

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102



RE: EQUITY ASSOCIATES, LLC;
SUBPOENA DUCES TECUM TO CUSTODIAN OF RECORDS FOR QUAIL
CREEK BANK

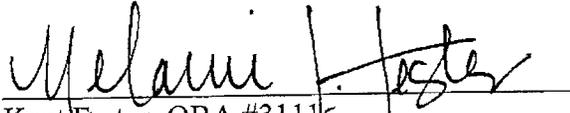
EQUITY ASSOCIATES LLC'S SPECIAL APPEARANCE
AND MOTION TO QUASH SUPOENA DUCES TECUM

Pursuant to Okla. Stat. tit. 6, § 2204(C), Equity Associates, LLC, an Oklahoma LLC (Equity Associates), makes a special appearance and moves to quash the subpoena for financial records issued to: Custodian of Records for Quail Creek Bank, a copy of which is attached as Exhibit A. Equity Associates moves to quash on the following grounds:

1. The Oklahoma Department of Securities lacks jurisdiction over the parties and the subject matter.
2. The financial records sought are incompetent, irrelevant and/or immaterial for the purpose or purposes for which they are sought.
3. The release of the financial records would cause an unreasonable burden and hardship under the circumstances; and
4. There is no merit in the purpose or purposes for which said financial records are sought.

Wherefore, Equity Associates requests a hearing on the Special Appearance and Motion to Quash Subpoena Duces Tecum and that the Motion be granted.

Respectfully submitted,



Kent Frates, OBA #3111

Melanie J. Jester, OBA #15286

HARTZOG CONGER CASON & NEVILLE

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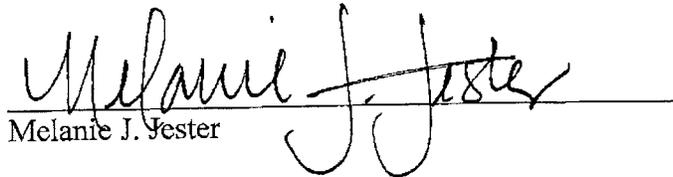
CERTIFICATE OF SERVICE

On this 1st day of April, 2013, a true and correct copy of the above and foregoing was served by hand delivery and by certified mail, return receipt requested on the following:

Charlie Newton, Chairperson
Oklahoma Securities Commission
First National Center, Ste. 860
120 N. Robinson
Oklahoma City, OK 73102

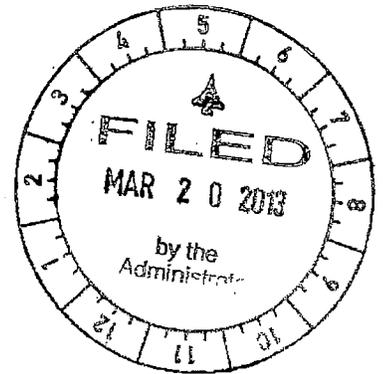
Terra Bonnell, Attorney
Oklahoma Department of Securities
First National Center, Ste. 860
120 N. Robinson
Oklahoma City, OK 73102

Ms. Toni York
Quail Creek Bank
12201 North May Avenue
Oklahoma City, OK 73166



Melanie J. Jester

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102



SUBPOENA DUCES TECUM

To: Custodian of Records for Quail Creek Bank

ODS File 13-026

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 1-602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011), **YOU ARE COMMANDED TO PRODUCE**, in compliance with the Definitions and Instructions sections included herein, all documents, records, and materials described in Appendix "A", attached hereto and incorporated herein by reference, before the Administrator of the Oklahoma Department of Securities, or his designated representative, at 120 North Robinson, First National Center, Suite 860, Oklahoma City, County of Oklahoma, State of Oklahoma, or via electronic upload at <http://www.securities.ok.gov/DocumentDelivery>, **on or before April 5, 2013, at 5:00 p.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 20th day of March, 2013.

(SEAL)

A handwritten signature in cursive script that reads "Melanie Hall".

Melanie Hall, Deputy Administrator
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
(405) 280-7700



STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102

Definitions

1. As used herein, the terms "you" or "your" refer to **Quail Creek Bank**.
2. As used herein, the term "Department" shall refer to the Oklahoma Department of Securities.
3. As used herein, the term "person" shall refer to any natural person, association, partnership, limited liability company, corporation, business trust, estate, trust, joint venture, or other form of business entity, or any government or any agency, subdivision or instrumentality thereof.
4. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, require you to state his or her full name and residential, business and electronic mail addresses and telephone numbers; (b) a firm, association, partnership, limited liability company, corporation or other form of business entity, require you to state its full name and any names under which it does business, its state of organization, the address of its principal place of business, and the addresses of all of its offices; (c) a business, require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, control the business; (d) a communication, requires you, if any part of the communication was written, to identify the document(s) which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.
5. As used herein, "Electronically Stored Information" ("ESI") shall mean all stored computer generated data, and associated metadata, including, but not limited to, word processing, spreadsheet, database, instant message, graphic, chart and presentation, electronic mail message, electronic facsimile, any digital form for representing an electronic document (such as the ISO 32000 format) and scanned material files regardless of its storage method including, but not limited to, removable hard drives, removable storage media, optical disks, flash memory, personal digital assistants, smart phones, online and/or "cloud" storage, backup and archive tape cartridges, reels and cassettes, or fixed storage media, including, but not limited to, internal hard drives, external hard drives, and Local Area Network drives.
6. As used herein, the term "document" or "writing" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation;

any ESI item, invoice, bill, order form, receipt, financial statement, account statement, accounting entry, diary, written material, book, file, note, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting), calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, working paper, chart, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced.

7. As used herein, the terms "relation," "pertaining to," "relating to," "related to," or "related" mean pertaining in any way to, referring to, reflecting, recording, memorializing, mentioning, constituting, describing, or concerning, directly or indirectly.

8. The following rules of construction apply to this subpoena:

(a) the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the attachment all responses that might otherwise be construed to be outside of its scope; and

(b) the use of the singular form of any word includes the plural and vice versa.

Instructions

1. Documents required by the subpoena shall be accompanied by a list briefly identifying each document or other material, its custodian and the item or items of the subpoena to which it relates.
2. Documents required by the subpoena must be produced in an electronic format.¹
3. Monthly bank statement data should be produced in a spreadsheet file, typically .xls or .xlsx files, a tab delimited, quotation mark (") text qualified, text file with field names included in the first row of the file or a format that is reasonably usable.
4. Files shall be given a meaningful name in relation to their content (e.g. Smith_ChkBnk_Stmnt_1-1-12.xlsx, SmithAcctApp_1-1-12.tiff) and NOT a generic file name (e.g. Bnk_0001.pdf).
5. File names shall be unique and non-duplicative.
6. Imaged productions in the TIFF format will be accepted, when the documents requested are ordinarily used and maintained as such, if:
 - a. Images are at least 300 Dots Per Inch in resolution; and
 - b. The file type lends itself to imaging. If it does not, the production must include copies of the original file in its native format (for example, spreadsheets shall be produced as .xls or .xlsx files).
7. Adobe PDF files are acceptable as native file productions *only* when they have been used and maintained as PDF files in the normal course of business.
8. Files shall NOT be individually password protected. Password protection shall be applied only to the media the file is stored upon when produced to the Department. Provide passwords to the Department via a separate, mailed or hand-delivered, response.
9. Exception files shall be provided to the Department. The Exception file shall list, at a minimum: (a) the error(s) preventing the production of the file(s); (b) the file(s) name(s) and extension(s); (c) the file(s) creator(s), custodian(s) and date(s) of creation; and (d) a brief summary of the file(s) content.
10. Files that are listed in the Exception file shall temporarily satisfy the Subpoena, until such time as the file can be produced electronically, by producing the file in a hardcopy format to the Department.

¹ Assistance complying with technical requirements may be attained by calling the Department's Information Technology office at (405) 280-7710. The subpoenaed person shall, at all times, retain the legal obligation and responsibility of complying with the *Subpoena Duces Tecum*.

11. Should any document(s), required to be produced by the subpoena, be withheld pursuant to a claim of privilege or for any other reason, submit a list stating: (a) the nature of the documents, communications, or information not being produced; (b) the creator(s) and date(s) of creation of the documents, communications, or information; (c) their present, or last known custodian; and (d) the reason(s) the documents are not produced.

12. Should any document(s), required to be produced by the subpoena, have been destroyed, for any reason, provide a detailed statement describing such document(s) and setting forth when, how, and why the document(s) were destroyed. If the destruction occurred as a result of a document retention policy, provide a copy of that document retention policy with the detailed explanation.

13. Place a mark on all media, including, but not limited, to optical disks, flash drives and/or hard drives, containing files submitted by you identifying the media/files as having been provided by you.

14. Place a mark on all hardcopy documents submitted by you identifying them as having been provided by you.

15. Indicate by separate affidavit whether a diligent search has been made for the subpoenaed documents and whether you have produced all of the documents required by the subpoena.

Appendix "A"

You are commanded to produce copies of documents within your possession, custody, or control relating to all accounts in the name of, for the benefit of, or under the control of **Equity Associates, LLC**, including, but not limited to, account number 1091545, for the time period **September 1, 2011, through the present**.

The documents to be produced include the following:

1. Documentation identifying all open and closed accounts including, but not limited to, checking, savings, certificate of deposit, loan, safe deposit box, trust and escrow, by the name the account is carried in, the mailing address, the account number, the type of account, and the name(s) of persons authorized to sign on the account;
2. Any and all signature cards; account application forms; applicant financial statements; credit reports; safe deposit box records; and any other documents pertaining to the accounts identified in response to Item No. 1 above;
3. For any account identified in response to Item No. 1 above, monthly bank statements; the front and reverse sides of canceled checks; deposit slips with supporting deposit items; debit memorandums; credit memorandums; electronic transfer records and receipts; and incoming and outgoing wire transfer records and receipts;
4. Documentation identifying all certificates of deposit by certificate number, the amount of the certificate, interest rate, purchase date, and maturity date;
5. For any loan accounts identified in response to Item No. 1 above, copies of loan application forms; loan evaluation forms; loan approval or disapproval forms; promissory notes; loan payment history statements; and any other related documents;
6. Copies of cashier checks or money orders purchased by or issued to any of the holders of the accounts identified in response to Item No. 1 above, and any related receipts or records; and
7. Any other documents as may be requested in the future by the Administrator that may be relevant to this inquiry.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 21st day of March, 2013, a true and correct copy of the above and foregoing *Subpoena Duces Tecum* was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

Ms. Toni York
Quail Creek Bank
12201 North May Avenue
Oklahoma City, OK 73166

The undersigned also hereby certifies that on the 21st day of March, 2013, pursuant to 6 O.S. § 2204, a true and correct copy of the above and foregoing *Subpoena Duces Tecum* was mailed by U.S. Mail, with postage prepaid thereon, addressed to:

Equity Associates, LLC
P.O. Box 720866
Oklahoma City, OK 73172-0866

Equity Associates, LLC
c/o Kent F. Frates
Registered Agent
720 NW 50th St.
Oklahoma City, OK 73118

Brenda London
Brenda London, Paralegal