

IN THE DISTRICT COURT OF OKLAHOMA  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

NOV 21 2008

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

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Franklin D. Christon, )  
 )  
Defendant. )

Case No. CJ-2008-8837

**MOTION TO VACATE JUDGMENT**

Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, and Defendant, Franklin D. Christon, (collectively, the "Parties"), move the Court to vacate the judgment rendered against Defendant on November 3, 2008 ("Judgment"), pursuant to 12 O.S. § 1031.1, and show the Court:

A licensed process server left a copy of the summons, with Petition attached thereto, at Defendant's residence with Defendant's son, who is older than fifteen (15) years of age, on October 6, 2008. The Judgment was entered against Defendant, upon Plaintiff's motion and without notice to Defendant, after Defendant failed to appear and defend this action within the statutory time period. Although the summons was validly served upon Defendant, he did not become aware of the summons until after the date by which he was required to appear and defend this action.

The Parties agree and consent to the entry of an order vacating the Judgment.

WHEREFORE, the Parties respectfully request that this Court enter an order vacating the Judgment.

Respectfully submitted,

Terra Shamas Bonnell

Terra Shamas Bonnell (OBA No. 20838)  
Oklahoma Department of Securities  
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Oklahoma City, Oklahoma 73102  
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ATTORNEY FOR PLAINTIFF

Franklin D. Christon

Franklin D. Christon  
1909 E. Madison St.  
Oklahoma City, OK 73111-3337  
PRO SE

CERTIFICATE OF SERVICE

The undersigned certifies that on the 21<sup>st</sup> day of November, 2008, a copy of the foregoing *Motion to Vacate Judgment* was mailed to:

Franklin D. Christon  
1909 E. Madison St.  
Oklahoma City, OK 73111-3337

Terra Shamas Bonnell  
Terra Shamas Bonnell