

JAN 24 2011

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

PATRICIA PRESLEY, COURT CLERK

OKLAHOMA DEPARTMENT OF SECURITIES)
ex rel. IRVING L. FAUGHT, Administrator,)
)
 Plaintiff,)
 v.)
)
 THE ESTATE OF BRYAN DAVID ROARK,)
)
 Defendant.)

Hearing Date	Feb 9 2011
Time:	10:00 a.m./p.m.

Case No. CJ-2009-10905

**CORRECTED RECEIVER'S APPLICATION FOR AUTHORITY TO PAY
INTERIM ATTORNEY FEES**

Receiver, Douglas L. Jackson, makes Application to this Court for authority to pay interim attorney fees and costs to Gungoll, Jackson, Collins, Box & Devoll, P.C. (hereinafter "Attorneys"), and would show the Court as follows:

1. Pursuant to the Receiver's Application filed with this Court on November 9, 2009 seeking approval to employ legal counsel and the Order of this Court entered on December 10, 2009, Petitioner employed Gungoll, Jackson, Collins, Box & Devoll, P.C. as attorneys to advise and represent him in connection with matters pertaining to the recovery of assets for and administration of the Receivership for the Assets of the Estate of Bryan David Roark.

2. The Order provided the range of hourly fees to be paid to Receiver's Attorneys based on submission of a periodic application to the Court for payment of fees, and approval of those fees by the Court.

3. For the period of time from October 1, 2010 through December 31, 2010, Attorneys expended 47.40 hours in and about the performance of duties as legal counsel for the Receiver for which they have not been compensated, as set forth in the itemized statement of attorney fees attached hereto. *See* Detail Fee Transaction File List for Account No. 10234.0000 attached as Exhibit "A".

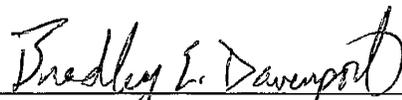
4. Similarly, Attorneys have advanced \$400.00 of costs and expenses on behalf of the Receiver for the time period referenced in the immediately preceding paragraph for which they have not been compensated. See Detail Cost Transaction File List for Account No. 10234.0000 attached as Exhibit "B".

5. Petitioner believes it would be unduly burdensome and inequitable to require Petitioner's counsel to devote time and effort to the service of the Receiver and the Receivership estate without receiving interim compensation to remunerate counsel, at least in part, for the time spent and the costs incurred.

6. As demonstrated by Receiver's Accountings filed of record in this case, Attorneys' efforts have resulted in considerable assistance to the Receiver, who has recovered over \$4.5 million on behalf of the creditors and claimants of the Receivership. The Receiver does have on hand sufficient funds with which to pay interim attorney fees and costs to Attorneys.

WHEREFORE, the Receiver respectfully requests that this Court authorize him to pay the Receiver's Attorneys, Gungoll, Jackson, Collins, Box & Devoll, P.C., the total amount of \$10,892.50 as interim attorney's fees and \$400.00 as interim costs for the period of October 1, 2010 through December 31, 2010.

Respectfully submitted,



Bradley E. Davenport, OBA #18687
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.
3030 Chase Tower
100 N. Broadway Avenue
Oklahoma City, OK 73102
Ph. (405) 272-4710 / Fax (405) 272-5141
davenport@gungolljackson.com
Attorney for Receiver, Douglas L. Jackson

CERTIFICATE OF SERVICE

I do hereby certify that on this 24th day of January, 2011, I mailed a true and correct copy of the above document by placing same in the United States mails, postage prepaid, to:

Jennifer Shaw Amanda Cornmesser Oklahoma Department of Securities 120 North Robinson, Suite 860 Oklahoma City, OK 73102 (405) 280-7700 – Phone (405) 280-7742 – Fax jshaw@securities.ok.gov acornmesser@securities.ok.gov Attorneys for Plaintiff, Oklahoma Department of Securities	Clell I. Cunningham, III Dunn, Swan & Cunningham, P.C. 210 Park Avenue, Suite 2800 Oklahoma City, OK 73102 (405) 235-8318 – Phone (405) 235-9605 - Fax skip@dscpc.com Attorney for Intervenors
Patrick M. Ryan Ryan, Whaley, Coldiron, Shandy 900 Robinson Renaissance 119 N. Robinson Oklahoma City, OK 73102 (405) 239-6040 – Phone (405) 239-6766 – Fax pryan@ryanwhaley.com Attorneys for Morgan Stanley Smith Barney	Clyde A. Muchmore Crowe & Dunlevy 20 North Broadway, Suite 1800 Oklahoma City, OK 73102 (405) 235-7734 – Phone (405) 272-5211 – Fax clyde.muchmore@crowedunlevy.com Attorney for Landmark Bank
Galvin Family, LLC c/o Barbara Moon 902 Arlington Center, PMB 149 Ada, OK 74820	Kurtis Ward 3232 W. Britton, Suite 170 Oklahoma City, OK 73120 (405) 748-8855 Ph./ (405) 751-1245 Fax law@kurtisward.com Attorney for Creditor, David Roark
Barbara Jean Moon 1925 E. 18 th Street Ada, OK 74820	Christopher Ryan Hoover 826 East 7th Ada, OK 74820
Betty Bryant 12266 Highway 177 Stratford, OK 74872	Kyle Lackey 1331 Alvera Lane Wynnewood, OK 73098


Bradley E. Davenport, OBA#18687
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.
3030 Chase Tower, 100 N. Broadway Avenue
Oklahoma City, OK 73102
(405) 272-4710 – Phone/ (405) 272-5141 - Fax
davenport@gungolljackson.com

Detail Fee Transaction File List
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.



Client	Trans Date	Atty	H P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 10234.0000 Douglas L. Jackson -Receiver								
10234.0000	10/07/2010	BD	P	3	225.00	1.00	225.00 Called, left message for S. Barnes regarding trailer at Texoma; call from Patti at Alberta Creek Resort regarding same; revise letter to insurance adjuster, enclosing forms signed by Receiver and title for boat; e-mail to G Lewis at BKD forwarding additional backup information requested for Receiver's tax returns; e-mail to K. Ward regarding hearing on 10/13.	587
10234.0000	10/11/2010	DJ	P	3	275.00	0.20	55.00 Review two applications in preparation of 10/12/10 hearing	585
10234.0000	10/11/2010	BD	P	3	225.00	0.40	90.00 Call from Receiver regarding communication with P. Whaley and hearings on 10/13/10; e-mail proposed Order Approving Receiver's Claim Recommendations to counsel for review and signature.	586
10234.0000	10/12/2010	DJ	P	3	275.00	0.20	55.00 Check on title requirements to close Ada house	588
10234.0000	10/13/2010	BD	P	3	225.00	2.80	630.00 Prepare proposed Order approving/authorizing interim Receiver's fee; email proposed Order to counsel for review and signature; call from Receiver regarding hearings; prepare/revise Receiver's accounting for 9/2010; call from P. Whaley asking to continue hearing on Receiver's fee; appear for Receiver at Judge Gray's motion docket; file Order Approving Receiver's Recommendation for Acceptance/Rejection of Claims and Receiver's Accounting for 9/2010; obtain new hearing date from Judge Gray's bailiff for application on Receiver's fee; call to P. Whaley regarding new hearing date.	590
10234.0000	10/14/2010	BD	P	3	225.00	0.40	90.00 E-mail to P. Whaley regarding check received from Morgan Stanley; call back from P. Whaley regarding same.	593
10234.0000	10/15/2010	BD	P	3	225.00	0.20	45.00 Revise, sign and send for filing and to counsel the Amended Notice of Hearing on Receiver's Application for Interim Receiver's Fee.	592
10234.0000	10/19/2010	BD	P	3	225.00	2.70	607.50 Call from Receiver regarding Morgan Stanley and trailer at Texoma; Four calls with P. Whaley regarding two issues with Morgan Stanley has regarding interim Receiver's fee application/amount and proposal to resolve; Two calls with Receiver regarding Morgan Stanley's proposal and Receiver's counter-proposal; revise proposed Order for Interim Receiver's Fee, email to counsel for review; call to Alberta Creek, need to put trailer back on website for sale; call to Pam Davis about trailer; call to Gary at BKD regarding Receiver's tax returns; pull and email Receiver's accounting for 9/2010 to Gary.	589
10234.0000	10/20/2010	DJ	P	3	275.00	0.30	82.50 Call Gary Lewis regarding fiduciary tax return ending 9/30/2010	591
10234.0000	10/20/2010	BD	P	3	225.00	1.30	292.50 Revise Order regarding Receiver's Interim Fee; e-mail same to counsel; call to P. Whaley's legal assistant regarding same; appear for hearing on Receiver's Interim Fee, order entered; file order and prepare Affidavit of Mailing for same.	599
10234.0000	10/22/2010	BD	P	3	225.00	0.60	135.00 Exchange emails w/G. Lewis at BKD and Joan re: questions over deposit items noted in Receiver's Accounting for September 2010; obtain and fwd info. requested backup information to Lewis; rec'd and deposited insurance check for stolen boat.	597
10234.0000	10/25/2010	DJ	P	3	275.00	0.20	55.00 Call from accountant regarding income to the estate on stolen money	594
10234.0000	10/25/2010	BD	P	3	225.00	1.70	382.50 Call from Receiver re: ins. proceeds for stolen boat, and contacting Gary at BKD re: income tax issue pertaining to embezzled or misappropriated funds; call to Gary at BKD re: same; begin research on income tax issue and who would be responsible for filing and/or paying.	596
10234.0000	10/26/2010	BD	P	3	225.00	2.20	495.00 Research and analyze issue pertaining to income tax.	595
10234.0000	10/27/2010	DJ	P	3	275.00	0.50	137.50 Research the income issue regarding the stolen money regarding Receiver vs Bryan's estate	598
10234.0000	10/28/2010	KC	P	3	250.00	0.50	125.00 Research regarding liability of Receiver for tax liability on embezzled funds	600
10234.0000	10/28/2010	BD	P	3	225.00	2.30	517.50 Research on personal income tax matter; called and discussed same with KPC; go to BancFirst, endorse insurance settlement check.	601
10234.0000	10/28/2010	DJ	P	3	275.00	0.50	137.50 Conference with Pat Donehue regarding notice requirements to IRS	602
10234.0000	11/01/2010	BD	P	3	225.00	2.40	540.00 Research and analyze income tax issue; call to Department regarding analysis of investor funds received and paid out, net to Roark; call with Receiver regarding same; research regarding service of process or notice on USA, ex rel. Internal Revenue Service; call to IRS office; call to OTC counsel regarding any tax warrants; pull Roark tax returns, look up what IRS office/service center utilized; received/analyzed letter requesting valuations on various items of Roark property; forward same to Receiver.	603
10234.0000	11/01/2010	BA	P	3	225.00	0.20	45.00 Memo to file re: service of notice to IRS	606
10234.0000	11/02/2010	BD	P	3	225.00	1.80	405.00 Call w/Receiver re: valuation(s) of assets; dictate draft of application; dictate 1st draft of Application to Reopen Claim Process as to Tax Authorities Only; call w/Lippard re: valuation of farm ground; call to Angie re: valuation of office building; call to A.L., left message re: cattle and hay; call back from A.L. re: same; called and lft msg for G. Lewis at BKD re: same.	607
10234.0000	11/03/2010	DJ	P	3	275.00	0.40	110.00 Research tax issues	604
10234.0000	11/03/2010	BD	P	3	225.00	4.10	922.50 Call from Bart @ Home Title re: issues pertaining to closing on sale of "Craig's" house; dictate letter to P. Whaley re: printouts or statements on value of Roark's Morgan Stanley accounts as of date of death; rec'd email from Bart w/title	609

Detail Fee Transaction File List
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.

Client	Trans Date	H Atty	P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 10234.0000 Douglas L. Jackson -Receiver								
							commitment and buyer info. and review same; prepare Quit Claim Deed for Receiver and Warranty Deed for C. Roark; call from T. Thompson re: closing; pull and email settlement agreement with Roark family to Bart and Thompson; call w/A. Anderson and exchange emails with her re: valuation of office building; pull and print Roark investment account statements for October 2009 for BKD; pull info. on gold and silver bars purchase invoice; call to Dept. re: statement for Zecco account; calls to local IRS office and U.S. Atty's office for Western Dist. Of Oklahoma re: possible tax issue and call to IRS in D.C.	
10234.0000	11/04/2010	BD	P	3	225.00	2.00	450.00	610
							Ltr to Skip enclosing deed for Craig Roark to sign; email to Receiver attaching quit claim deed for his signature; email from Receiver re: same; 2 calls from T. Thompson @ Wells Fargo re: closing requirements; email from Bart @ Home Title suggesting Craig deed this property over to Receiver to simplify closing; email to Receiver re: same; call back from Asst. U.S. Atty, Robert Brown, re: tax issue; revise Applic. of Receiver to Re-Open Claim Process As To Tax Authorities Only; 2 calls from B. Ethridge re: trailer at Texoma	
10234.0000	11/05/2010	BD	P	3	225.00	0.20	45.00	608
							Email from Tyler @ Wells Fargo re: closing; voicemail from A. Anderson re: closing.	
10234.0000	11/08/2010	DJ	P	3	275.00	0.20	55.00	605
							Review early occupancy agreement	
10234.0000	11/08/2010	BD	P	3	225.00	2.60	585.00	611
							Call from T. Thompson re: closing documents; call back from Gary Lewis re: questions on valuations BKD needs for Receiver's tax return; call from Receiver re: status of deed on "Craig's" house; ltr Receiver a voicemail re: same; prepare/revise Receiver's accounting for October 2010; ltr to Lippard re: correction to valuation date on land to 10/24; call to A.L. re: detail BKD says it needs on cattle and hay; pull cattle sales tickets and calculate total head of cows, heifer, steers, bulls, calves and pairs sold for BKD valuation	
10234.0000	11/09/2010	BD	P	3	225.00	1.40	315.00	612
							Ltr to AMPLEX for valuation of gold and silver bars, coins as of date of Roark's death; exchange emails w/ T. Thompson @ Wells Fargo, have not rec'd signed deed back from Craig yet; revise letter to Lippard re: date of valuations, sign and send; call from A.L. re: pricing/valuation of Roark cattle; exchange emails w/A.L. re: hay count and amount/weight; exchange emails w Skip re: whether estate tax return filed; email to G. Lewis that no estate tax return prepared/ filed	
10234.0000	11/10/2010	BD	P	3	225.00	0.50	112.50	613
							Research re: venue, damages to land, domestic corporations, cumulative nature of venue statutes; exchange emails w/BAG re: same; call to Jarrod, advise decided on Okla. Co. for venue of suit	
10234.0000	11/11/2010	DJ	P	3	275.00	0.20	55.00	614
							Work on title requirements of sale on Craig's house	
10234.0000	11/11/2010	DJ	P	3	275.00	0.50	137.50	615
							Review issues regarding Notice to IRS regarding distribution of estate	
10234.0000	11/11/2010	BD	P	3	225.00	0.20	45.00	616
							Call from Receiver re: tax question, trailer at Texoma.	
10234.0000	11/12/2010	BD	P	3	225.00	0.40	90.00	617
							Rec'd/analyzed amended valuation letter from A. L. Hutson; exchange emails w/Tyler at Wells Fargo re: status of obtaining deed from Craig.	
10234.0000	11/15/2010	BD	P	3	225.00	0.50	112.50	618
							Call re: Craig having signed deed and put in the mail last Friday; rec'd and reviewed corrected valuation from Lippard; ltr to Gary at BKD encl. valuation docs. and account statements for preparation of Receiver's tax return	
10234.0000	11/15/2010	DJ	P	3	275.00	0.20	55.00	619
							Work on closing requirements on house and emails to Skip and Angie Anderson	
10234.0000	11/16/2010	BD	P	3	225.00	0.20	45.00	620
							Email from Receiver and Skip re: status of Craig signing and returning deed	
10234.0000	11/17/2010	BD	P	3	225.00	0.20	45.00	621
							Email from Receiver re: preparing pleading(s) to close receivership estate	
10234.0000	11/22/2010	BD	P	3	225.00	2.40	540.00	624
							Prepare/revise Application for Authority to Pay Interim Attorneys Fees for third quarter, attach detail statements for fees and costs, sign and send for filing, exchange emails w/Amanda at Dept. re: Christy's voicemail about bank account; review file re: known Roark accounts; exchange emails w/Skip re: same; call to APMEX re: request for valuation of gold and silver; pull docs. we have on gold and silver and email to G. Lewis at BKD w/inquiry re: tax return for partial year; email back from G. Lewis that will have to do another tax return; email back from Skip re: account is w/Morgan Stanley and has approx. \$1,800 balance; reply email to Skip, cc: Amanda	
10234.0000	11/23/2010	DJ	P	3	275.00	0.20	55.00	622
							Call from Angie Anderson regarding title requirements	
10234.0000	11/23/2010	DJ	P	3	275.00	0.10	27.50	623
							Review requirements to file tax return for partial year	
10234.0000	11/29/2010	BD	P	3	225.00	0.50	112.50	625
							Ltr to P. Whaley re: additional account in B. Roark's name; call from T. Thompson at Wells Fargo re: HUD settlement statement; rec'd, docketed hearing date for Applic. for Authority to Pay Interim Atty Fees	
10234.0000	12/01/2010	DJ	P	3	275.00	0.20	55.00	626
							Work on title requirements to close Craig's house	
10234.0000	12/01/2010	BD	P	3	225.00	0.50	112.50	627
							Email to G. Lewis at BKD regarding tax return; call from Receiver regarding status of closing on "Craig's" house; call to T. Thompson at Wells Fargo regarding same.	
10234.0000	12/02/2010	BD	P	3	225.00	0.90	202.50	628
							Received/analyzed email letter from P. Whaley regarding no acct at Morgan Stanley with account number supplied by Christy and no more accounts in Bryan's name with any funds; forward same to Skip; dictate Notice of Hearing regarding Receiver's Application; email to Martins regarding Receiver declining proposal to accept half of remaining balance on	

Detail Fee Transaction File List
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.

Client	Trans Date	Atty	H P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 10234.0000 Douglas L. Jackson -Receiver								
10234.0000	12/03/2010	BD	P	3	225.00	0.70	157.50	629
10234.0000	12/06/2010	BD	P	3	225.00	0.80	180.00	630
10234.0000	12/07/2010	DJ	P	3	275.00	0.40	110.00	631
10234.0000	12/07/2010	BD	P	3	225.00	0.40	90.00	632
10234.0000	12/08/2010	BD	P	3	225.00	1.20	270.00	633
10234.0000	12/09/2010	BD	P	3	225.00	0.70	157.50	634
10234.0000	12/13/2010	BD	P	3	225.00	0.20	45.00	635
10234.0000	12/14/2010	BD	P	3	225.00	1.00	225.00	636
10234.0000	12/16/2010	BD	P	3	225.00	0.40	90.00	637
10234.0000	12/22/2010	BD	P	3	225.00	0.20	45.00	638
10234.0000	12/23/2010	BD	P	3	225.00	0.40	90.00	639
Total for Client ID 10234.0000					Billable	47.40	10,892.50	Douglas L. Jackson -Receiver Bryan David Roark Estate
GRAND TOTALS								
					Billable	47.40	10,892.50	

Detail Cost Transaction File List
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.

Client	Trans Date	Atty	H P	Tcd	Rate	Amount	Ref #
Client ID 10234.0000	Douglas L. Jackson -Receiver						
10234.0000	11/16/2010	DJ	P	19		400.00 United Country Lippard Auctioneers Letter of Evaluation	CK# 62834 48
Total for Client ID 10234.0000					Billable	400.00 Douglas L. Jackson -Receiver Bryan David Roark Estate	
						GRAND TOTALS	
					Billable	400.00	

