

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

APR 29 2010

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

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

Plaintiff, )

v. )

Case No. CJ-2009-7957  
Judge: Gurich, Noma D.

STORYBOOK PROPERTIES, LLC, )  
a California limited liability company; )  
STORYBOOK INVESTMENTS WA, )  
LLC, a Washington limited liability )  
company; MATTHEW G. STORY )  
an individual; JOE DON JOHNSON, )  
an individual; and JAMES FARNHAM, )  
an individual, )

Defendants. )

**ORDER GRANTING RECEIVER'S MOTION FOR UTHORITY TO EXECUTE DEED  
IN LIEU OF FORECLOSURE FOR 8537 EAST 32<sup>nd</sup> STREET, TULSA, OKLHOMA**

Comes on for hearing on this 29th day of April, 2010 on the Motion of Stephen J. Moriarty ("Receiver") the Court appointed Receiver for Storybook Properties LLC, Storybook Investments WA, LLC, EZ-TO-BUY Homes, L.P. and Matthew G. Story (all collectively referred to as "Companies") seeking entry of an Order authorizing Receiver to execute a deed in lieu of foreclosure for the property located at 8537 East 32<sup>nd</sup> Street, Tulsa, Oklahoma and to take all actions necessary to close such transaction; Stephen J. Moriarty appears on behalf of Receiver and Patricia Labarthe and Jennifer Shaw appear on behalf of Plaintiff, Oklahoma Department of Securities. After reviewing the Motion, having heard the statements of Receiver and being fully advised in the premises, the Court FINDS:

1. On October 7, 2009, this Court entered its Order Appointing Receiver. Pursuant

to the Order, the Receiver was given full authority to “operate and manage all assets” of the Companies. Further, Receiver was given the authority to “take immediate custody, possession, and control of any and all assets” of the Companies.

2. The major assets of the Companies consist of (a) numerous residential properties located in Tulsa County, Oklahoma (the “Residential Properties”) and (b) a 5 unit apartment building located at 2436 East Sixth Street, Tulsa, Oklahoma and an 8 unit apartment building located at 2440 East Sixth Street, Tulsa, Oklahoma (the “Apartment Properties”).

3. Receiver proposes to execute a deed in lieu of foreclosure to Tulsa National Bank (“TNB”) for the property located at 8537 East 32<sup>nd</sup> Street, Tulsa, Oklahoma (the Property”). The Receiver has determined that delivery of a deed in lieu of foreclosure for the Property is in the best interests of the Companies and their creditors.

4. Prior to the appointment of Receiver, the Companies had listed the Property for sale through Green Country Real Estate, Rusty Goodman, Listing Broker (the “Broker”). The Broker has not received any viable offer to Purchase the Property

5. Title to the Property is held in the name of Matthew Story.

6. TNB holds a first mortgage lien on the Property in an amount in excess of \$80,000.00. There are outstanding real estate taxes due and owing.

7. The value of the Property is significantly less than \$80,000.00. It does not make sense to make regular monthly payments to TNB and pay property taxes for the Property as there is no equity in the Property and no value for the companies or their creditors.

8. TNB has agreed to accept a deed in lieu of foreclosure on the Property. This will relieve the Companies and their creditors of a burdensome asset and release the Companies from

a potential deficiency judgment on the Property. Delivery of a deed in lieu of foreclosure is in the best interest of the Companies and their creditors.

9. This transaction is the product of arms length negotiations and approval is in the best interest of the Companies and their creditors.

10. Receiver has not received any offer to purchase the Property for an amount more than \$80,000.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Receiver is authorized to execute a deed in lieu of foreclosure for the Property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Receiver is hereby authorized to take all actions necessary to complete this transaction.

Dated this 29th day of April, 2010.

**NOMA GURICH**

DISTRICT JUDGE

APPROVED:



STEPHEN J. MORIARTY (OBA #6410)  
FELLERS, SNIDER, BLANKENSHIP,  
BAILEY & TIPPENS, P.C.  
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RECEIVER

PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this 29 day of April, 20 10  
PATRICIA PRESLEY, Court Clerk  
Deputy