1/30/09 @ 9:00

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.
DEC - 4 2008
PATRICIA PRESLEY, COURT CLERK
by _____ DEPUTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
vs.	)	Case No. CJ-2008-7963
Jerry D. Cash, Defendant,	)	

MOTION TO INTERVENE

Sherry J. Cash ("Intervenor"), pursuant 12 *Okla. Stat.* §2024, respectfully moves to intervene in the above-captioned matter. In support of this Motion, Invervenor shows the Court as follows:

INTRODUCTION

1. On August 29, 2008 the Oklahoma Department of Securities brought the above-captioned action against defendant, Jerry D. Cash ("Cash").

2. Intervenor is the spouse of Cash.

3. On September 2, 2008 a Temporary Injunction and Order Freezing Assets was filed in this case which froze the assets of Cash (and Intervenor) (the "Freeze").[1] The Freeze is attached as Exhibit "A."

4. The Freeze includes, but is not limited to, any real property, personal property, funds or other securities located in any bank, depository institution, brokerage firm, or internet based bank, securities or other financial institution account (the "Assets"). *See* Exhibit "A" at p. 2.

[1] The Freeze also froze the assets of Intervenor to the extent that Cash has any signatory or other designated authority over such assets (e.g., joint assets of the marital estate).

5. As the spouse of Cash, Intervenor has, or may have, a legal and/or equitable interest in some, or all, of the Assets.

6. The Freeze excluded certain bank accounts which could be used for the payment of, among other things, any ordinary, necessary and recurring living expenses for Cash and his spouse (i.e., Intervenor) and any reasonable attorneys' fees and expenses. *See* Exhibit "A" at p. 3.

7. On November 21, 2008 Intervenor filed her Petition for Dissolution of Marriage in the District Court of Oklahoma County, State of Oklahoma, Case No. FD-2008-5783 (the "Dissolution Action"). The Petition for Dissolution of Marriage is attached as Exhibit "B."

8. As part of the Dissolution Action, Intervenor also filed her Application for Temporary Orders contemporaneously with this Motion. Through that Application, Petitioner seeks, among other things, an award of temporary support from Cash and an award of temporary attorneys' fees, suit money and costs. The Application for Temporary Orders is attached as Exhibit "C."

9. Because of her interest in the Assets and the Freeze, Intervenor seeks to intervene in this action and also seeks an order of this Court:

(1) determining her reasonable and necessary monthly temporary support needs and providing for the payment of reasonable and necessary temporary attorneys' fees, suit money and costs for this action and the Dissolution Action; or

(2) authorizing the Court in the Dissolution Action to enter any necessary and appropriate orders for such reasonable and necessary temporary support, temporary attorneys' fees, suit money and costs.

10. On November 21, 2008, Plaintiff filed a motion which seeks to modify the terms of the Freeze by, among other things, further limiting the expenditures of Cash and Intervenor and

establishing a budget of $1,000.00 per month for Petitioner for food, fuel, personal care services and apparel. Intervenor objects to that requested budget for reason that it is insufficient to meet her reasonable and necessary monthly needs. Intervenor also objects to the Motion to the extent it seeks to prevent Intervenor from incurring any debt.

ARGUMENT AND AUTHORITY

Title 12 *Okla. Stat.* §2024 provides, in pertinent part, as follows:

> A. INTERVENTION OF RIGHT. Upon timely application anyone shall be permitted to intervene in an action:
>
> ***
>
> 2. When the application claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest.

In applying this statute, the Oklahoma Supreme Court has held that intervention is mandatory when the intervenor claims an interest relating to the property or transaction which is the subject of the action and the disposition of the action may impair or impeded his ability to protect that interest. *Nicholas v. Morgan*, 58 P.3d 775, 782, 2002 OK 88 (2002). Oklahoma courts have held that intervention should be allowed, as of right, when the party seeking intervention sets forth allegations in the petition showing an interest in the subject of the litigation. *Grand River Dam Authority v. Brogna*, 827 P.2d 901, 902 (Okla.Civ.App.Div.1, 1992).

Here, Intervenor, as the spouse of Cash, has an interest in the Assets. Therefore, Intervenor should be permitted to intervene in the above-captioned matter to protect her interests in the Assets and seek relief from this Court as may be necessary.

PRAYER

WHEREFORE, premises considered, Intervenor respectfully requests that the Court permit her to intervene and file her Petition in Intervention, attached as Exhibit "D" so that she can protect her interests in the Assets, obtain an award of temporary support, temporary attorneys' fees, suit money and costs, and seek other relief which this Court deems necessary or appropriate.

Respectfully Submitted,

James A. Kirk, OBA No. 5046
Allen Campbell, OBA No. 10229
KIRK & CHANEY
101 Park Avenue, Suite 800
Oklahoma City, Oklahoma 73102
(405) 235-1333
(405) 235-5914 facsimile

Attorneys for Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2008, the above and foregoing document was mailed via U.S. Mail, postage pre-paid, to the following:

Shaun Mullins
Amanda Cornmesser
Jennifer Shaw
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102

Attorneys for Plaintiff

Patrick Ryan
Ryan, Whaley & Coldiron, P.C.
119 North Robinson Avenue
900 Robinson Renaissance
Oklahoma City, Oklahoma 73102

Attorneys for Defendant

James A. Kirk
Allen Campbell

F:\ATTYS\JAK\Cash\Securities matters\Motion to Intervene.wpd

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

Sherry J. Cash, being duly sworn, states that she is the above-named Intervenor; that she has read the foregoing Motion to Intervene and is familiar with the contents thereof; and that the facts therein set forth are true and correct to the best of her knowledge and belief.

Dated this 3rd day of December 2008.

Sherry J. Cash

Subscribed and sworn to this 3rd day of December 2008.

NOTARY PUBLIC

My Commission Expires: 7/7/2012

My Commission Number: 11242

PAMELA A. THIELEN NOTARY # 00011242 EXP. 07/07/12 PUBLIC STATE OF OKLAHOMA

1007197827

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.
SEP 2 2008
PATRICIA PRESLEY, COURT CLERK
by DEPUTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CJ -2008-7963
Jerry D. Cash, Defendant.	)	

TEMPORARY INJUNCTION AND ORDER FREEZING ASSETS

This matter came on for hearing this 29th day of August, 2008, before the undersigned Judge of the District Court in and for Oklahoma County, State of Oklahoma, upon the verified *Petition for Injunction and Other Equitable Relief* of the Plaintiff ("Petition"), pursuant to the Oklahoma Uniform Securities Act of 2004 (the "Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003).

It appears to this Court from the facts alleged in Plaintiff's Petition that Plaintiff is entitled to the relief requested. It further appears that the public will suffer irreparable damage and injury unless Defendant, his agents, servants, employees, assigns, and those persons acting on his behalf, under his direction and control and/or in active concert or participation with him, who receive actual notice of this Order by personal service, facsimile or otherwise, are enjoined.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant, his agents, servants, employees, assigns, and those persons acting on his behalf, under his

EXHIBIT
tabbies
"A"

direction and control and/or in active concert or participation with him, who receive actual notice of this Order by personal service, facsimile or otherwise, be and hereby are, and until further notice of this Court, enjoined from violating any provision of the Act.

IT IS FURTHER ORDERED that Defendant, his agents, servants, employees, assigns, and those persons acting on his behalf, under his direction and control and/or in active concert or participation with him who receive actual notice of this Order by personal service, facsimile or otherwise, be and hereby are, until further notice of this Court, enjoined from tampering with, mutilating, altering, erasing, concealing, removing, destroying or otherwise disposing of any and all books, records, documents, files, correspondence, computer disks, tapes or other data recordings of any type, pertaining to or referring to Defendant, and/or Quest Resource Corporation, Quest Energy L.P., Rockport Energy, L.L.C., and any of their subsidiaries or affiliates.

IT IS FURTHER ORDERED that the assets of Defendant, wherever located, be and hereby are, frozen ("Assets"). The freeze shall include, but not be limited to, any real property, personal property, funds and or securities located in any bank, depository institution, brokerage firm, or internet based bank, securities or other financial institution account. It shall also apply to Assets in the name of any individual or entity controlled by Defendant or Assets over which Defendant has signatory or other designated authority. All banks, depository institutions, internet service providers, securities firms, or other institutions or persons served with a copy of this Order shall cooperate with the Plaintiff relating to implementation of this Order, to include imposing a freeze on all Assets and producing records relating thereto. Facsimile transmission shall constitute service on the

banks, depository institutions, internet service providers, securities firms, or other institutions or persons.

IT IS FURTHER ORDERED that Defendant, his agents, servants, employees, assigns, and those persons acting on his behalf, under his direction and control and/or in active concert or participation with him who receive actual notice of this Order, by personal service, facsimile or otherwise, and each of them are prohibited from directly or indirectly, transferring, withdrawing, concealing, removing, destroying, or otherwise disposing of any and all Assets.

IT IS FURTHER ORDERED that Defendant shall provide to Plaintiff within 10 days from the date of the entry of this Order a list of all Assets and liabilities of Defendant.

IT IS FURTHER ORDERED that the following bank accounts: 2271 NBanC; 8950 Coppermark Bank; and 9065 Coppermark Bank (only last four digits of account numbers provided), are excluded from the provisions of this Order for the purposes of the following payments only:

(1) to pay any ordinary, necessary and recurring living expenses for the Defendant and his spouse;

(2) to pay any reasonable attorneys' fees and expenses incurred; and

(3) to pay any ordinary, necessary and recurring expenses related to the business operations of STP Newco and Rockport Energy, LLC.

IT IS FURTHER ORDERED that the Defendant shall provide notice of this Order to each of his affiliates, successors, directors, officers, and each of their employees, salespersons, representatives and independent contractors.

THIS ORDER IS ENTERED this 29 day of Aug, 2008, at 9:00 A.m.

Patricia G. Parrish
DISTRICT COURT JUDGE

Approved as to form and substance:

Shaun M. Mullins (OBA #16869)
Amanda Cornmesser (OBA #20044)
Jennifer Shaw (OBA #20839)
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
(405) 280-7700
Attorneys for Plaintiff

Patrick J. Ryan, Esq. (OBA #7864)
RYAN, WHALEY & COLDIRON
900 Robinson Renaissance
119 N. Robinson
Oklahoma City, OK 73102
Attorney for Jerry D. Cash

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.
NOV 21 2008
PATRICIA PRESLEY, COURT CLERK
by _____ DEPUTY

IN RE THE MARRIAGE OF:	)	
	)	
SHERRY J CASH,	)	
Petitioner,	)	
	)	
-and-	)	Case No.
	)	
JERRY D. CASH,	)	FD -2008-5783
Respondent.	)	

PETITION FOR DISSOLUTION OF MARRIAGE

The Petitioner, Sherry J. Cash, for her cause of action against the Respondent, Jerry D. Cash, alleges and states as follows:

1. Petitioner and Respondent are residents of Oklahoma County, State of Oklahoma, and have been residents for more than six (6) months next preceding the filing of this Petition.

2. Petitioner and Respondent were married on September 30, 2001, and since that time have been husband and wife.

3. That of the marriage, no children have been born, and the Petitioner is not now pregnant.

4. A state of complete and irreconcilable incompatibility has arisen between the parties and rendered the continuation of the marriage impossible and Petitioner is entitled to a divorce from Respondent on those grounds.

5. The parties have accumulated certain assets and liabilities during the marriage which should be equitably divided between the parties.

EXHIBIT
tabbies
"B"

6. Petitioner does not have sufficient funds to support herself and the Court should enter a temporary order and a permanent order awarding support alimony to be paid by the Respondent to the Petitioner.

7. The parties should be restored to their respective separate property.

8. Respondent should be ordered to pay Petitioner's attorneys fees and costs.

WHEREFORE, premises considered, the Petitioner prays that, upon hearing this cause, the Court grant and award to the Petitioner:

a. A decree of dissolution of marriage;

b. All separate property to which she is entitled;

c. A fair and equitable division and distribution of jointly acquired property;

d. Alimony for support;

e. Attorneys fees and costs; and

f. Such and other further relief to which Petitioner may be entitled.

Respectfully submitted,

James A. Kirk, OBA #5046
Allen Campbell OBA #10229
KIRK & CHANEY
101 Park Avenue, Suite 800
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-1333
Facsimile: (405) 235-5914
ATTORNEYS FOR PETITIONER

F:\ATTYS\JAK\Cash\Petition.wpd

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

Sherry J. Cash, of lawful age, being first duly sworn on oath, deposes and states that she is the Petitioner herein; that she has read the foregoing Petition for Dissolution of Marriage, and that the statements therein are true and correct as she verily believes.

Sherry J. Cash

Sherry J. Cash

Sworn to and Acknowledged before me this 21 day of November 2008.

Notary Public

My Commission Expires:

July 7, 2012

My Commission No: 11242

PAMELA A. THIELEN NOTARY #00011242 EXP. 07/07/12 PUBLIC STATE OF OKLAHOMA

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN RE THE MARRIAGE OF:	)	
	)	
SHERRY J CASH,	)	
Petitioner,	)	
	)	
-and-	)	Case No. FD-2008-5783
	)	
JERRY D. CASH,	)	
Respondent.	)	

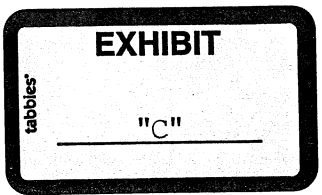
PETITIONER'S APPLICATION FOR TEMPORARY ORDERS

Petitioner, Sherry J. Cash, submits her Application for Temporary Orders. In support of this Application for Temporary Orders, Petitioner respectfully alleges and states as follows:

1. Petitioner seeks temporary orders pursuant to Title 43 *Okla. Stat.* §110 granting her temporary relief during the pendency of this action.

PENDING SECURITIES ACTION

2. The Oklahoma Department of Securities has instituted an action against Respondent in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2008-7963 (the "Securities Action"). As part of the Securities Action, on August 29, 2008, the Honorable Judge Patricia Parrish entered a Temporary Injunction and Order Freezing Assets (the "Freeze"). The Freeze covers, in part, assets which may form a part of the marital estate. Contemporaneously with this Application Petitioner filed her Motion to Intervene in the Securities Action so that she can, among other things, seek any relief from Judge Parrish as may be necessary to protect Petitioner's interests and/or allow this Court to hear and rule upon this Application and the merits of this action. A copy of the Motion to Intervene is attached as Exhibit "A."



TEMPORARY RELIEF REQUESTED

3. Petitioner should be awarded temporary possession of the Marital Residence during the pendency of this action until such time as the Marital Residence is sold.

4. Petitioner should be granted the use of any and all personal property currently in her possession during the pendency of this action. Respondent should be granted the use of any and all personal property currently in his possession during the pendency of this action.

5. Petitioner should be granted the use of the vehicle(s) she customarily drives during the pendency of this action. Respondent should be granted the use of the vehicle(s) he customarily drives during the pendency of this action.

6. The Court, in the Securities Action, has entered an order addressing the payment of the ordinary, necessary and recurring living expenses of the parties, to-wit:

> [T]he following bank accounts: 2271 NBanC; 8950 Coppermark Bank; and 9065 Coppermark Bank...are excluded from the provisions [of the Freeze] for the purposes of the following payments only:
>
> (1) to pay any ordinary, necessary and recurring living expenses for [Respondent] and [Petitioner]. . . .

However, Petitioner is in need of an award of temporary support alimony, suit money and costs in order to meet her monthly needs and to prosecute this action. Petitioner has no income and is dependent upon Respondent and/or the marital estate for her support. Petitioner's need for temporary support bears a rational relationship to her marriage to Respondent.

7. The Court should establish an amount of temporary support alimony to be paid by Respondent to Petitioner which is commensurate with her demonstrated need.

8. The Court should also grant Petitioner an award of temporary attorneys' fees, suit money and costs so that Petitioner may pay her counsel, retain necessary experts and otherwise undertake such action as may be necessary for her participation in the Securities Action and the prosecution of this action to its conclusion.

9. In addition to the relief requested above, the Automatic Temporary Injunction should remain in full force and effect during the pendency of this action.

PRAYER

WHEREFORE, Petitioner respectfully requests that the Court issue a Temporary Order granting the above-described relief during the pendency of this action in addition to those Orders already in place via the Automatic Temporary Injunction Notice, and such other and further relief as the Court deems just and equitable.

Respectfully submitted,

James A. Kirk, OBA #5046
Allen Campbell OBA #10229
KIRK & CHANEY
101 Park Avenue, Suite 800
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-1333
Facsimile: (405) 235-5914
ATTORNEYS FOR PETITIONER

F:\ATTYS\JAK\Cash\Application for Temporary Order.wpd

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

Sherry J. Cash, of lawful age, being first duly sworn on oath, deposes and states that she is the Petitioner herein; that she has read the foregoing Application, and that the statements therein are true and correct as she verily believes.

Sherry J. Cash

Sherry J. Cash

Sworn to and Acknowledged before me this 3rd day of December, 2008.

Notary Public

My Commission Expires:

July 7, 2012

My Commission No: 11242

PAMELA A. THIELEN NOTARY # 00011242 EXP. 07/07/12 PUBLIC STATE OF OKLAHOMA

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator,	)	
Plaintiff,	)	
vs.	)	Case No. CJ-2008-7963
Jerry D. Cash,	)	
Defendant,	)	

PETITION IN INTERVENTION

Sherry J. Cash ("Intervenor"), for her Petition in Intervention, alleges and states as follows:

1. On August 29, 2008 the Oklahoma Department of Securities brought the above-captioned action against defendant, Jerry D. Cash ("Cash").

2. Intervenor is the spouse of Cash.

3. On September 2, 2008 a Temporary Injunction and Order Freezing Assets was filed in this case which froze the assets of Cash (and Intervenor) (the "Freeze").[1]

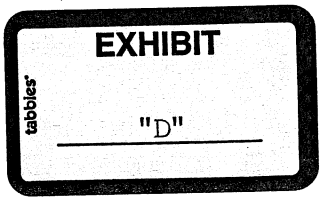
4. The Freeze includes, but is not limited to, any real property, personal property, funds or other securities located in any bank, depository institution, brokerage firm, or internet based bank, securities or other financial institution account (the "Assets").

5. As the spouse of Cash, Intervenor has, or may have, a legal and/or equitable interest in some, or all, of the Assets.

6. Intervenor had no knowledge of or participation in any of the wrongful acts which Plaintiff alleges were committed by Cash.

---

[1] The Freeze also froze the assets of Intervenor to the extent that Cash has any signatory or other designated authority over such assets (e.g., joint assets of the marital estate).



7. Intervenor's interest in the Assets should be determined and the Court should enter such orders as are necessary and appropriate to preserve and protect Intervenor's interest in the Assets.

Prayer

WHEREFORE, premises considered, Intervenor respectfully requests that the Court determine her interest in the Assets and enter such orders as may be necessary and appropriate to preserve and protect her interest in the Assets.

Respectfully Submitted,

James A. Kirk, OBA No. 5046
Allen Campbell, OBA No. 10229
KIRK & CHANEY
101 Park Avenue, Suite 800
Oklahoma City, Oklahoma 73102
(405) 235-1333
(405) 235-5914 facsimile

Attorneys for Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2008, the above and foregoing document was mailed via U.S. Mail, postage pre-paid, to the following:

Shaun Mullins
Amanda Cornmesser
Jennifer Shaw
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102

Attorneys for Plaintiff

Patrick Ryan
Ryan, Whaley & Coldiron, P.C.
119 North Robinson Avenue
900 Robinson Renaissance
Oklahoma City, Oklahoma 73102

Attorneys for Defendant

James A. Kirk
Allen Campbell

F:\ATTYS\JAK\Cash\Securities matters\Petition in Intervention.wpd

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

Sherry J. Cash, being duly sworn, states that she is the above-named Intervenor; that she has read the foregoing Petition in Intervention and is familiar with the contents thereof; and that the facts therein set forth are true and correct to the best of her knowledge and belief.

Dated this 3rd day of December 2008.

Sherry J. Cash

Subscribed and sworn to this 3rd day of December 2008.

NOTARY PUBLIC

My Commission Expires: 7/7/2012

My Commission Number: 11242

PAMELA A. THIELEN NOTARY #00011242 EXP. 07/07/12 PUBLIC STATE OF OKLAHOMA