

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

OKLAHOMA DEPARTMENT OF)
SECURITIES EX REL. IRVING)
FAUGHT, ADMINISTRATOR,)

OCT - 7 2010

Plaintiff,)

PATRICIA PRESLEY, COURT CLERK

by _____
DEBITO

v.)

Case No. CJ-2009-2773

Judge: Gurich, Noma D.

GLOBAL WEST FUNDING, LTD.,)
Co., an Oklahoma limited liability)
company; GLOBAL WEST FINANCIAL)
LLC, an Oklahoma limited liability)
Company; SURE LOCK FINANCIAL,)
LLC, an Oklahoma limited liability)
Company; SURE LOCK LOANS LLC,)
Oklahoma limited liability company; THE)
WAVE-GOLDMADE, LTD., an)
unincorporated association; BRIAN)
MCKYE, an individual; JOE DON)
Johnson, an individual; JAMES)
FARNHAM, an individual,)

Defendants.)

and)

HERITAGE ESTATE SERVICE,)
LLC, an Oklahoma limited liability)
company,)

Relief Defendant.)

**ORDER GRANTING
SPECIAL MASTER'S MOTION FOR AN ORDER (I) APPROVING CONTRACT FOR
THE SALE OF 2308 S. AIR DEPOT BLVD., MIDWEST CITY, OKLHOMA, SUBJECT
TO HIGHER BID; AND (II) AUTHORIZING SPECIAL MASTER TO CLOSE SALE
OF 2308 S. AIR DEPOT BLVD., MIDWEST CITY, OKLHOMA**

Comes on for hearing on this 7th day of October, 2010-on-the-Motion of Stephen J.

Moriarty ("Special Master") the Court appointed Special Master for GLOBAL WEST
FUNDING, LTD.,Co., an Oklahoma limited liability company; GLOBAL WEST FINANCIAL

· LLC, an Oklahoma limited liability company; SURE LOCK FINANCIAL, LLC, an Oklahoma limited liability company; SURE LOCK LOANS LLC, an Oklahoma limited liability company; THE WAVE-GOLDMADE, LTD., an unincorporated association; and BRIAN MCKYE, an individual (all collectively referred to as “Companies”) seeking entry of an Order (i) approving the Real Estate Purchase Contract submitted by RAK Properties, Inc. for 2308 S. Air Depot Blvd., Midwest City, Oklahoma and (ii) authorizing Special Master to take all actions necessary to close such sale; Stephen J. Moriarty appears on behalf of himself and Patricia Labarthe and Jennifer Shaw appear on behalf of Plaintiff, Oklahoma Department of Securities. After reviewing the Motion, having heard the statements of Special Master and being fully advised in the premises, the Court FINDS:

1. On April 1, 2009, this Court entered its Order Appointing Special Master and Approving Waiver of Special Master's Bond. Pursuant to the Order, the Special Master was given full authority to “operate and manage all assets” of the Companies. Further, Special Master was given the authority to “take immediate custody, possession, and control of any and all assets” of the Companies.

2. On March 12, 2007, the Hughes Living Trust purchased certain real property having a legal description of the North 40 feet of Lot 24, Block 000, McCorkle Park Addition, Oklahoma County, Oklahoma, having a physical address of 2308 S. Air Depot Blvd., Midwest City, OK 73110 (the “Real Property”).

3. The Hughes Living Trust is a trust controlled by Brian McKye. The proceeds used to buy the Real Property came from the Companies. In addition, a mortgage was obtained to finance the acquisition of the Real Property (the “Bayview Mortgage”). The estimated balance due on the Bayview Mortgage is \$54,000.00. The mortgage payments have been made

by the Companies. Finally, the ad valorem taxes for the Real Property have been paid by the Companies. The Real Property is an asset of the Companies and Special Master has the authority to sell the Real Property.

4. Special Master has previously entered into a listing agreement with Gerald Gable. Efforts of Gerald Gamble and Jim Buchanan to sell the Real Property had not been successful. On the advice of Gerald Gamble and Jim Buchanan, Special Master reduced the asking price on the Real Property, but still had been unable to sell the Real Property. Special Master continues to pay the monthly mortgage payment and ad valorem taxes on the Real Property.

5. The Real Property must be sold before a distribution to creditors can be proposed.

6. On August 2, 2010, Special Master filed a Motion (the "Auction Motion") seeking permission of this Court to conduct a public auction of the Real Property, subject to a reserve equal to the payoff on the outstanding mortgage and costs of the sale, including a reasonable commission (the "Reserve Bid"), on reasonable notice.

7. On August 26, 2010, this Court entered an Order granting the Auction Motion.

8. Upon consultations with professionals, Special Master concluded that value of the Real Property was such that there was not a guaranty that the Reserve Bid could be achieved. If the Reserve Bid was not met, Special Master would be obligated to pay expenses associated with advertising of the auction.

9. By the Motion, the Special Master requests entry of an Order (a) authorizing Special Master to accept the Real Estate Purchase Contract submitted by RAK Properties, Inc., dated September 14, 2010 (the "RAK Purchase Contract"), subject to receipt by Special Master

of a higher cash offer on or before the commencement of the hearing on this Motion; and (b) authorizing Special Master to take all actions necessary to close such sale. A copy of the RAK Purchase Contract is attached hereto as Exhibit "A" to the Motion.

10. Through the efforts of Gerald Gamble and Jim Buchanan, the RAK Purchase Contract was prepared and delivered. Gerald Gamble and Jim Buchanan Broker believe the cash offer of RAK to purchase the Real Property, as is, for \$69,000.00 is reasonable.

11. The RAK Purchase Contract is the product of arms length negotiations and approval of the RAK Purchase Contract is in the best interest of the Companies and their creditors.

12. Special Master has not received a higher cash bids for the Real Property through the commencement of the hearing on this Motion.

13. The Real Property is encumbered by a Judgment Lien in favor of Frontier State Bank ("Frontier") in the principal amount of \$165,442.56 recorded on December 2, 2004 at Book 9542, Page 575 and renewed on October 20, 2009 at Book 11222, Page 1955. The sale of the Real Property can only occur if Frontier releases its Judgment Lien. If valid, Frontier would be entitled to all proceeds from the sale of the Real Property after payment of costs of sale and the Bayview Mortgage and the Companies and their creditors would receive nothing.

14. Special Master has entered into an agreement with Frontier, subject to approval by this Court, to pay Frontier the sum of \$1,000.00 in exchange for a release of the Judgment Lien (the "Frontier Settlement"). This settlement is fair, reasonable and in the best interest of the Companies and their creditors.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale of

the Real Property, pursuant to the terms of the RAK Purchase Contract for 2308 S. Air Depot Blvd., Midwest City, Oklahoma, is hereby approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Frontier Settlement is approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Special Master is hereby authorized to take all actions necessary to close such sale including, but not limited to, execution of a Deed, payment of a reasonable real estate commission and payment to Frontier pursuant to the Frontier Settlement.

Dated this 8 day of October, 2010.


DISTRICT JUDGE

APPROVED:


STEPHEN J. MORIARTY (OBA #6410)
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
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SPECIAL MASTER

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 8 day of Oct., 2010.
PATRICIA PRESLEY, Court Clerk
By  Deputy