

IN THE DISTRICT COURT OF LOGAN COUNTY,
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF SECURITIES,)	
<i>ex rel.</i> , IRVING L. FAUGHT, Administrator,)	
)	
Plaintiff,)	
vs.)	Case No. CJ-2004-256
)	
MARSHA SCHUBERT, an individual, and d/b/a)	
SCHUBERT AND ASSOCIATES; et al.,)	
)	
Defendants.)	

APPLICATION FOR AUTHORITY TO PAY INTERIM ATTORNEY FEES

Receiver, Douglas L. Jackson, makes Application to this Court for authority to pay interim attorney fees and costs to GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C. (hereinafter "Attorneys"), and would show the Court as follows:

1. Pursuant to the Order of this Court entered on November 15, 2004, Petitioner employed GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C., as attorneys to advise and to represent Petitioner in connection with the matters pertaining to the recovery of assets for and administration of the Schubert Receivership Estate.
2. The Order provided that the amount of the fees paid to Receiver's attorneys would be determined by the terms set forth in the Application for Approval for Employment of Legal Counsel, submission of an Application for payment of fees to the Court, and approval of the fees by the Court.
3. For the time period of October 1, 2010 through December 31, 2010, Attorneys have expended 34.40 hours in and about the performance of duties as counsel for the Receiver for which they have not been compensated, as set forth in the attached itemized statement of

attorney fees. See Detail Fee Transaction File List for Account No. 8505.0000 attached hereto as Exhibit A.

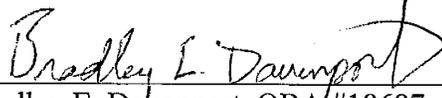
4. Similarly, Attorneys have advanced \$3,788.74 of costs and litigation expenses in and about the performance of duties as Receivership counsel for the time period referenced in the preceding paragraph for which they have not been compensated, as set forth in the attached Detailed Cost Transaction File List. See Exhibit B.

5. Petitioner believes that it would be unduly burdensome and inequitable to require Petitioner's counsel to devote time and effort to the service of the Receiver and the Schubert Receivership Estate without receiving interim compensation to remunerate counsel, at least in part, for the time spent and the costs incurred.

6. As appears from the Receiver's monthly accountings filed herein, Attorneys' efforts have resulted in considerable assistance to the Receiver and a recovery of more than \$3 million on behalf of the creditors and claimants of the Schubert Receivership Estate, including \$71,622.78 during the fourth quarter of 2010. The Receiver does have on hand sufficient funds with which to pay interim attorneys' fees and costs.

WHEREFORE, the Receiver respectfully requests that this Court authorize him to pay the Receiver's attorneys, GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C., the total amount of \$7,915.00 as interim attorneys' fees, and \$3,788.74 as interim costs, for the period of October 1, 2010 through December 31, 2010.

Respectfully submitted,



Bradley E. Davenport, OBA#18687
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.
3030 Chase Tower
100 N. Broadway Ave.
Oklahoma City, OK 73102
(405) 272-4710 Ph. / (405) 272-5141 Fax
Attorney for Receiver, Douglas L. Jackson

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January 2011, I mailed a true and correct copy of the above and foregoing instrument, postage pre-paid to:

Oklahoma Department of Securities
Attn: Gerri Stuckey
Amanda Cornmesser
Melanie Hall
First National Center, Suite 860
120 N. Robinson
Oklahoma City, OK 73102

G. David Bryant
Julie Brower
Kline Kline Elliott & Bryant, PC
720 N.E. 63rd St.
Oklahoma City, OK 73015
Attorneys for B. Allen, et al

Mack Martin
Martin Law Office
125 Park Ave. – 5th Floor
Oklahoma City, OK 73102
Attorneys for Defendant Marsha Schubert,
individually, and d/b/a Schubert and Associates

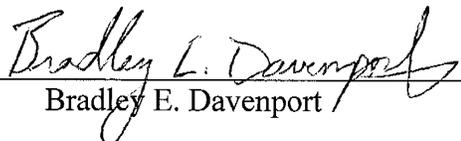
Jack Mattingly, Sr.
P O Box 70
Seminole, OK 74818-0070
Attorney for Fagg, et al.

Charles Meyers
711 S. Husband
Stillwater, OK 74074
Attorneys for Farmers & Merchants Bank

E. Edd Pritchett
114 N. Main St., Suite 101
Kingfisher, OK 73750
Attorney for Ward, et al

William J. Baker
Hert Baker & Koemel, PC
P O Box 668
Stillwater, OK 74076
Attorney for Richard Schubert

U.S. Department of Justice
U.S. Attorney's Office - WD
Attn: Tiffany Harper, Asst US Atty
210 West Park Ave. – Suite 400
Oklahoma City, OK 73102



Bradley E. Davenport

Detail Fee Transaction File List
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.



Client	Trans Date	Atty	H P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 8505.0000 Schubert/Marsha & Richard L. 8505.0000	10/01/2010	BD	P	3	225.00	1.00	225.00 Argue Motions for Summary Judgment on behalf of Receiver in Oklahoma County case, four granted in full, partial Summary Judgment granted regarding Wilcox on issue of liability, amount of damages disputed.	413
8505.0000	10/07/2010	BD	P	3	225.00	1.50	337.50 Return call of and left message for P. Outhier; received/analyzed draft Journal Entry regarding partial summary judgment against Marvin and Pam Wilcox, revised and e-mailed back to Amanda at Department; return call of and left message for J. Brower; call with Amanda regarding expert and deposition tomorrow; call with Professor Stock regarding status of case; call to Jarretta at BKD regarding accounting for Wilcox.	414
8505.0000	10/08/2010	BD	P	3	225.00	4.00	900.00 Call from Amanda, has sick child and will not be at depositions this afternoon; call to Carol at Department regarding prepare questions and exhibits for P. Wilcox deposition and have Notice of Deposition for M. Wilcox in case he fails to appear; take deposition of P. Wilcox, make records regarding Marvin.	415
8505.0000	10/13/2010	BD	P	3	225.00	1.60	360.00 Accept changes on M. and P. Wilcox JE, email to Julie and Amanda for review and signature; return call of S. Wilcox regarding paying off judgment; meet with S. Wilcox, pull up letter with payoff amount, Wilcox wrote check to Receiver for the full amount; prepare/revise Receiver's accounting for 09/2010, mail for filing; call with Amanda regarding P. Wilcox deposition; called, left message for P. Outhier regarding Loyd Jones.	418
8505.0000	10/14/2010	BD	P	3	225.00	0.70	157.50 Exchange emails w/Amanda re: her signature page for Wilcox JE; send JE over to Judge Parrish's chambers for signature; email from K. Ward re: Order Approving Receiver's Recommendations for Allowance and/or Rejection of Claims; dictate ltr to J. Brower re: any response to settlement proposal and requesting copies of checks	420
8505.0000	10/15/2010	BD	P	3	225.00	0.40	90.00 Rec'd P. Wilcox deposition transcript, fwd copy to Amanda at Department; email to Professor Stock that we will not need him to testify as expert.	419
8505.0000	10/18/2010	BD	P	3	225.00	0.40	90.00 Exchange emails with Amanda regarding upcoming pretrial; several attempts to call S. Wilcox and advise Hearing on Assets stricken.	416
8505.0000	10/19/2010	BD	P	3	225.00	0.40	90.00 Exchange emails with Amanda regarding copies of checks and settlement proposal to Marvin and Pamela Wilcox; discuss status with Receiver.	417
8505.0000	10/20/2010	BD	P	3	225.00	1.40	315.00 Received, reviewed and revised Plaintiffs' draft pretrial conference order; e-mail same back to Amanda at Department; received approval of same from Amanda, fix pagination and formatting; email draft PTO to J. Brower for insertion of Wilcox witnesses, exhibits, etc.; reviewed letter frm J. Brower denying settlement offer and enclosing copies of 5 checks.	424
8505.0000	10/21/2010	DJ	P	3	275.00	0.10	27.50 Prepare for Pre-Trial on Wilcox	421
8505.0000	10/21/2010	BD	P	3	225.00	2.30	517.50 Called, lft msg for Receiver re: Wilcox denial of stmnt proposal, to advise of any preference on trial date; called, lft msg for J. Huckins at BKD to call re: input on trial date; call back to Stuart Title re: judgment lien against Ken and Leslie Young; call back from Jarretta @ BKD re: time to prepare for trial on Wilcox; rec'd/analyzed Defendant Wilcoxes input for PTO; appear for Receiver at pretrial conference.	423
8505.0000	10/22/2010	BD	P	3	225.00	0.50	112.50 Rec'd checks from J. Brower re: Wilcox \$95,000 "Schubert Investment"; fwd same to Amanda at Department; compare with BKD accounting.	422
8505.0000	10/29/2010	BD	P	3	225.00	0.20	45.00 Call from Amanda re: having BKD work on and amend Pollard accounting documents	425
8505.0000	11/04/2010	BD	P	3	225.00	1.00	225.00 Prepare/revise Receiver's accounting for October 2010, sign and send for filing; dictate Release and Satisfaction of Judgment relative to Scott Wilcox; dictate applications and proposed orders for four HOAs	426
8505.0000	11/09/2010	BD	P	3	225.00	1.10	247.50 Review and revise four Motions for HOA and proposed Orders; call from Ken Young bringing in settlement payment; meet with Young, receive settlement payoff; call w/Amanda re: same and ph. call she rec'd from J. Brower	427
8505.0000	11/10/2010	BD	P	3	225.00	0.80	180.00 Dictate dismissal with prejudice re: Youngs; revise same; email dismissal to Amanda and Gerri for signature; rec'd another copy of P. Wilcox transcript with jurat page and errata sheet from Kline firm; fwd copy of same to ODS	428
8505.0000	11/11/2010	DJ	P	3	275.00	0.30	82.50 Review status of Wilcox and Mathews	429
8505.0000	11/11/2010	BD	P	3	225.00	0.20	45.00 Call from Receiver re: status, date for MSJ hearing and non-jury trial.	430
8505.0000	11/12/2010	BD	P	3	225.00	0.30	67.50 Call to Judge Worthington's chambers re: striking this case from civil disposition docket; email to ODS and Receiver re: same.	431
8505.0000	11/15/2010	BD	P	3	225.00	0.40	90.00 Calculate difference btwn CD and judgment amount; ltr to Rod and Wanda Martin re: Receiver levying execution against CD and amount still owed on judgment	432
8505.0000	11/16/2010	BD	P	3	225.00	0.20	45.00 Exchange emails with M. Hall at ODS re: Wilcox MSJ on damages, signature page	433
8505.0000	11/17/2010	BD	P	3	225.00	0.20	45.00 Print, sign, scan and email signature page for Wilcox MSJ on damages to M. Hall at ODS	434
8505.0000	11/22/2010	BD	P	3	225.00	0.50	112.50 Prepare revise Application for Authority to Pay Interim Attorneys Fees for third quarter, attach detail statements for fees and costs, sign and send for filing.	437
8505.0000	11/23/2010	DJ	P	3	275.00	0.10	27.50 Review Martin's offer to settle	435

Detail Fee Transaction File List
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.

Client	Trans Date	Atty	H P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 8505.0000 Schubert/Marsha & Richard L. 8505.0000	11/23/2010	BD	P	3	225.00	1.10	247.50 Call from D. Bryant re: balance owed by Rod and Wanda Martin; follow-up email from Bryant re: same, fwd to Receiver; call from Receiver re: Martins, will not waive balance owed on judgment; 2 emails from Martins, fwd to Receiver; look up current address for K.R. and Dana LaRue for service of Order to Appear for Hearing on Assets	436
8505.0000	11/30/2010	BD	P	3	225.00	0.20	45.00 Exchange emails w/Melanie at ODS re: copy of MSJ against Wilcox pertaining to damages	438
8505.0000	12/01/2010	DJ	P	3	275.00	0.20	55.00 Call regarding Martin's offer to settle	439
8505.0000	12/01/2010	BD	P	3	225.00	1.20	270.00 Voicemail from R. Martin regarding inquiry to Receiver about waiving remaining judgment balance; email to Martins and copy to Bryant that Receiver will not waive; Two calls from W. Martin regarding same and settlement proposal; call with Receiver regarding proposal, denied; call from Bryant regarding extension of time to file response to Wilcox Motion for Summary Judgment on damages; called, left voicemail for Amanda regarding same.	440
8505.0000	12/02/2010	BD	P	3	225.00	1.30	292.50 Call from Amanda regarding extension for Julie to respond to Wilcox Motion for Summary Judgment on damages; dictate Notice of Hearing regarding Receiver's Application for Authority to Pay Interim Attorney Fees; received/analyzed Plaintiffs' Motion for Summary Judgment regarding Wilcox, damages; dictate Motion for Hearing on Assets and proposed Order regarding Martins.	441
8505.0000	12/03/2010	BD	P	3	225.00	1.00	225.00 Prepare, revise, sign and send for filing Receiver's Accounting for November 2010; voicemail from K.R. LaRue regarding Hearing on Assets; exchange emails with Amanda and Gerri at Department regarding same; conference call with Amanda and Gerri regarding LaRue and bankruptcy 3+ years ago that did not list Receiver or Department as creditor or judgment as an existing debt, no Notice of bankruptcy.	442
8505.0000	12/06/2010	BD	P	3	225.00	0.60	135.00 Voicemail from R. Schubert asking me to call him back; called back and left voicemail for R. Schubert; email from R. Martin re: deadline to pay off judgment; called, left msg for Receiver re: whether he wants to make a fourth distribution to creditors at this time or wait	443
8505.0000	12/07/2010	BD	P	3	225.00	0.90	202.50 Exchange emails with R. Martin regarding agreement to pay off balance of judgment by February 1st; call back from R. Schubert-wanting to know about next distribution; call with Receiver regarding same; call back to R. Schubert, advise will seek leave to make 4th distribution in January 2011.	444
8505.0000	12/08/2010	BD	P	3	225.00	0.10	22.50 Exchange emails with A. Commesser re: any response from Brower about Wilcox response to MSJ or signing an Agreed JE	446
8505.0000	12/09/2010	BD	P	3	225.00	0.40	90.00 Call from J. Brower re: meeting with Wilcoxes, will not be responding to MSJ and will sign JE; called, left msg. for Amanda at Department re: same	447
8505.0000	12/10/2010	ME	P	1	275.00	2.50	687.50 Travel to and return from Logan County for appearance in District Court to obtain approval to pay fees; appearance at docket; obtain Order and certified copy.	445
8505.0000	12/13/2010	BD	P	3	225.00	0.40	90.00 Rec'd/reviewed draft Agreed Journal Entry of Judgment for M. and P. Wilcox; exchange emails w/Geri at Department re: same	448
8505.0000	12/14/2010	BD	P	3	225.00	0.50	112.50 Call from Jarrod Rogers regarding Kenneth LaRue Hearing on Assets on 12/20; revise JE for M. and P. Wilcox; email same to D. Bryant and J. Brower for review and signature.	449
8505.0000	12/16/2010	BD	P	3	225.00	0.40	90.00 Exchange emails w/Amanda re: hearing on Wilcox MSJ tomorrow morning, no response from Brower on proposed JE; exchange emails w/Amanda re: Kingfisher disposition docket	450
8505.0000	12/17/2010	BD	P	3	225.00	1.00	225.00 Print and sign proposed order for Wilcox Motion for Summary Judgment hearing; appear for Receiver at hearing on Wilcox Motion for Summary Judgment regarding damages, judgement granted; file JE w/Court Clerk; call from J. Brower regarding same.	451
8505.0000	12/20/2010	DJ	P	3	275.00	0.30	82.50 Review remaining claims, money in bank and remaining to be collected regarding closing estate	452
8505.0000	12/20/2010	BD	P	3	225.00	2.50	562.50 Prepare for and conduct HOAs on Loyd Jones and Dan and Crystal Jackson; letter to P. Outhier for Jones to submit payment proposal; letter to Joan enclosing check from A. Platt; call from Receiver regarding amount collected, amount on hand, and amount needed to payoff claims; revise table containing this information and mail to Receiver.	454
8505.0000	12/21/2010	BD	P	3	225.00	0.20	45.00 Revise, sign and send letter to P. Outhier regarding advise of payment proposal for Loyd Jones by 1/14/2011; email from Amanda at Dept. regarding date of disposition docket in Kingfisher Co. regarding Wilcox case.	453
Total for Client ID 8505.0000					Billable	34.40	7,915.00	Schubert/Marsha & Richard L. Receivership DJ

GRAND TOTALS

Billable **34.40** **7,915.00**

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 GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.

Client	Trans Date	Atty	H P	Tcd	Rate	Amount	Ref #	
Client ID 8505.0000 Schubert/Marsha & Richard L.								
8505.0000	10/19/2010	DJ	P	19		514.66 Professional Reporters CK# 62718	304	
8505.0000	10/20/2010	DJ	P	19		3,000.00 Original & 2 Copies of Transcript of Pam Wilcox Duane Stock CK# 62740	305	
8505.0000	11/12/2010	DJ	P	39		232.00 Expert Services Rendered Oklahoma County Court Clerk CK# 1303	306	
8505.0000	11/17/2010	DJ	P	72		27.08 File Motions for Hearing on Assets Postage Charges.	307	
8505.0000	12/10/2010	DJ	P	39		15.00 Oklahoma County Clerk CK# 1321 File Release of Judgment Lien	308	
Total for Client ID 8505.0000					Billable	3,788.74	Schubert/Marsha & Richard L. Receivership DJ	
GRAND TOTALS								
					Billable	3,788.74		

