

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUL -7 2010

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

OKLAHOMA DEPARTMENT OF SECURITIES)
ex rel. IRVING L. FAUGHT, Administrator,)
)
Plaintiff,)
v.)
)
THE ESTATE OF BRYAN DAVID ROARK,)
)
Defendant.)

Case No. CJ-2009-10905

Judge: Gray
Hearing Date:
July 28@2:00

**APPLICATION OF RECEIVER FOR APPROVAL OF
PROCESS FOR ALLOWANCE AND REJECTION OF CLAIMS**

The Court-Appointed Receiver for the Assets of the Estate of Bryan David Roark, Douglas L. Jackson ("Receiver"), makes application to this Court to approve a process for the allowance and/or rejection of claims filed with the Roark Receivership Estate. In support of this Application, the Receiver would show the Court as follows:

1. On February 19, 2010, this Court entered an Order establishing a procedure to notify claimants and creditors to make claims with the Roark Receivership Estate, which Order was filed of record on February 25, 2010.
2. The Court also provided for a claim bar date of May 7, 2010, meaning that any claim not filed with the Receiver on or before May 7, 2010 is forever barred.
3. The claim bar date has expired, and the Receiver has collected considerable funds relative to the Assets of the Estate of Bryan David Roark, and expects to have collected and liquidated most, if not all, Assets and funds recoverable within the next 120 days.
4. In order to be prepared to make a distribution to the claimants and creditors of the Receivership Estate, the Receiver proposes that the following process be approved for determining whether claims filed with the Receivership Estate will be allowed or rejected:

a. The Receiver and his legal counsel will review the claims, the supporting documentation, if any, provided by the claimants, and make his recommendation as to whether each claim should be allowed in full, rejected in full, and/or partially accepted and partially rejected.

b. The Receiver and his legal counsel will complete the review of claims and submit his recommendation to the Court within twenty days of the Court approving the process for allowance and rejection of claims. The Receiver's recommendations will be in written form and include a spreadsheet identifying each claimant who has filed a Proof of Claim, the amount of the claim, the Receiver's recommendation as to that claim, and a brief description of the basis for each claim that the Receiver recommends be rejected. The Receiver will file the written recommendation and spreadsheet with the Court Clerk for the District Court of Oklahoma County, and mail a copy to the parties and creditors at their last-known address via regular, first- class mail.

c. The claimants and creditors of the Roark Receivership Estate will then have twenty days from the date the Receiver files his recommendation to file a written objection to the Receiver's recommendations relative to their claim with the Court Clerk for the District Court of Oklahoma County. Any and all written objections filed by the claimants and creditors must set out in detail the basis for the claimant's objection to the Receiver's recommendation, and must attach any and all documents supporting their objection. A copy of any and all objections filed, including supporting documentation, must be mailed to the Receiver's legal counsel, Bradley E. Davenport, by regular, first-class mail at 3030 Chase Tower, 100 N. Broadway Avenue, Oklahoma City, Oklahoma 73102.

d. The failure of any claimant or creditor to file a written objection within the twenty day time period as set forth in Paragraph c above will be deemed a waiver of any and all disputes with or objections to the Receiver's recommendation regarding their claim. No out-of-time objections will be heard or considered. The Court will make its final determination regarding claims for which

the Receiver's recommendation is undisputed based exclusively on the Receiver's recommendation and its own judgment.

e. The Receiver's recommendation and any timely-filed objections will be submitted to the Court for a final determination regarding the allowance and/or rejection of the claims filed with the Roark Receivership Estate.

f. Any creditor or claimant who has filed a timely objection and who wishes to present exhibits or testimony to the Court prior to its final determination of his, her or its claim must file a written request for a hearing with the Court Clerk for the District Court of Oklahoma County on or before August 31, 2010. The request for hearing filed with the Court Clerk must identify the exhibits to be introduced and witnesses to be called at the hearing on the claimant's or creditor's behalf.

g. The hearing(s) on disputed claims or claim amounts will all be set for hearing as soon as the Court's schedule permits, and in no event later than thirty days after August 31, 2010.

h. Within thirty days of the hearing on disputed claims and/or claim amounts, the Court will make a final determination whether to allow or reject each of the claims filed with the Roark Receivership Estate.

i. Once the Court has made a final determination of which claims will be allowed and rejected, the Receiver will be authorized to make a *pro rata* distribution of all monies held by the Receiver, less anticipated expenses to wind up the Receivership, to the claimants and/or creditors whose claims are allowed in full or in part by the Court.

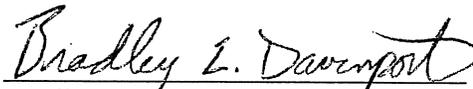
5. While Oklahoma law does not provide for a particular procedure for allowing or rejecting claims in a Receivership, the above process is based in large part on the Oklahoma statute setting forth the process for allowance and rejection of claims in a probate proceeding. See 58 O.S. §337.

6. A copy of this Application is being mailed to the parties and creditors at their last-known address by regular, first-class mail.

7. Any claimant or creditor who objects to the Receiver's proposed process for the allowance and/or rejection of claims filed with the Roark Receivership Estate should file a written objection with the Court Clerk for the District Court of Oklahoma County within eighteen (18) days of the date listed on the Certificate of Service below stating the basis and citing any support for their objection to the proposed process. Any claimant or creditor who files an objection to the Receiver's proposed process as set out above should also mail a copy of their objection to the Receiver's attorney, Bradley E. Davenport, 3030 Chase Tower, 100 N. Broadway Avenue, Oklahoma City, OK 73102.

WHEREFORE, the Receiver, Douglas L. Jackson, respectfully requests that this Court enter an Order granting his Application and approving his proposed process for the allowance and rejection of claims filed with the Roark Receivership Estate. The Receiver further requests that once the claims allowance and rejection process is approved and implemented that he be authorized to make a distribution of all monies held by the Receiver, less anticipated expenses to complete the Receivership, to those persons and/or entities whose claims are allowed in full or in part on a *pro rata* basis.

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
Ph. (405) 272-4710 / Fax (405) 272-5141
Attorney for Receiver, Douglas L. Jackson

CERTIFICATE OF SERVICE

I do hereby certify that on this 7th day of July, 2010 I mailed a true and correct copy of the above and foregoing document to the following:

Jennifer Shaw
Amanda Cornmesser
Oklahoma Department of Securities
120 N. Robinson, Suite 860
Oklahoma City, OK 73102
Attorneys for Plaintiff

Clell I. Cunningham, III
Dunn, Swan & Cunningham, P.C.
210 Park Avenue
Suite 2800
Oklahoma City, OK 73102
Attorney for Intervenors, Christy Roark,
Craig Roark and Chad Roark

Patrick M. Ryan
Ryan, Whaley, Coldiron, Shandy
900 Robinson Renaissance
119 N. Robinson
Oklahoma City, OK 73102
Attorneys for Morgan Stanley
Smith Barney

Clyde A. Muchmore
Crowe & Dunlevy
20 N. Broadway
Suite 1800
Oklahoma City, OK 73102
Attorney for Landmark Bank

Galvin Family, LLC
c/o Barbara Moon
902 Arlington Center, PMB 149
Ada, OK 74820

Kurtis Ward
3232 W. Britton
Suite 170
Oklahoma City, OK 73120

Barbara Jean Moon
1925 E. 18th Street
Ada, OK 74820

Christopher Ryan Hoover
826 E. 7th
Ada, OK 74820

Betty Bryant
12266 Highway 177
Stratford, OK 74872

Kyle Lackey
1331 Alvera Lane
Wynnewood, OK 73098


Bradley E. Davenport