

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY
STATE OF OKLAHOMA

FILED
IN DISTRICT COURT

JUL 02 2004

POTTAWATOMIE COUNTY, OK.
CECIL DUNLAP, COURT CLERK

BY _____ DEPUTY

OKLAHOMA DEPARTMENT OF)
SECURITIES *ex rel.* Irving L.)
FAUGHT, Administrator,)
)
Plaintiff,)

vs.)

THE HICKMAN AGENCY, INC., an)
Oklahoma Corporation: MERL WILLIAM)
HICKMAN, SR., an individual; SARAH)
L. HICKMAN, an individual; and)
MERL WILLIAM HICKMAN, JR., an)
individual,)
)
Defendants,)

and)

STEPHANIE HICKMAN-MATTHEWS, an)
individual; ANGELA FRIGULETTO, an)
individual; PETER FRIGULETTO, an)
individual; SANDRA FRIGULETTO, an)
individual; and CHRISTY HICKMAN,)
an individual,)

Defendants Solely)
For Purposes Of)
Equitable Relief)

Case No. C-03-1239

MOTION OF RECEIVER, STEPHEN J. MORIARTY FOR
CLARIFICATION OF ORDER APPOINTING RECEIVER

Comes now the Receiver, Stephen J. Moriarty and seeks clarification of this Court's Order of December 17, 2003, and subsequent Orders, regarding the duties and powers of Receiver. In support of his Motion, Receiver would show unto the Court as follows:

1. On December 17, 2003, this Court entered its order appointing the Receiver; the appointment continued pursuant to the Temporary Injunction entered herein on December 22, 2003 (collectively referred to as the "Order"). Pursuant to the Order, Receiver was given immediate and exclusive custody, control and possession of all assets ... of Defendants, of

whatever kind and description and wherever situated." Further, Receiver was given the authority to take the steps necessary to protect the interests of Investors, including the liquidation or sale of assets of the Defendants ..."

2. Various Defendants have asserted that the Receiver has no claim to assets acquired by Defendants prior to 1997, the date the Hickman Agency pyramid scheme commenced. In addition, it is possible that Defendants may attempt to assert claims of exemptions under 31 O.S. §1, and other relevant statutes, with regard to property in their possession

3. Receiver states that the Order grants "immediate and exclusive custody, control and possession of all assets" of Defendants, regardless of their character, when they were acquired, or whether they may be exempt from execution under State or federal law.

WHEREFORE, Receiver respectfully requests that this Court enter an Order clarifying its prior Orders and providing that Receiver has immediate and exclusive custody, control and possession of all assets of Defendants, regardless of their character, when they were acquired, or whether they may be exempt from execution under State or federal law, and for such other and further relief as this Court deems just and equitable.



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RECEIVER FOR THE HICKMAN
AGENCY, INC., MERL WILLIAM
HICKMAN, SR., SARAH HICKMAN,
MERL WILLIAM HICKMAN, JR.,
CHRISTY HICKMAN, STEPHANIE
HICKMAN MATTHEWS, ANGELA
AND PETER FRIGULETTO

NOTICE OF HEARING

Please be advised that a hearing on this Motion has been set for 9:00 A.M. on the 29th day of July, 2004 before the Honorable Douglas L. Combs.

CERTIFICATE OF MAILING

This is to certify that on the 2nd day of July, 2004, the foregoing was sent by U.S. Mail, first class, postage prepaid, to:

Patricia A. Labarthe, Esq.
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, OK 73102

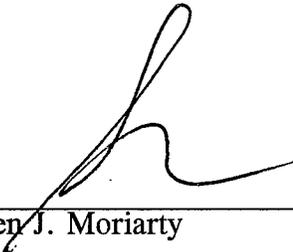
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Stephen J. Moriarty