

FILED IN THE DISTRICT COURT  
IN THE DISTRICT COURT OF OKLAHOMA COUNTY, OKLA.  
STATE OF OKLAHOMA

NOV 26 2007

Oklahoma Department of Securities,  
ex rel. Irving L. Faught, Administrator,

Plaintiff,

v.

Accelerated Benefits Corporation, a Florida  
Corporation, *et al.*,

Defendants.

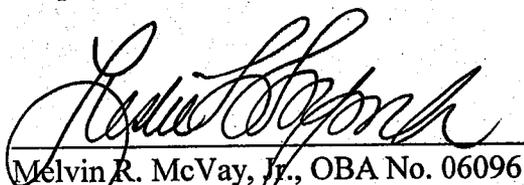
PATRICIA PRESLEY, COURT CLERK  
~~by \_\_\_\_\_~~  
Deputy

Case No. CJ-99-2500-66  
Judge Daniel L. Owens

**NOTICE OF HEARING**

\* Please be advised that a hearing on the Interim Application for Order Approving Conservator's Fees and Expenses for the Period of September 1, 2007 through September 30, 2007, has been set for the 11<sup>th</sup> day of <sup>Jan</sup> ~~December~~, <sup>2008</sup> ~~2007~~, at 9:00 a.m., before the Honorable Daniel L. Owens.

Respectfully submitted,



Melvin R. McVay, Jr., OBA No. 06096

Leslie L. Lynch, OBA No. 15124

PHILLIPS McFALL McCAFFREY

McVAY & MURRAH, P.C.

Corporate Tower / Thirteenth Floor

101 North Robinson

Oklahoma City, Oklahoma 73102

Telephone: (405) 235-4100

Facsimile: (405) 235-4133

ATTORNEYS FOR CONSERVATOR,  
H. THOMAS MORAN II

**CERTIFICATE OF MAILING**

The undersigned certifies that on the 26 day of November, 2007, a true and correct copy of the above and foregoing Notice of Hearing was mailed, first-class with postage prepaid, to:

Patricia A. Labarthe, Esq.  
Oklahoma Department of Securities  
First National Center, Suite 860  
120 North Robinson  
Oklahoma City, OK 73102  
*Attorney for Plaintiff*

William H. Whitehill, Jr., Esq.  
Fellers, Snider, Blankenship,  
Bailey & Tippens, P.C.  
100 North Broadway Avenue, Suite 1700  
Oklahoma City, Oklahoma 73102  
*Attorney for Defendants,  
Accelerated Benefits Corporation and  
American Title Company of Orlando*

A handwritten signature in cursive script, appearing to read "Julie Lopez", is written over a horizontal line.



2. The Conservator was given the direction and authority to accomplish the following:
- a. To take custody, possession and control of the Conservatorship Assets as they are transferred to the Conservator;
  - b. To manage all Conservatorship Assets pending further action by the Court including, but not limited to, the evaluation of the Policies, and to take necessary steps to protect the ABC Investors' interests including, but not limited to, the liquidation or sale of the Policies to institutional buyers and the assessment to ABC Investors of the future premium payments;
  - c. Receive and collect any and all sums of money due or owing on the Policies to ABC or its agents;
  - d. Seek the return of any cash, bond or guarantee on deposit with any regulatory agency or other entity on behalf of ABC or its agents;
  - e. Make such payments and disbursements as may be necessary and advisable for the preservation of the Conservatorship Assets and as may be necessary and advisable in discharging his duties as Conservator including, but not limited to, the timely payment of all premiums for Policies that have not yet matured;
  - f. Monitor the viators of the Policies by tracking the location of the viators and periodically checking the health of the viators;
  - g. Receive notice of the death of viators, file death claims on the viators, and collect the proceeds paid on the Policies as such mature;
  - h. Disburse to each ABC Investor his proportionate share of the proceeds, after deducting premiums advanced, paid in matured Policies;
  - i. Establish open communication with ABC Investors with proper disclosure of available options and consequences including, but not limited to, notice to ABC Investors of the Conservatorship Order within 30 days;
  - j. Retain and employ attorneys, accountants, computer consultants and other persons as may be advisable or necessary to the exercise of the duties of the Conservator, and compensate such persons, subject to application and approval by the Court;
  - k. Open and inspect any and all mail and/or deliveries related to

the existence, location, identity and/or collection, preservation, maintenance or operation of Conservatorship Assets, and to notify any insurance company or third party administrator and the United States Postal Service to effect the forward delivery of any mail related to the Conservatorship Assets to a mail depository under the control of the Conservator;

l. Institute, prosecute, defend, intervene in or become a party to such actions or proceedings in any state court, federal court or United States Bankruptcy Court as may in the Conservator's opinion be necessary or proper for the protection, maintenance and preservation of Conservatorship Assets, or the carrying out of the Conservatorship Order; and

m. Exercise those powers necessary to implement the Conservator's conclusions with regard to the disposition of the Conservatorship pursuant to the orders and directives of the Court.

3. On February 21, 2002, the Court granted Conservator's application to approve the hourly rates of Conservator and his employees.

4. Conservator seeks interim compensation at the hourly rates approved by the Court for work performed, plus reimbursement of Conservator's actual and necessary expenses, for the period of September 1, 2007 through September 30, 2007.

5. The amount of compensation to be allowed rests within the sound discretion of the court. Hudson v. Hubbell, 1935 OK 138, 41 P.2d 844, (see also Brann v. Harris, 1935 OK 298, 47 P.2d 876).

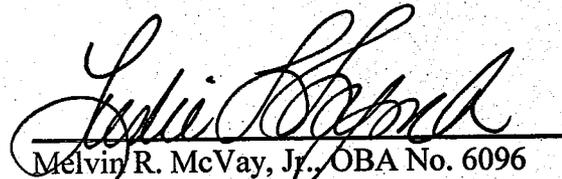
6. Conservator and his employees have devoted substantial time and effort in the execution of Conservator's duties and seek compensation as detailed in the statement attached hereto as Exhibit "A".

7. Conservator and his employees have expended the time set forth in this application in the execution of Conservator's duties to the preclusion of other employment, and the charges set forth therein were reasonable and necessary.

8. This Application covers allowance of compensation for services and expenses for the period of September 1, 2007 through September 30, 2007. During the period covered by this Application, Conservator and his employees expended a total of 33.20 hours at hourly rates ranging from \$18.00 to \$110.00 per hour for a total fee of \$1,737.00. Exhibit "A" details the hours spent rendering the services and descriptions of the services rendered.

WHEREFORE, premises considered, Conservator, Tom Moran, respectfully requests this Court approve payment of interim compensation to Conservator in the amount of \$1,737.00 for the period of September 1, 2007 through September 30, 2007.

Respectfully submitted,



Melvin R. McVay, Jr., OBA No. 6096

Leslie L. Lynch, OBA No. 15124

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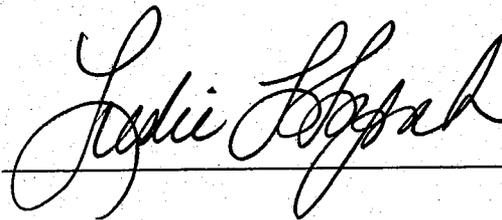
TOM MORAN

## CERTIFICATE OF MAILING

The undersigned certifies that on the 26 day of November, 2007, a true and correct copy of the foregoing was mailed via First Class Mail, postage prepaid, to the following:

Patricia A. Labarthe, Esq.  
Oklahoma Department of Securities  
First National Center, Suite 860  
120 North Robinson  
Oklahoma City, OK 73102  
Attorney for Plaintiff

William H. Whitehill, Jr., Esq.  
Fellers, Snider, Blankenship,  
Bailey & Tippens, P.C.  
100 North Broadway Avenue, Suite 1700  
Oklahoma City, Oklahoma 73102  
Attorney for Defendants,  
Accelerated Benefits Corporation and  
American Title Company of Orlando



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