNAYA MERCHANT, MARGARET)
HOOLEY, JANET L. LAWHON,)
MAY FRATES, BOB PRESTRIDGE JR.,)
GERALD D. KNIGHT, JIM COPELAND, MONTE)
PHILLIPS, VINCENT H. SCOTT, TRACY)

TARRANT, ELLEN CLAY BENNER, BRIAN)
 OWENS, LLOYD AVERY, DENISE MELOY,)
 GARY L. BOUNDS, DONALD D. HALL, KEVIN)
 L. CARNES, CECIL WILLIAMS, JEFFREY)
 PALMER, MARK RICHARDS, MELINDA)
 HOBBS, JODI SHARP, and BEVERLY KEGIN,)
)
 Defendants,)
)
 KENNETH YOUNG, LESLIE YOUNG,)
 K.R. LARUE, DANA LARUE, SCOTT WILCOX,)
 SHERYL MERCER, RODNEY MARTIN,)
 WANDA MARTIN, RAYMOND LAUBACH,)
 DAN JACKSON, CRYSTAL JACKSON)
)
 Defendants/Appellants.)

PETITION IN ERROR

 X PETITION IN ERROR
 AMENDED OR SUPPLEMENTAL PETITION
 CROSS PETITION
 COUNTER-PETITION
 DATE FIRST PETITION IN ERROR FILED: _____

I. TRIAL COURT HISTORY

COURT/TRIBUNAL: District Court
 COUNTY: Oklahoma
 CASE NO.: CJ-2005-3796 consolidated with CJ-2005-3299
 JUDGE: Patricia G. Parrish
 NATURE OF CASE: Securities action
 (e.g. Divorce, Personal Injury)

NAME OF PARTY OR PARTIES FILING THIS PETITION IN ERROR:
Kenneth Young, Leslie Young, K.R. LaRue, Dana LaRue, Scott Wilcox, Sheryl Mercer,
Rodney Martin, Wanda Martin, Raymond Laubach, Dan Jackson, Crystal Jackson

THE APPEAL IS BROUGHT FROM: (Check one)
 X Judgment, Decree or Final order of District Court.

Oklahoma County, Case No.102,717, original jurisdiction not assumed; Oklahoma Department of Securities et al v. Marsha Schubert et al, Case No. 102,716, dismissed

List all related appeals involving same issues: Original Jurisdiction matter was filed on October 28, 2005. It was styled: Robert L. Mathews, et al v. The Honorable Patricia A. Parrish, District Court Judge for Oklahoma County, Case No. 102,717, original jurisdiction not assumed; Oklahoma Department of Securities et al v. Marsha Schubert et al, Case No. 102,716, dismissed.

(Identify by Style, Appeal Number, Status, and Citation, if any. If none, so state.)

IV. SETTLEMENT CONFERENCE

Is appellant willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250? ___ Yes ___ X No

V. RECORD ON APPEAL

_____ A Transcript will be ordered.
_____ No Transcript will be ordered because no record was made and/or no transcript will be necessary for this appeal
_____ A Narrative Statement will be filed
 X Record is concurrently filed as required by Rule 1.34 (Driver's License Appeals, etc.) or Rule 1.36 (Summary judgments and motions to dismiss granted).

VI JUDGMENT, DECREE OR ORDER APPEALED – EXHIBIT “A”

(Attach as Exhibit “A” to the Petition in Error a certified copy of the judgment, decree or order from which the appeal is taken. If a post-trial motion extending appeal time under Rule 1.22 was filed, a certified copy of the order disposing of the motion must be attached also.)

VII SUMMARY OF CASE – EXHIBIT “B”

Attach as Exhibit “B” a brief summary of the case *not to exceed one 8 ½” x 11” double spaced page.*

VIII ISSUES TO BE RAISED ON APPEAL – EXHIBIT “C”

Attach as Exhibit “C” the issues proposed to be raised. Include each point of law alleged as error. Avoid general statements such as “Judgment not supported by law.”

IX NAME OF COUNSEL OR PARTY, IF PRO SE

ATTORNEYS FOR APPELLANTS

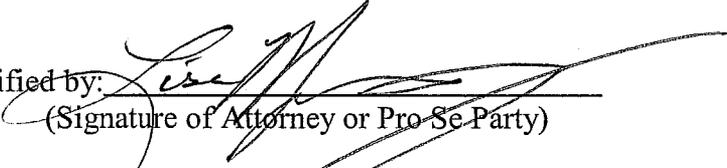
Name: G. David Bryant,
OBA No.: 01264
Name: Lisa Mueggenborg,
OBA No.: 18595
Firm: Kline Kline Elliott & Bryant, PC
Address.: 720 N.E. 63rd Street
Oklahoma City, Oklahoma 73105
Telephone: (405) 848-4448
Telecopier: (405) 842-4539

ATTORNEY FOR APPELLEES

Name: Gerri Stuckey
OBA No.: 16732
Name: Amanda Cornmesser
OBA No.: 20044
Firm: Oklahoma Department of Securities
Address: 120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone: (405) 280-7700
Telecopier: (405-280-7742

Name: Bradley E. Davenport
OBA No.: 18687
Firm: Gungoll, Jackson, Collins, Box & Devoll
Address: Post Office Box 1549
Enid, Oklahoma 73702-1549
Telephone: 580-234-0436
Telecopier: 580-233-1284

DATE: January 4, 2007

Verified by: 
(Signature of Attorney or Pro Se Party)

Firm: Kline Kline Elliott & Bryant, PC
Address: 720 N.E. 63rd Street
Oklahoma City, Oklahoma 73105
Telephone: (405) 848-4448
Telecopier: (405) 842-4539

CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK

I hereby certify that a true and correct copy of the Petition in Error was mailed this 4th day of January, 2007 to:

Amanda Cornmesser
Gerri Stuckey
Melanie Hall
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102

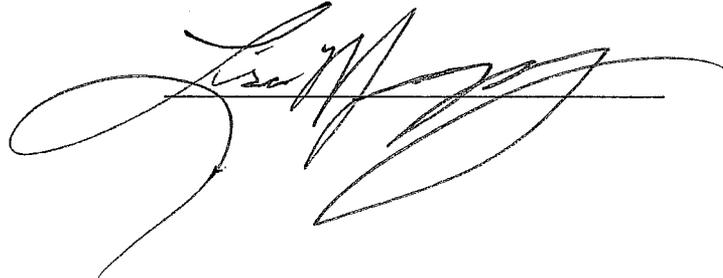
Bradley E. Davenport
323 W. Broadway Avenue
Enid, Oklahoma 73701-1549

Attorney for the Receiver,
Douglas L. Jackson

Attorneys for Oklahoma
Department of Securities

By depositing it in the U.S. Mails, postage prepaid.

I further certify that copy of the Petition in Error was filed in the Office of the Oklahoma County District Court Clerk on the 4th day of January, 2007.

A handwritten signature in black ink, appearing to read "Douglas L. Jackson", is written over a horizontal line. The signature is stylized with large loops and flourishes.