

Set for hearing on 6/10/04 at 9:00 a.m.
Judge Cosubis

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY
STATE OF OKLAHOMA

FILED
IN DISTRICT COURT

JUN 03 2004

POTTAWATOMIE COUNTY, OK.
CECIL DUNLAP, COURT CLERK

BY _____ DEPUTY

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

Plaintiff,

vs.

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,

and

STEPHANIE HICKMAN-MATTHEWS, an
individual; ANGELA FRIGULETTO, an
individual; PETER FRIGULETTO, an
individual; SANDRA FRIGULETTO, an
individual; and CHRISTY HICKMAN,
an individual,

Defendants Solely
For Purposes Of
Equitable Relief

MOTION OF RECEIVER, STEPHEN J. MORIARTY FOR DELIVERY
AND AUTHORITY TO SELL 1982 JEEP

Comes now the Receiver, Stephen J. Moriarty and requests that this Court order Merl William Hickman, Jr. to deliver a certain 1982 Jeep, Serial # 1JCCM87E8CT014005 (the "Jeep"), to the Receiver for sale for the benefit of the investors herein. In support of his Motion, Receiver would show unto the Court 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, Receiver was given

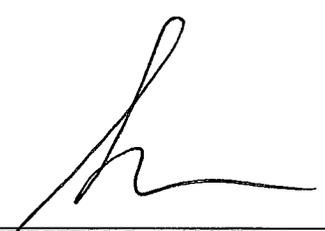
immediate and exclusive custody, control and possession of all assets ... of Defendants, of whatever kind and description and wherever situated." Further, Receiver was given the authority to take the steps necessary to protect the interests of Investors, including the liquidation or sale of assets of the Defendants ..."

2. Merl William Hickman, Jr. ("Hickman, Jr.") purchased the Jeep prior to the formation of The Hickman Agency, Inc.. However, the Order grants "immediate and exclusive custody, control and possession of all assets" of Hickman, Jr.. Though demand has been made on Hickman, Jr. for possession of the Jeep, Hickman, Jr. has refused to deliver the Jeep to Receiver.

3. On information and belief, considerable repairs and improvements were made to the Jeep during the time The Hickman Agency was operated as a pyramid scheme. To the extent that investor money was used to finance these repairs and improvements, investors have a claim to, or equitable lien upon, the Jeep.

4. Receiver has several other Hickman Agency vehicles that are to be sold through an auction. In the opinion of the Receiver, the maximum value for the Jeep would be obtained by including the Jeep in the auction.

WHEREFORE, Receiver respectfully requests that this Court enter an Order directing that Merl William Hickman, Jr. immediately deliver possession of the Jeep to the Receiver, that the Receiver be authorized to sell the Jeep at public auction and that the proceeds from such sale be held in a segregated account pending further Order of the Court, and for such other and further relief as this Court deems just and equitable.



STEPHEN J. MORIARTY, OBA #6410
ANDREWS DAVIS
100 North Broadway, Suite 3300
Oklahoma City, Oklahoma 73102
Telephone: (405) 272-9241
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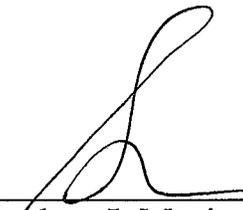
RECEIVER FOR THE HICKMAN
AGENCY, INC., MERL WILLIAM
HICKMAN, SR., SARAH HICKMAN,
MERL WILLIAM HICKMAN, JR., AND
CHRISTY HICKMAN

CERTIFICATE OF MAILING

This is to certify that on the 4th day of June, 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



Stephen J. Moriarty