

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAR 14 2006

PATRICIA PRESLEY, COURT CLERK
by Deputy

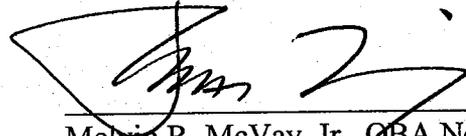
Oklahoma Department of Securities,)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
)
vs.)
)
Accelerated Benefits Corporation, a Florida)
Corporation, et al.,)
)
Defendants.)

Case No. CJ-99-2500-66
Judge Daniel L. Owens

NOTICE OF HEARING

Please be advised that a hearing on the Motion of the Conservator for Appointment of Assistant Conservator has been set for the 14th day of April, 2006, at 9:00 a.m., before the Honorable Judge Daniel L. Owens.

Respectfully submitted,



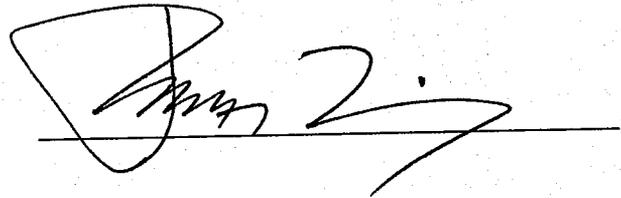
Melvin R. McVay, Jr., OBA No. 06096
Thomas P. Manning, OBA No. 16117
PHILLIPS McFALL McCAFFREY
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Twelfth Floor, One Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-4100
Facsimile: (405) 235-4562
ATTORNEYS FOR CONSERVATOR,
TOM MORAN

CERTIFICATE OF MAILING

The undersigned certifies that on the 14th day of March, 2006, a true and correct copy of the foregoing Notice of Hearing was mailed, first-class with postage prepaid, to:

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

Dino E. Viera, Esq.
Fellers, Snider, Blankenship,
Bailey & Tippens, P.C.
100 North Broadway Avenue, Suite 1700
Oklahoma City, Oklahoma 73102
***Attorney for Defendants,
Accelerated Benefits Corporation and
American Title Company of Orlando***

A handwritten signature in black ink, appearing to read "Dino Viera", is written over a horizontal line. The signature is stylized and cursive.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

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OKLAHOMA COUNTY, OKLA.

MAR 14 2006

PATRICIA PREELEY, COURT CLERK
By Deputy

Oklahoma Department of Securities,)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
)
vs.)
)
Accelerated Benefits Corporation, a Florida)
corporation, et al.,)
)
Defendants.)

Case No. CJ-99-2500
Judge Daniel L. Owens

**MOTION OF THE CONSERVATOR FOR
APPOINTMENT OF ASSISTANT CONSERVATOR**

Conservator, H. Thomas Moran II, (the "Conservator") hereby respectfully moves this Court for entry of an Order appointing an assistant conservator in these proceedings. In support thereof, the Conservator would show the Court as follows:

1. The Conservator was appointed by Order of the Court on February 6, 2002. Since that time, the Conservator has served as Conservator of certain assets of Defendant, Accelerated Benefits Corporation ("ABC"), and its agents, including American Title Company of Orlando and David Piercefield (the "Conservatorship Assets"). In addition to his duties and responsibilities as the Conservator in this proceeding, the Conservator also has obligations in other judicial proceedings pending in the States of Florida and Ohio, where he serves in a similar capacity with respect to the administration of other viatical and senior settlement portfolios. As a result, the Conservator has not

always been immediately available to take various actions during the course of the administration of the Conservatorship Assets. While some delay is not necessarily an impediment in any way to the Conservator properly performing his duties and responsibilities, it would be helpful to the Conservator and be more efficient, at times, if the Court would appoint an assistant conservator to assist the Conservator in carrying out his duties.

2. Based upon personal experience, the Conservator understands and appreciates that prompt attention to various matters, be they administrative or judicial, is often essential to the proper performance of the duties and responsibilities of a conservator or receiver. Accordingly, the Conservator believes it to be in the best interest of the Conservatorship that an assistant conservator be appointed to assist the Conservator in carrying out his duties and responsibilities and to act in the absence or temporary unavailability of the Conservator with respect to certain matters which require immediate attention.

3. The Conservator requests that the Court appoint Sheri Townsend as assistant conservator. Ms. Townsend is an employee of The Heritage Group Agency, Inc., in Oklahoma City, Oklahoma. H. Thomas Moran II is the principal of The Heritage Group Agency, Inc. Ms. Townsend is very knowledgeable in the administration and servicing of viatical and senior settlement portfolios, and has ably assisted the Conservator in the performance of his duties and responsibilities in this proceeding and in other judicial proceedings similar to this one. Ms. Townsend has been appointed Assistant Receiver in a similar action in the United States District Court for the Southern District of Ohio. *See Exhibit "A," Order Appointing Assistant Receiver.*

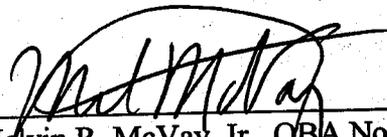
4. The Conservator requests that Ms. Townsend be appointed as assistant conservator and given authority to act in concert with, or in the absence of the Conservator, with respect to actions which require prompt or immediate attention during the course of these equitable proceedings, including, but not limited to: 1) the authority to pay premiums and take such action necessary to protect the Conservatorship Assets from lapse; 2) sign death claims to begin the process of collecting on matured policies; 3) make application for policy conversions; 4) discuss policies with insurance carriers; 5) request and receive information from insurance carriers and viators regarding policies; and, 6) either take or respond to any requests for extraordinary relief that may be made in this proceeding or in any other judicial or administrative proceeding initiated by the Conservator pursuant to the authority granted to the Conservator by this Court. The Conservator further requests that Ms. Townsend be given specific authority to work with the Conservator's professionals with respect to the initiation for any request for extraordinary relief that the Conservator believes to be in the best interest of the Conservatorship, or in response to the request of any party-in-interest for any such relief.

5. The Conservator will continue to be fully responsible for any and all actions taken on behalf of the Conservatorship by Ms. Townsend, and any and all employees or professionals hired to assist the Conservator.

WHEREFORE, premises considered, Conservator, Tom Moran, prays this Court grant the Conservator's Application for the Appointment of Sheri Townsend as assistant conservator, and enter an order accordingly granting Ms. Townsend limited authority to act in the absence or

unavailability of the Conservator during the course of these proceedings. The Conservator further prays for such other relief as the Court deems just and proper.

Respectfully submitted,



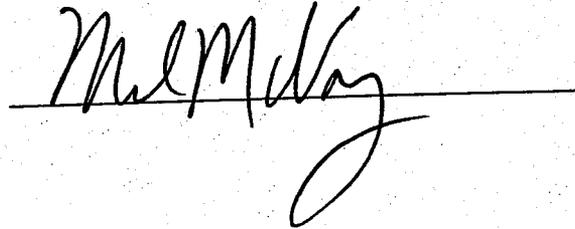
Melvin R. McVay, Jr., OBA No. 6096
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Twelfth Floor, One Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-4100
Facsimile: (405) 235-4133
ATTORNEYS FOR CONSERVATOR,
H. THOMAS MORAN II

CERTIFICATE OF MAILING

The undersigned certifies that on the ____ day of March, 2006, a true and correct copy of the foregoing was mailed via First Class Mail, postage prepaid, to the following:

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

William H. Whitehill, Jr., Esq.
Fellers, Snider, Blankenship,
Bailey & Tippens, P.C.
100 North Broadway Avenue, Suite 1700
Oklahoma City, Oklahoma 73102
Attorney for Defendants,
Accelerated Benefits Corporation and
American Title Company of Orlando

A handwritten signature in cursive script, appearing to read "William H. Whitehill, Jr.", is written over a horizontal line.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

H. THAYNE DAVIS
15616 Sugar Loaf Drive
Edmond, Oklahoma 73013

Plaintiff,

v.

LIFETIME CAPITAL, INC.
Post Office Box 427
Miamisburg, Ohio 45343-0427

Defendant.

: Case No: 3:04 cv 0059
:
: Judge Walter H. Rice
: U.S. Magistrate Judge Sharon L. Ovington
: (By consent of the parties)

:
: ORDER APPOINTING ASSISTANT
: RECEIVER

:

:

COMES ON for consideration by the Court the Receiver's Application to Appoint Assistant Receiver. The Court, having reviewed the Application and being fully advised in the premises, finds that for good cause shown the Application should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Sheri Townsend be, and is hereby, appointed Assistant Receiver for the Receivership Assets of LifeTime Capital, Inc., as such Receivership Assets may be defined or described by orders of this Court from time to time.

Sheri Townsend, in her capacity as Assistant Receiver, in the absence or extended unavailability of H. Thomas Moran II, as Receiver for LifeTime Capital, Inc., is hereby authorized to make advances on any financing arrangement that the Receiver may enter into from time to time with the approval of the Court in order to ensure that premiums and extraordinary costs and expenses of the receivership estate are timely paid. Ms. Townsend, as the Assistant Receiver, may also, in the absence or extended unavailability of the Receiver, either



take or respond to any requests for extraordinary relief that may be made in this proceeding or in any other judicial or administrative proceeding initiated by the Receiver pursuant to the authority granted to the Receiver by this Court.

The Assistant Receiver may also assist the Receiver in the day-to-day performance of the Receiver's duties and responsibilities as he may be charged with by this Court from time to time during the course of this proceeding.

s/ Sharon L. Ovington
SHARON L. OVINGTON
UNITED STATES MAGISTRATE JUDGE

March 16, 2004