

IN THE DISTRICT COURT OF LOGAN COUNTY,
STATE OF OKLAHOMA

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

Plaintiff,)

vs.)

Case No. CJ-2004-256

MARSHA SCHUBERT, an individual, and d/b/a)
SCHUBERT AND ASSOCIATES, et al.,)

Defendants.)

**APPLICATION OF RECEIVER FOR APPROVAL
TO COMPROMISE OR SETTLE CLAIM**

COMES NOW the court-appointed Receiver, Douglas L. Jackson, and applies to the Court for permission and/or approval to compromise or settle his claim against Michael Rogers in the case styled Oklahoma Department of Securities, et al. v. Robert W. Mathews, et al., District Court of Oklahoma County, Case No. CJ-2005-3796. In support of this application, the Receiver would show the Court as follows:

1. The Receiver accepted a signed payment agreement and pocket judgment from Michael Rogers in the amount of \$165,000.00 in lieu of going to trial in the above-referenced District Court of Oklahoma County case. See 10/04/2006 Payment Agreement and pocket judgment attached as *Exhibit A*.

2. Michael Rogers has made his 2006 and 2007 payments pursuant to the terms of the payment agreement.

3. Michael Rogers made a settlement offer of \$8,250.00 to the Receiver as full and complete settlement of said judgment. See 05/14/08 Ltr from Bryant to Jackson attached as *Exhibit B*.

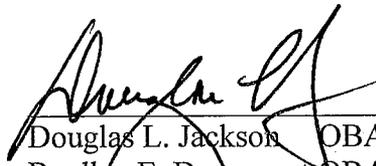
4. The Receiver declined Michael Rogers' offer and made a counter-offer to discount Rogers' remaining payments at a rate of 6% per year. See 05/15/2008 Ltr from Jackson to Bryant attached as *Exhibit C* and amended payment schedule attached thereto.

5. Michael Rogers notified the Receiver through counsel that he had decided to accept the Receiver's counter-offer of settlement as set forth in the Receiver's letter attached hereto as *Exhibit C* and the amended payment schedule attached thereto. See 07/14/2008 Email from Bryant to Jackson/Davenport attached as *Exhibit D*.

6. The Receiver believes it is in the best interest of the Receivership to approve and carry out this settlement with Michael Rogers.

WHEREFORE, the court-appointed Receiver, Douglas L. Jackson, respectfully requests that this Court approve the proposed compromise and/or settlement between the Receiver and Michael Rogers as set forth in *Exhibit C* and the amended payment schedule attached thereto, and enter an Order of record in the instant case to that effect.

Respectfully submitted,



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