

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

OCT - 4 2007

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

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
enTerra Energy, LLC, *et al.*, )  
 )  
Defendants. )

Case No. CJ-2007-1082

**FINAL ORDER AND JUDGMENT AGAINST GARY S. TARBIS**

This matter came on for hearing this 2<sup>nd</sup> day of October, 2007, before the undersigned Judge of the District Court in and for Oklahoma County, State of Oklahoma, upon Plaintiff's *Petition*. The *Petition* was filed pursuant to Section 1-603 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), and Section 406.1 of the Oklahoma Securities Act ("Predecessor Act"), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 & Supp. 2003). After a review of the pleadings and evidence, this Court finds:

On February 6, 2007, Plaintiff filed the *Petition* alleging that Defendant Gary S. Tarbis ("Gary Tarbis") engaged in violations of the Act and the Predecessor Act in connection with the offer and/or sale of limited liability partnership interests in McKean County 3 Well, LLP, Great Oklahoma Oil Deal, LLP, enTerra Seven, LLP, Ken-Tex, LLP, Prospect 87, LLP, and LOT Development Wells, LLP.

Defendant Gary Tarbis has executed *Defendant Gary S. Tarbis' Stipulation and Consent to Final Order* ("Stipulation and Consent") attached hereto as "Exhibit A" and made a part

hereof. Plaintiff has no objection to the terms of the Stipulation and Consent and agrees to the entry of this *Final Order and Judgment against Gary S. Tarbis* ("Final Order").

Based on the pleadings, evidence, and the execution of the Stipulation and Consent, this Court finds that this Final Order should be entered, and therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Gary Tarbis comply with Oklahoma securities laws in the offer and/or sale of securities in and/or from the state of Oklahoma.

IT IS FURTHER ORDERED that Defendant Gary Tarbis pay a civil penalty to Plaintiff in the amount of \$5,000.00 per the terms set forth in the Stipulation and Consent.

IT IS FURTHER ORDERED that this Court will retain jurisdiction of this matter for the purpose of enforcement of this Final Order and the Stipulation and Consent.

IT IS SO ORDERED.

Dated this 2<sup>nd</sup> day of October, 2007.

**DANIEL L. OWENS**

\_\_\_\_\_  
Daniel L. Owens, District Judge

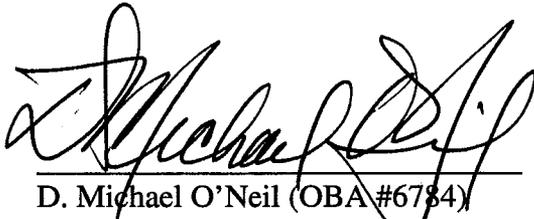
I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By [Signature] PATRICIA PRESLEY, Court Clerk  
Deputy

Approved:



Terra Shamas Bonnell (OBA #20838)  
Patricia Labarthe (OBA #10391)  
Oklahoma Department of Securities  
120 North Robinson Avenue, Suite 860  
Oklahoma City, OK 73102  
Telephone: (405) 280-7700  
Facsimile: (405) 280-7742  
ATTORNEYS FOR PLAINTIFF



D. Michael O'Neil (OBA #6784)  
Bruce W. Day (OBA #2238)  
Bill Powell Guest (OBA #6784)  
Day, Edwards, Propester & Christensen, P.C.  
2900 Oklahoma Tower  
210 West Park Avenue  
Oklahoma City, OK 73102-5605  
405-239-2121  
405-236-1012 (Telecopier)  
ATTORNEYS FOR DEFENDANT GARY S. TARBIS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 4<sup>th</sup> day of October, 2007, a true and correct copy of the Final Order, Judgment and Permanent Injunction, with attached Exhibit A, the Stipulation and Consent were mailed by first class mail with postage prepaid thereon addressed to:

Robert P. Malone  
3402 Rowena Road  
Louisville, KY 40218  
(Defendant)

Richard D. Martin  
2211 Larch Drive  
Clarksville, IN 47129  
(Defendant)

D. Michael O'Neil, Esq.  
Bill P. Guest, Esq.  
Bruce W. Day, Esq.  
Day, Edwards, Propester, & Christensen, P.C.  
Suite 2900, Oklahoma Tower  
210 Park Avenue  
Oklahoma City, OK 73102-5605  
(Counsel for Remaining Defendants)

  
\_\_\_\_\_  
Terra Shamas Bonnell

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

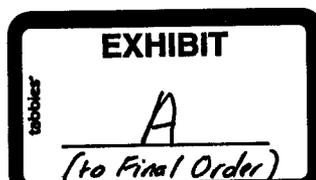
Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator, )  
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 )  
Defendants. )

Case No. CJ-2007-1082

**DEFENDANT GARY S. TARBIS' STIPULATION AND CONSENT TO FINAL ORDER**

Defendant Gary S. Tarbis ("Gary Tarbis") hereby stipulates to the following:

1. The Oklahoma Department of Securities ("Plaintiff") is the proper party to bring this action seeking the relief requested in the *Petition* filed in this matter.
2. Defendant Gary Tarbis is subject to the jurisdiction of this Court by receipt of proper service of a summons and the *Petition* and the *Entry of Appearance of Gary S. Tarbis* with the reservation of time extending the time to respond to the *Petition* pursuant to 12 O.S. §2012(A).
3. Plaintiff has alleged that Defendant Gary Tarbis engaged in violations of the Oklahoma Securities Act ("Predecessor Act"), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 and Supp. 2003), and the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), in connection with the offer and/or sale of securities in the form of limited liability partnership interests in McKean County 3 Well, LLP, Great Oklahoma Oil Deal, LLP, enTerra Seven, LLP, Ken-Tex, LLP, Prospect 87, LLP, and LOT Development Wells, LLP, in and/or from the state of Oklahoma. Specifically, Plaintiff has alleged that



Defendant Gary Tarbis offered and sold unregistered securities; failed to register as an agent; made untrue statements of material fact; omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and engaged in acts, practices, and a course of business that operated as a fraud or deceit upon investors.

4. Defendant Gary Tarbis enters this Stipulation and Consent without admitting or denying the allegations identified in Item 3 above.

Defendant Gary Tarbis hereby undertakes as follows:

1. Defendant Gary Tarbis consents to the entry of the *Final Order and Judgment against Gary S. Tarbis* ("Final Order"), in the form attached as "Exhibit A" hereto.

2. Defendant Gary Tarbis states that this Stipulation and Consent is entered into voluntarily and that no threat or promise of immunity of any kind has been made by Plaintiff, the Administrator of the Oklahoma Department of Securities, or any employee of the Oklahoma Department of Securities, to induce Defendant Gary Tarbis to enter this Stipulation and Consent.

3. Defendant Gary Tarbis waives any right to appeal from the Final Order.

4. Defendant Gary Tarbis agrees that the provisions of this Stipulation and Consent shall be incorporated by reference into the Final Order as though set forth in full therein.

5. Defendant Gary Tarbis agrees to comply with Oklahoma securities laws in the offer and/or sale of securities in and/or from the state of Oklahoma.

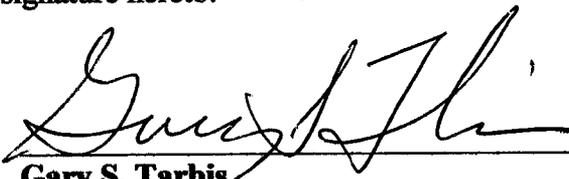
6. Defendant Gary Tarbis agrees to pay a civil penalty to Plaintiff in the amount of \$5,000.00 in five installments with \$1,000.00 due on each of the following dates: October 15, 2007; November 15, 2007; December 15, 2007; January 15, 2007; and February 15, 2007.

7. Defendant Gary Tarbis agrees that this Court will retain jurisdiction of this matter for the purpose of enforcement of the Final Order and this Stipulation and Consent.

8. Defendant Gary Tarbis understands that Plaintiff will take action as authorized by law including, but not limited to, an enforcement action under the Act, for Defendant Gary Tarbis' failure to comply with the terms of the Final Order and this Stipulation and Consent in any material respect or for any future violation of the Act.

9. Defendant Gary Tarbis agrees to the presentation of this Stipulation and Consent and the Final Order, to the Court to be entered without further notice to them.

**IN WITNESS WHEREOF**, Defendant Gary Tarbis has executed this Stipulation and Consent as of the date and year set forth below his signature hereto.

  
\_\_\_\_\_  
**Gary S. Tarbis**

Date: 10-1-07

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

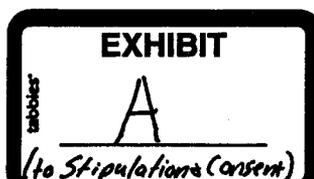
Oklahoma Department of Securities	)	
<i>ex rel.</i> Irving L. Faught,	)	
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IT IS SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2007.

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Daniel L. Owens, District Judge

Approved:

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Terra Shamas Bonnell (OBA #20838)  
Patricia Labarthe (OBA #10391)  
Oklahoma Department of Securities  
120 North Robinson Avenue, Suite 860  
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