

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED 9 2014

DISTRICT COURT CLERK

Oklahoma Department of Securities)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
)
v.)
)
Seabrooke Investments LLC, et al.,)
)
Defendants.)

Case No. CJ-2014-4515

**AGREED ORDER AUTHORIZING CONDITIONAL
INTERVENTION BY FIRST COMMERCIAL BANK**

This matter comes on for consideration pursuant to First Commercial Bank's *Application to Intervene* filed on September 19, 2014. Plaintiff contends that an unconditional intervention would undermine the efficient administration of the receivership, divert resources, and interfere with the Receiver's activities intended to benefit the entire receivership estate. First Commercial Bank contends that it is a secured creditor of Seabrooke Investments, LLC and its related entities/principals, that the actions of the Receiver have and continue to impair First Commercial Bank's security and that absent intervention, First Commercial Bank has no standing to respond to or take action to preserve its secured interest. However, the parties agree to this conditional intervention by First Commercial Bank due to the bank's interest in its promissory note and mortgage of the Cherry Hill Apartment Complex and promissory note and mortgage of the Timber Creek II Addition development in Weatherford, Oklahoma (Timber Creek Development). The Court finds that good cause exists for authorizing conditional intervention on the terms set forth herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that First Commercial Bank's *Application to Intervene* as a non-party in this matter is granted with respect to its claims

arising from its loan administration of the promissory note, mortgage and security interest related to Cherry Hill, and issues specifically relating to its outstanding promissory note and mortgage on the Timber Creek Development.

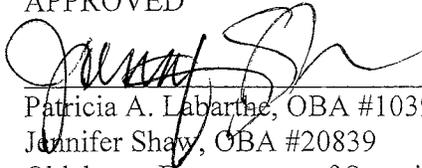
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither Intervenor nor any party shall be permitted to conduct discovery activities regarding any matter for which intervention is permitted without first seeking leave of Court.

THIS ORDER IS ENTERED this 4th day of February, 2015.

PATRICIA G. PARRISH

DISTRICT COURT JUDGE

APPROVED



Patricia A. Labarthe, OBA #10391
Jennifer Shaw, OBA #20839
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone (405) 280-7700
Facsimile (405) 280-7742
plabarthe@securities.ok.gov
jshaw@securities.ok.gov
Attorneys for Plaintiff

Robert D. Edinger, OBA#2619
Robert Edinger PLLC
116 East Sheridan, Suite 207
Oklahoma City, Oklahoma 73104
Telephone (405) 702-9900
Facsimile (405) 605-8381
redinger@edingerpllc.com
Attorney for Receiver

CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

FEB - 4 2015

TIM RHODES Court Clerk
Oklahoma County


arising from its loan administration of the promissory note, mortgage and security interest related to Cherry Hill, and issues specifically relating to its outstanding promissory note and mortgage on the Timber Creek Development.

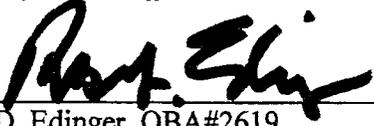
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither Intervenor nor any party shall be permitted to conduct discovery activities regarding any matter for which intervention is permitted without first seeking leave of Court.

THIS ORDER IS ENTERED this _____ day of February, 2015.

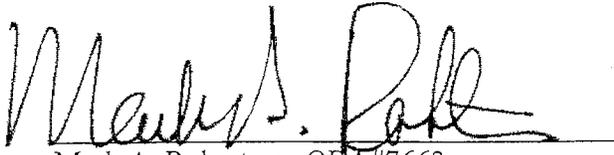
DISTRICT COURT JUDGE

APPROVED

Patricia A. Labarthe, OBA #10391
Jennifer Shaw, OBA #20839
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone (405) 280-7700
Facsimile (405) 280-7742
plabarthe@securities.ok.gov
jshaw@securities.ok.gov
Attorneys for Plaintiff



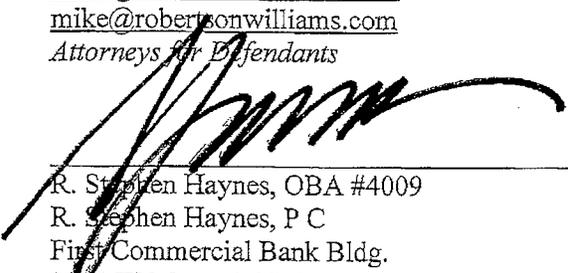
Robert D. Edinger, OBA#2619
Robert Edinger PLLC
116 East Sheridan, Suite 207
Oklahoma City, Oklahoma 73104
Telephone (405) 702-9900
Facsimile (405) 605-8381
redinger@edingerpllc.com
Attorney for Receiver



Mark A. Robertson, OBA#7663
Michael Paul Kirschner, OBA#5056
Robertson & Williams
9658 North May Avenue, Suite 200
Oklahoma City, Oklahoma 73120
Telephone (405) 848-1944
Facsimile (405) 843-6707
mark@robertsonwilliams.com
mike@robertsonwilliams.com
Attorneys for Defendants

R. Stephen Haynes, OBA #4009
R. Stephen Haynes, P C
First Commercial Bank Bldg.
3805 W Memorial Rd
Oklahoma City OK 73134
Telephone: (405) 330-9696
Facsimile: (405) 302-5538
shaynes@haynespc.com
Attorney for First Commercial Bank

Mark A. Robertson, OBA#7663
Michael Paul Kirschner, OBA#5056
Robertson & Williams
9658 North May Avenue, Suite 200
Oklahoma City, Oklahoma 73120
Telephone (405) 848-1944
Facsimile (405) 843-6707
mark@robertsonwilliams.com
mike@robertsonwilliams.com
Attorneys for Defendants



R. Stephen Haynes, OBA #4009
R. Stephen Haynes, P C
First Commercial Bank Bldg.
3805 W Memorial Rd
Oklahoma City OK 73134
Telephone: (405) 330-9696
Facsimile: (405) 302-5538
shaynes@haynespc.com
Attorney for First Commercial Bank

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of February, 2015, a true and correct copy of the above and foregoing was emailed to the following:

Mark A. Robertson, OBA #7663
Michael Paul Kirschner, OBA #5056
Robertson & Williams
9658 N May Ave Ste. 200
Oklahoma City OK 73120
Telephone: (405) 848-1944
Facsimile (405) 843-6707
mark@robertsonwilliams.com
mike@robertsonwilliams.com

and

Jim W. Lee, OBA #5336
Lee & Kisner
One Broadway Executive Park Ste. 230
201 NW 63rd St
Oklahoma City OK 73116
Telephone: (405) 848-5532
Facsimile: (405) 848-5502
jimlee@legalassociatesllc.net
Attorneys for Defendants

Robert D. Edinger, OBA #2619
Robert Edinger PLLC
116 E Sheridan Ste. 207
Oklahoma City OK 73104
Telephone: (405) 702-9900
Facsimile: (405) 605-8381
redinger@edingerpllc.com
Attorney for Receiver

Edward O. Lee, OBA #5334
Billy Lewis, OBA #19862
Lee, Goodwin, Lee, Lewis & Dobson
1300 E. 9th Ste. 1
Edmond, OK 73034
(405) 330-0118
(405) 330-0767 (fax)
blewis@edmondlawoffice.com
Attorneys for Intervenor

Rollin Nash, Jr., OBA #6584
Nash Cohenour Kelley Giessman
& Knight P C
4101 Perimeter Center Dr. Ste. 200
Oklahoma City OK 73112
Telephone: (405) 917-5000
Facsimile: (405) 917-5005
rnash@nashfirm.com
Attorney for Quail Creek Bank

John M. Thompson, OBA #17532
Crowe & Dunlevy
Braniff Building
324 N Robinson Ave Ste. 100
Oklahoma City OK 73102
Telephone: (405) 235-7774
Facsimile: (405) 272-5924
John.thompson@crowedunlevy.com
Attorney for Bank of the West

R. Stephen Haynes, OBA #4009
R. Stephen Haynes, P C
First Commercial Bank Bldg.
3805 W. Memorial Rd
Oklahoma City OK 73134
Telephone: (405) 330-9696
Facsimile: (405) 302-5538
shaynes@haynespc.com
Attorney for First Commercial Bank

David L. Nunn, OBA #14512
212 E Second St
P O Box 230
Edmond OK 73083-0230
Telephone: (405) 330-4053
Facsimile: (405) 330-8470
dnunn@davidlnunnpc.com
Attorney for First National Bank Weatherford