

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY
STATE OF OKLAHOMA

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.)

MOTION OF RECEIVER, STEPHEN J. MORIARTY TO
ESTABLISH PROCEEDURES FOR THE SALE OR
DISPOSITION OF CERTAIN PROPERTY OF THE HICKMAN
AGENCY, INC., MERL WILLIAM HICKMAN, SR., MERL
WILLIAM HICKMAN, JR. AND SARAH L. HICKMAN

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”), and for his Motion to establish procedures for the sale or disposition of certain property of Hickman, 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. Receiver has determined that it does not make business sense to continue to maintain the business office at (a) 2711 N. Market, Shawnee, OK 74804 (the “Shawnee Office”) and (b) 17W715 Butterfield Road, Oak Brook Terrace, IL 60181 (the “Chicago Office”). The Shawnee Office and Chicago office contain items of personal property, including furniture and computers. Receiver believes that is in the best interest of creditors that this property be sold as soon as possible. Receiver asks that he be given discretion to determine whether a private sale or a public auction would be in the best interest of creditors. When this property is sold, Receiver will file a written report with the Court and any proceeds of the sale will be placed in a segregated bank account, awaiting further order of this Court. Receiver proposes that all business records maintained at the Shawnee Office or the Chicago Office be moved to his office at 500 West Main, Suite 500, Oklahoma City, Oklahoma 73102. With regard to the remaining contents of the Shawnee Office and the Chicago Office, Receiver seeks authority to dispose of all items that are not sold that do not constitute business records.

3. Receiver has taken possession of several automobiles, R/V's and boats. To the extent that a sale will generate proceeds for the benefit of the investors of The Hickman Agency, Inc., Receiver believes that a sale should be held as soon as possible. Receiver seeks permission of this Court to conduct a public auction of these items, on reasonable notice. Receiver asks that he be given discretion, after consultation with appropriate professionals, to determine appropriate notice and advertisement of such an auction. After the auction(s) are held, Receiver will file a written report with the Court and any proceeds of the sale will be placed in a segregated bank account, awaiting further order of this Court.

WHEREFORE, Receiver respectfully requests that this Court enter an Order approving the process for sale or other disposition of the property described above on the terms and conditions set forth herein and for such other and further relief as this Court deems just and equitable.



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 21st day of January, 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