

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY  
STATE OF OKLAHOMA

**FILED**  
IN DISTRICT COURT

MAR 03 2004

POTTAWATOMIE COUNTY, OK  
CECIL DUNLAP, COURT CLERK  
BY \_\_\_\_\_ DEPUTY

OKLAHOMA DEPARTMENT OF )  
SECURITIES *ex rel.* IRVING L. )  
FAUGHT, Administrator, )

Plaintiff, )

v. )

Case No. C-03-1239

THE HICKMAN AGENCY, INC., an )  
Oklahoma corporation; MERL WILLIAM )  
HICKMAN, SR., an individual; SARAH )  
L. HICKMAN, an individual; and MERL )  
WILLIAM HICKMAN, JR., an individual, )

Defendants. )

INTERIM APPLICATION OF RECEIVER, STEPHEN J. MORIARTY  
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

Comes now Stephen J. Moriarty ("Receiver"), the Court appointed receiver for The Hickman Agency, Inc. ("Agency"), and Merl William Hickman, Sr., Merl William Hickman, Jr., and Sarah L. Hickman (collectively referred to as "Hickman" or "Defendants"), and for his first application for compensation and reimbursement of expenses, alleges and states as follows:

1. On December 17, 2003, this Court entered its order appointing the Receiver; the appointment continued pursuant to the Temporary Injunction entered herein on December 22, 2003 (collectively referred to as the "Order"). Pursuant to the Order, the Receiver was given "immediate and exclusive custody, control and possession of all assets ... of Defendants, of whatever kind and description, and wherever situated." Further, Receiver was given the authority "to take the necessary steps to protect the interests of Investors, including the liquidation or sale assets of Defendants..."

2. Pursuant to the Order, “ the Receiver may apply to the Court for compensation, from time to time, in a reasonable sum to be determined by the Court and from such sources as approved by the court and for reimbursement of reasonable expenses incurred with his duties as Receiver.”

3. On December 22, 2003 the Court granted Receiver’s application to approve the hourly rates of Receiver and other professionals.

4. Receiver seeks interim compensation at the hourly rate approved by the Court for work performed, plus reimbursement of Receiver’s actual and necessary expenses, for the period January 1, 2004 through January 31, 2004.

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.

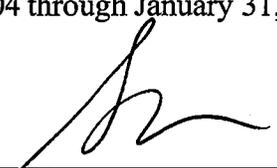
6. Receiver has devoted substantial time and effort in the execution of his duties and seeks compensation as detailed in the statement attached as Exhibit “A”. The charges set forth in Exhibit “A” were reasonable and necessary.

7. Receiver resides in Edmond, Oklahoma and maintains a law practice in Oklahoma City. In order to discharge his duties Receiver has been required to spend considerable time at the office of The Hickman Agency in Shawnee. Receiver has not charged the receivership estate, nor will he seek compensation for, any travel time between Edmond and Shawnee. Due to the extensive time required to discharge his duties herein, Receiver has been forced to decline other legal representations.

8. This Application covers allowance of compensation and reimbursement of expenses for the period January 1, 2004 through January 31, 2004. During the period covered by this application, Receiver expended a total of 188.5 hours at an hourly rate of \$235.00 for a total

fee of \$44,297.50. In addition, Receiver seeks reimbursement of expenses in the amount of \$846.56, as detailed in Exhibit "B" hereto.

WHEREFORE, Receiver respectfully requests that this Court enter an Order approving interim compensation to Receiver in the amount of \$44,297.50 and reimbursement of expenses in the amount of \$846.56, for the period January 1, 2004 through January 31, 2004.



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STEPHEN J. MORIARTY (OBA #6410)  
Suite 500, 500 West Main  
Oklahoma City, OK 73102  
Phone: 405-272-9241  
Fax: 405-235-8786  
Court Appointed Receiver for Defendants

CERTIFICATE OF MAILING

This is to certify that on the 2<sup>nd</sup> day of March, 2004, the foregoing was sent by U.S. Mail, first class, postage prepaid to:

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

Terry West, Esq.  
Brad West, Esq.  
124 West Highland  
Shawnee, OK 74801



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Stephen J. Moriarty











**EXHIBIT "B"**

**EXPENSE REIMBURSEMENT**

Travel by Stephen J. Moriarty  
(Edmond, Oklahoma to Shawnee, Oklahoma)

<u>DATE</u>	<u>MILES x \$0.37/MILE</u>	<u>AMOUNT</u>
1/2/04	104 x 0.37	38.48
1/5/04	104 x 0.37	38.48
1/6/04	104 x 0.37	38.48
1/7/04	104 x 0.37	38.48
1/8/04	104 x 0.37	38.48
1/9/04	104 x 0.37	38.48
1/10/04	104 x 0.37	38.48
1/11/04	104 x 0.37	38.48
1/13/04	104 x 0.37	38.48
1/14/04	104 x 0.37	38.48
1/15/04	104 x 0.37	38.48
1/16/04	104 x 0.37	38.48
1/19/04	104 x 0.37	38.48
1/20/04	104 x 0.37	38.48
1/21/04	104 x 0.37	38.48
1/22/04	104 x 0.37	38.48
1/23/04	104 x 0.37	38.48
1/26/04	104 x 0.37	38.48
1/27/04	104 x 0.37	38.48
1/28/04	104 x 0.37	38.48
1/29/04	104 x 0.37	38.48
1/30/04	104 x 0.37	38.48
	<b><u>TOTAL</u></b>	<b><u>\$846.56</u></b>