

IN THE DISTRICT COURT OF OKLAHOMA COUNTY NOV 18 2009
STATE OF OKLAHOMA

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 AN ORDER (I) APPROVING CONTRACT FOR THE
SALE OF 5303 WEST 4TH STREET, TULSA, OKLAHOMA, SUBJECT TO HIGHER BID;
AND (II) AUTHORIZING RECEIVER TO CLOSE SALE OF
5303 WEST 4TH STREET, TULSA, OKLAHOMA**

Comes on for hearing on this 13th day of November, 2009 on the Motion of Stephen J. Moriarty ("Receiver") the Court appointed Receiver for Storybook Properties LLC, Storybook Investments WA, LLC, and Matthew G. Story (all collectively referred to as "Companies") seeking entry of an Order (i) approving the Real Estate Purchase Contract submitted by Floyd E. and Frances K. Bengé for 5303 West 4th Street, Tulsa, Oklahoma and (ii) authorizing Receiver to take all actions necessary to close such sale; 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. Through this Motion, the Receiver proposes to sell 5303 West 4th Street, Tulsa, Oklahoma (the “Property”). A sale of the Property is in the best interests of the Companies and their creditors.

4. Receiver was presented with a Real Estate Purchase Contract submitted by Floyd E. and Francis K. Bengé, dated October 22, 2009, offering to purchase the Property for \$50,000.00 (the “Bengé Purchase Contract”).

5. Prior to the appointment of Receiver, the Companies had listed the Property for sale for \$54,900.00 through Green Country Real Estate, Rusty Goodman, Listing Broker (the “Broker”). Through the efforts of the Broker, the Bengé Purchase Contract was prepared and delivered to Broker. Broker believes the offer by Bengé to purchase the Property for \$50,000.00 is reasonable.

6. The Bengé Purchase Agreement is the product of arms length negotiations and approval of the Bengé Purchase agreement is in the best interest of the Companies and their creditors.

7. Receiver has not received any offer to purchase the Property for an amount more than \$50,000.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale of the Property, pursuant to the terms of the Benge Purchase Contract for 5303 West 4th Street, Tulsa, Oklahoma, is hereby approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Receiver is hereby authorized to take all actions necessary to close such sale including, but not limited to, execution of a Receiver's Deed in substantially the form of Exhibit "A" hereto and payment of a reasonable real estate commission.

Dated this 13th day of November, 2009.

NOMA GURICH
DISTRICT JUDGE

APPROVED:



STEPHEN J. MORIARTY (OBA #6410)
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
100 North Broadway, Suite 1700
Oklahoma City, OK 73102
Phone: 405-232-0621
Fax: 405-232-9659
E-mail: smoriarty@fellerssnider.com

I, 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 13th day of November, 2009.
Noma Gurich
PATRICIA PRESLEY, Court Clerk Deputy

RECEIVER

RECEIVER'S DEED

WHEREAS, I Stephen J. Moriarty ("Receiver"), am the duly appointed and acting receiver for Storybook Properties, LLC, Storybook Investments, WA, LLC, EZ-To-Buy Homes, LP, and Matthew G. Story pursuant to an Order of the District Court, Oklahoma County, Oklahoma (the "Court") entered on October 7, 2009, in: *Oklahoma Department of Securities v. Storybook Properties, LLC, et al.*, Case No. CJ-2009-7951;

WHEREAS, _____ is the record owner of the real property described on Exhibit "A" hereto (the "Property");

WHEREAS, on _____, 20__, I did file a Motion to Sell the Property;

WHEREAS, the Court on _____, 20__ did not have a hearing on such Motion, and did enter an order approving and authorizing the sale of the Property and the execution by Receiver of all documents necessary to convey the interest in the Property ("the Order");

NOW THEREFORE, I Stephen J. Moriarty, by virtue of the powers granted by the Order, and in consideration of the foregoing premises and of the sum of \$10.00 and other good and valuable consideration, to me in hand paid by _____, the receipt and sufficiency of which are hereby acknowledged, do hereby grant, bargain, sell and convey unto the said _____, all of the interest of _____, in the Property described in Exhibit "A" hereto, situated in the County of Tulsa, State of Oklahoma,

TO HAVE AND TO HOLD, the said _____ Property, together with all and singular, the rights and appurtenances thereto in any wise belonging unto the said _____, and his successors and assigns forever.

WITNESS MY HAND, this _____ day of _____, 20__.

STEPHEN J. MORIARTY, RECEIVER

Exhibit "A"

