

8/24/09  
10:AM

**Motion to Settle Journal Entry**  
**IN THE DISTRICT COURT OF OKLAHOMA COUNTY** AUG - 6 2009  
**STATE OF OKLAHOMA**

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

Oklahoma Department of Securities	)	
ex rel. Irving L. Faught	)	
Administrator,	)	
	)	Case No.CJ-2009-2773
Plaintiff,	)	
v.	)	
	)	
Brian McKye, an individual	)	
	)	
Defendant,	)	

**MOTION TO SETTLE JOURNAL ENTRY**

**COMES NOW** the Defendant, Brian McKye; pro se, and motions the Court to Settle Journal Entry.

**FACTUAL BACKGROUND**

1. On July 13, 2009, the Oklahoma County District Court sustained Defendants' motion to retrieve personal mail and personal effects from Defendants' seven stores.
2. On August 5, 2009, Defendant presented to the Special Master and the Oklahoma Dept. of Securities the final Approved Order for their signatures, both rejected signing on the below stated grounds:
  - A. They desired a specific "list" of personal items.
  - B. They did not approve of Defendants' request for his two trailers.
  - C. They rejected him receiving his personal hand tools and power tools.
3. The sale of Defendants' assets has closed and all remaining stores and the assets contained therein are being returned to the owners and landlords to whom rents are due and owing.

**AFFIRMATIVE DEFENSES TO MOTION TO SETTLE JOURNAL ENTRY**

1. In previous testimony before this Court, Defendant has admitted that he had no "home" and in fact lived at or had residence at each of his seven offices before this action began. Once terminated from said companies, Defendant was effectively "homeless".
2. Defendant lived in one of the two trailers he is requesting to repossess, while working in Oklahoma City. The other trailer he stored his possessions. Both trailers were built by the hands of the Defendant. In the alternative, if the Court finds against the Defendant, Defendant still possesses the right to a Mechanics'/ Materialmens' lein upon said trailers.

### Motion to Settle Journal Entry

3. Defendant is currently seeking employment in construction. Defendant was raised in the construction field second generation. All tools of Defendant were the personal property of Defendant and have nothing to do with the loan business or the companies in this action.
4. Since these offices were effectively the residence of the Defendant and Defendant is banned from said offices, in no way is it possible for Defendant to provide a "list" of desired objects to the Plaintiff or the Special Master.

Therefore, Defendant respectfully moves the Court to require Special Master to allow Defendant and/or Defendants' representative(s) to enter all company buildings

where Defendant's personal effects may presently be and retrieve them at the Courts' direction and to return all Defendant's personal mail immediately and to be

directed to continue throughout the progress of this case to surrender to Defendant all future mailed correspondence to Defendant.

Respectfully

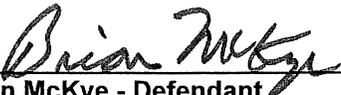
  
\_\_\_\_\_  
Brian McKye - Defendant pro se

**Certification  
CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 5 August, 2009, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage paid there on addressed to:

**Stephen J. Moriarty  
Fellers, Snider  
100 N. Broadway, ste 1700  
Oklahoma City Ok 73102**

**Patricia A Labarthe  
Oklahoma Department of Securities  
120 N. Robinson su 860  
Oklahoma City, Ok 73102**

  
\_\_\_\_\_  
Brian McKye - Defendant

**Brian McKye  
P.O. Box 957  
Jay, Oklahoma 74346**