

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

OCT 14 2003

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

Oklahoma Department of Securities )  
ex rel. Irving L. Faught, Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
Accelerated Benefits Corporation, et al., )  
 )  
Defendants. )

Case No. CJ-99-2500-66

**APPLICATION FOR STATUS CONFERENCE**  
**REGARDING AUDIT AND ORDER FOR TURNOVER**

The Oklahoma Department of Securities ("Department"), respectfully moves the Court to set a hearing to determine the status of the audit of the records of Accelerated Benefits Corporation ("ABC"). In support of this application, the Department shows the Court as follows:

1. Counsel for ABC requested that D.R. Payne & Associates ("D.R. Payne") conduct an audit of the records of ABC for the purpose of a) identifying all assets subject to the *Order Appointing Conservator and Transferring Assets* dated February 6, 2002 ("Conservatorship Order"); b) determining whether such assets were transferred as required by the Conservatorship Order; c) determining the amount of funds collected from ABC investors matched with any viatical policy subject to the Conservatorship Order and the disposition of such funds; and d) determining the amount and source of any funds advanced by ABC for the payment of premiums.

2. Counsel for ABC represented to the Court that ABC and Keith LaMonda ("LaMonda") would pay for the total cost of the audit.

3. In March of 2003, this Court ordered the audit under the terms of the Engagement Letter dated March 5, 2003.

4. Over the past several months, the Department has inquired about the status of the audit and has been told by D.R Payne that the firm had requested LaMonda sign a letter authorizing ABC's bank(s) to release directly to D.R Payne specific records necessary for completion of the audit.

5. On August 4, 2003, D.R Payne sent the authorization letter to LaMonda with copies to Dino Viera and Bill Whitehill, counsel for ABC and LaMonda. D.R Payne sent the letter again to Mr. Viera on August 8, 2003, and to Mr. Whitehill on September 9, 2003. D.R Payne has repeatedly requested the authorization be returned. LaMonda did not return the document.

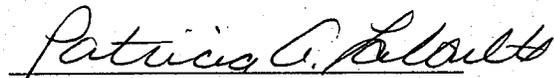
6. On September 12, 2003, D.R Payne met with Mr. Viera and Mr. Whitehill to ask that the records be produced. To date, neither the authorization letter nor the records have been received by D.R. Payne.

7. Beginning in early September, 2003, the Department attempted to contact Mr. Viera to determine the reason for the delay in completing the audit. The Department received a voice mail message from him stating that "they are in the process of compiling the information." The Department has repeatedly attempted to contact Mr. Viera to clarify what information is being "compiled," and to determine the reason LaMonda has not returned the authorization to D.R. Payne. Mr. Viera has not responded.

WHEREFORE, premises considered, the Department respectfully requests this Court conduct a hearing to determine the reason for ABC and LaMonda's delay in producing information necessary to complete the audit, to order the information

necessary to complete the audit be immediately provided by ABC and LaMonda to D.R  
Payne, and to assess all costs incurred by the Department in making this application.

Respectfully submitted,



Patricia A. Labarthe OBA #10391  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
Telephone (405) 280-7700  
Facsimile (405) 280-7742  
Attorney for the Oklahoma Department  
of Securities

## CERTIFICATE OF MAILING

The undersigned certifies that on the 15<sup>th</sup> day of October, 2003, a true and correct copy of the foregoing was mailed via First Class Mail, postage prepaid, to the following:

Melvin R. McVay, Jr., Esq.  
Thomas P. Manning, Esq.  
Phillips McFall McCaffrey  
McVay & Murrah, P.C.  
Twelfth Floor, One Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
Attorneys for Tom Moran,  
Conservator of certain assets of  
Accelerated Benefits Corporation

Dino E. Viera, 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

Rebecca A. Farris, Esq.  
Helms & Underwood  
2500 First National Center  
120 North Robinson  
Oklahoma City, OK 73102  
Attorney for John C. Hinkle and  
Wanda B. Hinkle

James Slayton, Esq.  
4808 Classen Blvd  
Oklahoma City, OK 73118

-and -

Jon W. McLanahan, Esq.  
4205 McCauley Blvd, Suite 385  
Oklahoma City, OK 73120-8347  
Attorneys for Robert D. Stone and  
Larry W. Hanks

Robert A. Nance, Esq.  
Riggs, Abney, Neal, Turpen,  
Orbison and Lewis  
5801 Broadway Extension, Suite 101  
Oklahoma City, OK 73118  
Attorney for Lawrence Deziel

Patricia A. Labadie