IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

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| OKLAHOMA DEPARTMENT OF SECURITIES *ex rel.* IRVING L. FAUGHT, Administrator, | ) | |
| Plaintiffs, | ) | |
| v. | ) | Case No. CJ-2009-10905 |
| THE ESTATE OF BRYAN DAVID ROARK, | ) | |
| Defendants. | ) | |

**AMENDED APPLICATION OF RECEIVER FOR AUTHORITY TO SELL CERTAIN REAL AND PERSONAL PROPERTY**

Douglas L. Jackson, as court-appointed Receiver over the Assets pertaining to the Bryan David Roark estate, respectfully amends his Application to the Court for authority to sell certain real and personal property making up the Assets to remove one vehicle that was listed in the original Application and note that the Intervenors have no objection to this Amended Application. In support of this Amended Application, the Receiver shows the Court the following:

1. The Order of this Court entered on November 4, 2009 freezing assets and appointing receiver provided that the Receiver is to conserve, hold, operate and manage all Assets pending further action by this Court in order to prevent any irreparable loss, damage, or injury; to conserve the funds entrusted to Roark and/or his agents; and to take the necessary steps to protect the Assets. *See* 11/04/09 Order Freezing Assets and Appointing Receiver, at page 3, ¶3.

2. With respect to most of the personal property making up the Assets and one tract of real property, the Receiver believes that selling the property and converting it to cash would be the most practical and effective way of preventing loss, damage, theft or depreciation of such property.

3. The Receiver and his counsel have discussed this issue with counsel for the Intervenors and counsel for the Oklahoma Department of Securities, and he is authorized to represent that they are in agreement with the proposed sale of the real and personal property items described herein.

4. The personal property that the Receiver seeks authority to liquidate is as follows:

**a.** Hay. As of November 19, 2009 the Roarks had approximately 780 round bales of mixed hay weighing 1,000 to 1,200 pounds each; 119, 4 x 5 x 8 bales of alfalfa hay weighing close to one ton each; and, 68, 3 x 4 x 8 bales of alfalfa hay weighing approximately 1,500 pounds each. Some of this hay will be fed to the remaining cattle until all of them are sold, but the Receiver seeks authority to sell the remainder of this hay.

**b.** Equipment and machinery. The Receiver seeks authority to sell Roark's equipment and machinery, including but not limited to the equipment and machinery listed on Exhibit "A" attached hereto.

**c.** Vehicles. The Receiver proposes and seeks authority from the Court to sell the following described vehicles:

- 2009 Ford Platinum pick-up, vehicle I.D. No. 1FTPW14V09FB33943.
- 2004 Chevrolet 3500 pick-up, vehicle I.D. No. 1GBJK34U44E178651.
- 2007 Dodge pick-up, vehicle I.D. No. 3D6WH48A57G769021.

**d.** Trailer house at Lake Texoma. The Receiver seeks authority from the Court to sell a trailer house that is on a rented lot at Lake Texoma believed to be represented by title number N504687H, vehicle No. AFHM03826, 1981 model.

**e.** Boat. There is a boat and slip with lift at Lake Texoma in Chad Roark's name that he has agreed to turn over to the Receiver for sale. The Receiver currently does not have a title or the vehicle I.D. number for this boat.

**f.** Gold and silver. There are a number of silver bars, gold bars and gold coins that Christy Roark turned over to the Receiver for which the Receiver seeks authority to sell. The inventory of gold and silver is as follows:

- One-tenth ounce round gold pieces, 1999 Elizabeth II Canadian dollars, quantity 40
- 1911 Liberty gold piece (dime size), quantity 1
- 1914 Liberty gold piece (dime size), quantity 1
- One pair round earrings
- Ten ounce gold bars, Royal Canadian mint, quantity 2
- One ounce gold bars, Royal Canadian mint, quantity 10

- Ten ounce APMEX silver bars, quantity 47
- Ten ounce APMEX silver bars, quantity 48
- Ten ounce APMEX silver bars, quantity 4
- Ten ounce APMEX silver bar, quantity 1

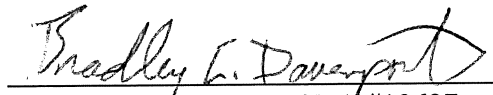
**g.** Office building/real property. The Receiver also requests authority to sell the property and building in which Bryan D. Roark maintained his business. The street address of this property is 317 S. Broadway Ave., Ada, Oklahoma 74820. The legal description for the property located in Pontotoc County, State of Oklahoma is as follows:

> The North 90 feet of Lots 23 and 24, in Block 112, of the original Townsite of Ada, Oklahoma.

5. The Receiver requests an Order from this Court not only authorizing him to sell the above-described property, but also allowing him to do so when, where and in the manner that he determines, in his sole discretion, to be appropriate so long as the real and personal property described above is sold in a commercially reasonable manner.

WHEREFORE, premises considered, the Receiver respectfully requests that the Court grant his Amended Application for Authority to Sell Certain Real and Personal Property.

Respectfully submitted,



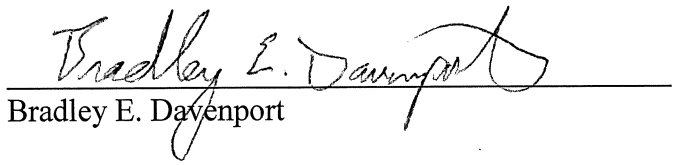
Bradley E. Davenport, OBA #18687
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.
3030 Chase Tower
100 N. Broadway Avenue
Oklahoma City, OK 73102
Ph. (405) 272-4710 / Fax (405) 272-5141
Attorney for Receiver

## CERTIFICATE OF SERVICE

I do hereby certify that on this 3rd day of December, 2009, I mailed a true and correct copy of the above and foregoing document by placing same in the United States mails, postage prepaid, to:

Jennifer Shaw
Amanda Cornmesser
Oklahoma Department of Securities
120 N. Robinson, Suite 860
Oklahoma City, OK 73102
Attorneys for Plaintiff

Clell I. Cunningham, III
Dunn, Swan & Cunningham, P.C.
210 Park Avenue
Suite 2800
Oklahoma City, OK 73102
Attorney for Intervenors



Bradley E. Davenport