

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.
MAY 12 2009
PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

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

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.)

**SPECIAL MASTER'S MOTION FOR AN ORDER DIRECTING
DEFENDANT, BRIAN MCKYE TO RETURN PROPERTY TRANSFERRED
IN VIOLATION OF THIS COURT'S ORDER OF MARCH 24, 2009**

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") moves the Court for the entry of an Order requiring Defendant, Brian McKye ("McKye") to return property transferred and received by McKye in violation of this Court's Order of March 24, 2009. In support of the Motion, the Special Master represents as follows:

Factual Background

1. On March 24, 2009, this Court entered a Temporary Restraining Order, Order Freezing Assets and Order for Accounting in this case (the "TRO"). The TRO provides, in part, as follows:

IT IS FURTHER ORDERED that Defendants, Relief Defendants, their agents, servants, employees, assigns and all those persons, directly or indirectly, acting on their behalf, under their direction and control, and/or in active concert or participation with them, who receive actual notice of the 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.

2. At all relevant times, Sure Lock Financial, LLC maintained an account at All America Bank, account # XXXX147 (the "Account").

3. The following cash withdrawals were made from the Account: (a) \$5,700.00 on March 25, 2009; (b) \$6,000.00 on March 26, 2009; (c) \$1,700.00 on March 27, 2009; (d) \$1,400.00 on March 30, 2009 and (e) \$8,500.00 on March 31, 2009. Each of the withdrawals was in violation of the TRO. The withdrawals total \$23,300.00 (collectively referred to as the "Withdrawals"). On information and belief, the Withdrawals were made at the direction of, and delivered to, McKye.

4. 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. Special Master was given the authority to "take immediate custody, possession, and control of any and all assets" of the Companies. Further, Special Master was authorized to "collect any and all sums of money due or owing" to the Companies and to "institute" or "prosecute... actions or proceedings..."

5. Upon discovery of the Withdrawals in violation of the TRO, Special Master made inquiry of McKye as to the location and status of the Withdrawals. McKye told Special Master that "\$2,000.00 had been given to Skip Cunningham" and that "payroll checks had been cashed." Special Master made demand upon McKye to deliver any cashed payroll checks in his possession. One check in a nominal amount was identified, but it is not clear that funds from the Withdrawals were used to cash this check. All other payroll checks for the relevant period were delivered by the Special Master and cleared through accounts at Bank of America. They were not "cashd" by McKye. No portion of the Withdrawals has been delivered by McKye to the Special Master.

6. Special Master has identified approximately \$6,000,000.00 in unpaid investor claims against the Companies. The known assets of the Companies are valued at approximately \$1,000,000.00. Special Master has filed a Motion seeking authority to sell the loan portfolios of the Companies which comprise their major assets. It appears there will be a substantial loss suffered by creditors of the Companies.

7. This Motion is made without prejudice to all other claims held by Special Master against McKye.

WHEREFORE, the Special Master respectfully requests that the Court enter an order directing Defendant, Brian McKye to return to Special Master the sum of \$23,300.00 and

granting the Special Master such other and further relief as this court deems just and proper.



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SPECIAL MASTER

NOTICE OF HEARING

Please be advised that a hearing on the foregoing Motion has been set for 10:00
A.m. on the 12 day of June, 2009 before the Honorable Noma D. Gurich.

CERTIFICATE OF MAILING

This is to certify that on the 12th day of May, 2009, the foregoing
was sent by U.S. Mail, first class, postage prepaid to:

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