

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, Administrator, )  
 )  
Plaintiff, )

v. )

Case No. CJ-2014-4515

Seabrooke Investments LLC, an Oklahoma )  
limited liability company; )  
Seabrooke Realty LLC, an Oklahoma )  
limited liability company; )  
Oakbrooke Homes LLC, an Oklahoma )  
limited liability company; )  
Bricktown Capital LLC, an Oklahoma )  
limited liability company; )  
KAT Properties LLC, an Oklahoma )  
limited liability company; )  
Cherry Hill LLC, an Oklahoma limited liability )  
company doing business as Cherry Hill Apartments;) )  
Tom W. Seabrooke, individually and as trustee of )  
Tom Seabrooke 2007 Revocable Trust and )  
J. Karyn Seabrooke 2007 Revocable Trust; and )  
Judith Karyn Seabrooke, individually and as trustee )  
of Tom Seabrooke 2007 Revocable Trust and )  
J. Karyn Seabrooke 2007 Revocable Trust, )  
 )  
Defendants. )

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

SEP - 9 2014

TIM RHODES  
COURT CLERK

75

**ORDER MODIFYING RELIEF**

On August 11, 2014, the Oklahoma Department of Securities (“Department”), *ex rel.* Irving L. Faught, Administrator, filed a verified *Petition for Permanent Injunction and Other Relief* against the named Defendants pursuant to the Oklahoma Uniform Securities Act of 2004 (“Act”), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011).

On August 11, 2014, the Department filed the *Application for Temporary Restraining Order, Order Freezing Assets, Order Appointing Receiver, Order for Accounting and Temporary Injunction* pursuant to the Act.

On August 11, 2014, this Court entered the *Temporary Restraining Order, Order Freezing Assets, Order Appointing Receiver, Order for Accounting and Temporary Injunction*.

On September 5, 2014 entered the *Temporary Injunction and Ancillary Relief (Temporary Injunction)*.

A significant asset of the receivership is the Bricktown Hotel and Convention Center (Bricktown Hotel), an asset owned by Defendant Bricktown Capital LLC. Operation of the Bricktown Hotel has required substantial time of the Receiver and resulted in substantial expense to the receivership. The Receiver has determined that the Bricktown Hotel is operating at a deficit and has for at least a year. The amount due on the primary mortgage on the Bricktown Hotel is in excess of One Million Eight Hundred Thousand Dollars (\$1,800,000). The amount due on the secondary mortgage on the Bricktown Hotel is approximately Three Hundred Fifty Thousand Dollars (\$350,000). The Department and the Receiver believe that the current value of the Bricktown Hotel is less than the value of the Bricktown Hotel's existing mortgages.

The parties wish to modify the Temporary Injunction by releasing Bricktown Capital LLC from the asset freeze and receivership and by releasing the Bricktown Hotel from the asset freeze and receivership, with it also being agreed that the Receiver and the Plaintiff shall be released and indemnified from and against all liability and loss for any debts or obligations, acts or omissions, of whatever nature of Bricktown Capital LLC and the Bricktown Hotel. All other provisions of the Temporary Injunction shall remain in effect.

IT IS HEREBY ORDERED that Bricktown Capital LLC be released from the receivership and the asset freeze herein effective immediately.

IT IS FURTHER ORDERED that monies in the following bank accounts of Bricktown Capital LLC, be allocated as follows:

- (1) \$42,214.23 from the Bank of the West account number xxx-xx0749 and \$1,822.49 from the Bank of the West account number xxx-xx5268 shall be released to Bricktown Capital LLC; and
- (2) \$34,500.94 from the Bank of the West account number xxx-xx9583 and \$9,575.75 from the Bank of the West account number xxx-xx0749 shall remain in the full custody and control of the Receiver and shall be transferred immediately by Bank of the West to an account in the name of the Receiver.

IT IS FURTHER ORDERED that the asset known as the Bricktown Hotel be released from the asset freeze and the receivership herein effective immediately.

IT IS FURTHER ORDERED that the Receiver and the Plaintiff be released and indemnified from and against all liability and loss for any debts or obligations, acts or omissions, of whatever nature of Bricktown Capital LLC and the Bricktown Hotel.

IT IS FURTHER ORDERED that if the Bricktown Hotel is sold for an amount greater than the amounts owed on valid mortgages existing as of the date of this order, the remaining funds will be used to pay, on a pro rata basis, investor restitution owed by Defendants as determined by this Court.

IT IS FURTHER ORDERED that if Bricktown Capital LLC or Bricktown Hotel receives proceeds from insurance litigation or settlement relating to any claim from damages to the Bricktown Hotel that occurred in 2013, in an amount greater than the amounts owed on valid

mortgages existing as of the date of this order and the amount necessary to repair the damages sustained from the 2013 incident, the remaining funds will be used to pay, on a pro rata basis, investor restitution owed by Defendants as determined by this Court.

IT IS FURTHER ORDERED that all other provisions of the Temporary Injunction shall remain in effect.

THIS ORDER IS ENTERED this 9th day of September, 2014.

PATRICIA G. PARRISH

---

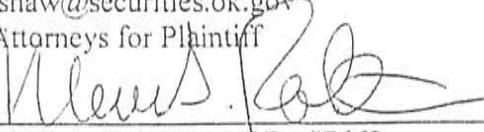
DISTRICT COURT JUDGE

CERTIFIED COPY  
AS FILED OF RECORD  
IN DISTRICT COURT  
SEP - 9 2014  
TIM RHODES Court Clerk  
Oklahoma County  
*Tim Rhodes*

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



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

and

Jim W. Lee, OBA#5336  
Lee & Kisner  
One Broadway Executive Park, Suite 230  
201 Northwest 63<sup>rd</sup> Street  
Oklahoma City, Oklahoma 73116  
Telephone (405) 848-5532  
Facsimile (405) 848-5502  
jimlee@legalassociatesllc.net  
Attorneys for Defendants

---

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

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

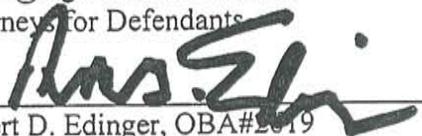
---

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

and

Jim W. Lee, OBA#5336  
Lee & Kisner  
One Broadway Executive Park, Suite 230  
201 Northwest 63<sup>rd</sup> Street  
Oklahoma City, Oklahoma 73116  
Telephone (405) 848-5532  
Facsimile (405) 848-5502  
jimlee@legalassociatesllc.net  
Attorneys for Defendants

---

  
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