

was returned unclaimed. A copy of an affidavit of Terra Shamas is attached hereto as Exhibit "C."

3. The Supervisory Investigator for the Department attempted to locate Defendant, but his efforts were to no avail. *Affidavit of Dan Clarke* is attached hereto as Exhibit "D."

4. On September 15, 2006, the Administrator of the Department ("Administrator") received service of process on behalf of Defendant pursuant to Section 1-611 of the Oklahoma Uniform Securities Act ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), and Section 413 of the Oklahoma Securities Act ("Predecessor Act"), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 & Supp. 2003). A copy of the *Alias Summons* and Petition served upon the Administrator are attached hereto as Exhibit "E."

5. On September 19, 2006, the Administrator filed a *Notice of Service on the Administrator and Affidavit of Compliance* ("Notice and Affidavit") with this Court. A copy of the Notice and Affidavit are attached hereto as Exhibit "F."

6. On September 19, 2006, the *Alias Summons*, Petition, and Notice and Affidavit were sent by certified mail, return receipt requested, and by first class mail to the last-known mailing address of Defendant, in compliance with Section 1-611 of the Act and Section 413 of the Predecessor Act.

7. On September 20, 2006, the return receipt for the *Alias Summons*, Petition, and Notice and Affidavit was signed by C.C. Hart, who is an employee of Mail Boxes, Etc., and is at least fifteen (15) years of age. A copy of the return receipt is attached hereto as Exhibit "G."

8. The *Alias Summons*, Petition, and Notice and Affidavit that were mailed by first class mail to Defendant have not been returned to the Department.

9. As of October 13, 2006, Defendant has failed to answer or otherwise plead to the Petition, and his time for doing so has expired. Defendant has not made any appearance in this matter.

10. Plaintiff is entitled to the relief prayed for in the Petition.

WHEREFORE, premises considered, Plaintiff prays that this Court enter a judgment by default against Defendant holding him in contempt and requiring him to pay a civil penalty in the amount of One Thousand Three Hundred Dollars (\$1,300.00) to Plaintiff within thirty (30) days of the entry of the judgment.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
Irving L. Faught, Administrator

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