

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

AUG 24 2010

PATRICIA PREBLEY, COURT CLERK
by _____
DEPUTY

OKLAHOMA DEPARTMENT OF)
SECURITIES EX REL. IRVING)
FAUGHT, ADMINISTRATOR,)

Plaintiff,)

v.)

GLOBAL WEST FUNDING, LTD.,)
Co., an Oklahoma limited liability)
company; GLOBAL WEST FINANCIAL)
LLC, an Oklahoma limited liability)
Company; SURE LOCK FINANCIAL,)
LLC, an Oklahoma limited liability)
Company; SURE LOCK LOANS LLC,)
Oklahoma limited liability company; THE)
WAVE-GOLDMADE, LTD., an)
unincorporated association; BRIAN)
MCKYE, an individual; JOE DON)
Johnson, an individual; JAMES)
FARNHAM, an individual,)

Defendants.)

and)

HERITAGE ESTATE SERVICE,)
LLC, an Oklahoma limited liability)
company,)

Relief Defendant.)

Case No. CJ-2009-2773
Judge: Gurich, Noma D.

Set for hearing:
August 26, 2010 at 11:00 a.m.

**SPECIAL MASTER, STEPHEN J. MORIARTY'S RESPONSE TO
BRIAN MCKYE'S MOTION TO COMPEL DELIVERY OF MAIL**

Stephen J. Moriarty ("Special Master") the Court appointed Special Master for
GLOBAL WEST FUNDING, LTD., Co., an Oklahoma limited liability company; GLOBAL
WEST FINANCIAL LLC, an Oklahoma limited liability company; SURE LOCK FINANCIAL,
LLC, an Oklahoma limited liability company; SURE LOCK LOANS LLC, an Oklahoma

limited liability company; THE WAVE-GOLDMADE, LTD., an unincorporated association; and BRIAN MCKYE, an individual (all collectively referred to as the “McKye Companies”) and for Heritage Estate Service, LLC (“Heritage”) (the “McKye Companies” and “Heritage” are sometimes collectively referred to as the “Companies”) and for his Response to the Motion of Brian McKye to Compel Delivery of Mail, filed herein on August 13, 2010 (the “Motion”), the Special Master states as follows:

1. On April 1, 2009, this Court entered its Order Appointing Special Master for the McKye Companies and Approving Waiver of Special Master's Bond. Pursuant to the Order, the Special Master was given full authority to “operate and manage all assets” of the McKye Companies. Further, Special Master was given the authority to “take immediate custody, possession, and control of any and all assets” of the McKye Companies.

2. On April 23, 2009, this Court entered its Order Appointing Special Master for the Heritage and Approving Waiver of Special Master's Bond. Pursuant to the Order, the Special Master was given full authority to “operate and manage all assets” of Heritage. Further, Special Master was given the authority to “take immediate custody, possession, and control of any and all assets” of Heritage.

3. The major assets of the Companies consisted of (a) the loan portfolio of Sure Lock Loans, LLC and the related assets associated with the operation of Sure Lock’s lending offices located at (i) 2000 NW 39th Street, Oklahoma City, OK 73118, (ii) 1958 NW 10th Street, Oklahoma City, OK 73106, (iii) 108 S. Rockwell, Suite B, Oklahoma City, OK 73127, (iv) 2308 S. Air Depot Blvd., Midwest City, OK 73110, (v) 4844 S. Elwood Ave, Tulsa, OK 74126, (vi) 2110 Steve Owens Blvd, Miami, OK 74354, and (vii) 8916 Highway 59, Grove, OK 74344 (the “Sure Lock Assets”), (b) certain accounts purchased from Heritage Estate Service, LLC

(the "Heritage Accounts"), and (c) certain real property located at 2308 South Air depot Blvd., Midwest City, Oklahoma (the "MWC Property).

4. Pursuant to the duties and authority granted, Special Master took charge of the records, assets, personnel and funds of the Companies.

5. Prior to the appointment of Special Master, the Global West Funding maintained post office box numbered 60725 at the United States Post Office located at 1117 N.W. 24th Street, Oklahoma City, Oklahoma 73146 (the "Post Office Box"). Upon his appointment, Special Master took possession of the key to the Post Office Box and has collected mail delivered to the Post Office Box. The cost of maintaining the Post Office Box has been paid through the Companies.

6. The Companies maintained seven business offices and received some mail directly at those locations. The Companies ceased all operations as of August 5, 2009 and closed these locations. Special Master contacted the U.S. Postal Service to forward mail to his office at 100 N. Broadway, Suite 1700, Oklahoma City, Oklahoma 73102.

7. The Special Master continues to receive mail addressed to the Companies through the Post Office Box and at his office.

8. The Special Master has, pursuant to prior orders of this Court, forwarded mail addressed to Brian McKye to Mr. McKye. The Special Master has not forwarded "junk mail" addressed to Mr. McKye.

9. The decision not to forward "junk mail" to McKye was based on the unwillingness of the Special Master to incur any cost, no matter how small, associated with forwarding "junk mail" to Mr. McKye after (a) McKye misappropriated over \$21,000.00 in violation of this Court's Orders to the detriment of investors and (b) McKye has agreed to a

restitution judgment against himself and in favor of the investors in the amount of \$5,000,000.00. Recovery for investors in this case will be in the range of two cents on the dollar.

10. The Special Master, to the best of his knowledge, has forwarded all non-junk mail to McKye at the following address: P.O. Box 957, Jay, Oklahoma 74346.

11. The Special Master has mailed copies of all pleadings filed in this case to McKye at the following address: P.O. Box 957, Jay, Oklahoma 74346.

12. **The Special Master received notice from the United States Postal Service, dated March 15, 2010, that mail sent on January 26, 2010 by Special Master to Brian McKye at P.O. Box 957, Jay, Oklahoma 74346 was returned as the post office box had been closed by McKye with no forwarding address. See Exhibit "A".**

13. Even after March 15, 2010, the Special Master has continued to mail copies of all pleadings in this case to Brian McKye at P.O. Box 957, Jay, Oklahoma 74346. McKye has not filed a notice of change of address in this case and Special Master is not aware of any other address for McKye.

14. The Court, at prior hearings, has instructed McKye to provide his new mailing address to all parties who mail him bills or correspondence and not to expect to receive personal mail through the Special Master.

15. There is no basis in law or fact for the relief sought by the Motion.

WHEREFORE, the Special Master respectfully requests that the Court deny the relief sought by the Motion and grant Special Master all appropriate relief including, but not limited to, all costs associated with preparing this Response and appearing at the hearing set on the Motion.



STEPHEN J. MORIARTY (OBA #6410)
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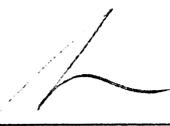
SPECIAL MASTER

CERTIFICATE OF MAILING

This is to certify that on the 24th day of August, 2010, the foregoing was sent by U.S. Mail, first class, postage prepaid to:

Patricia A. Labarthe, Esq.
Jennifer Shaw, Esq.
Oklahoma Department of Securities
120 N. Robinson, Suite 860
Oklahoma City, OK 73102

Brian McKye
P.O. Box 957
Jay, OK 74346



Stephen J. Moriarty

538341

tabbles
EXHIBIT
"A"



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100 NORTH BROADWAY, SUITE 1700
OKLAHOMA CITY, OKLAHOMA 73102-8820

Brian McKye
P.O. Box 957
Jay, OK 74346

MCKY957 743462027 1210 02 03/15/10
RETURN TO SENDER
MCKYE'BRIAN

BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER

