

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

NOV 12 2009

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

OKLAHOMA DEPARTMENT OF SECURITIES )  
*ex rel.* IRVING L. FAUGHT, Administrator, and )  
DOUGLAS L. JACKSON, in his capacity as )  
Court-appointed Receiver, )

Plaintiffs, )

v. )

THE ESTATE OF BRYAN DAVID ROARK, )

Defendant. )

Case No. CJ-2009-10905

**APPLICATION OF RECEIVER FOR ORDER REQUIRING  
LANDMARK BANK TO TRANSFER OR TURN OVER FUNDS**

COMES NOW the Receiver, Douglas L. Jackson, and makes Application to this Court for an Order requiring Landmark Bank, Ada, Oklahoma to transfer or turn over funds it is holding in accounts in the name of Bryan David Roark or on which he was an authorized signer pursuant to the terms and provisions of this Court's Order Freezing Assets and Appointing Receiver filed on November 4, 2009. In support of this Application, the Receiver would show the Court as follows:

1. This Court entered an Order appointing Mr. Jackson as Receiver over the Assets relative to the Estate of Bryan David Roark on November 4, 2009.

2. The Order Freezing Assets and Appointing Receiver defines "Assets" as follows:

The assets subject to this Order and those assets located in the state of Oklahoma, to include monies, securities and properties, real and personal, tangible and intangible, of whatever kind of description, whether held personally or by a Roark beneficiary or affiliate, and all other assets, wherever located if paid for, in whole or in part, with Oklahoma Investor funds, to include monies, securities and properties, real and personal, tangible and intangible, of whatever kind and description (collectively, "Assets").

3. The Order Freezing Assets and Appointing Receiver also provides on page 3, ¶1 that the Receiver is given direction and authority to accomplish the following:

1. to take immediate custody, possession and control of all Assets....

4. The Order Freezing Assets and Appointing Receiver further provides on page 4 as follows:

IT IS FURTHER ORDERED that all persons and entities who receive actual notice of this Order, by personal service, facsimile transmission or otherwise, shall promptly deliver and surrender to the Receiver:

1. all Assets in the possession of or under the control of any one or more of them ; ....

5. Also, the Order Freezing Assets and Appointing Receiver contains a specific Order at the top of page 5 directed to banks and financial institutions, which provides as follows:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all banks, financial institutions and all other parties holding funds or accounts of, in the name of, or previously controlled by Roark, comply with any request of the Receiver to (a) immediately deliver all funds held for the benefit of Roark to Receiver or (b) immediately remove and delete all parties having signature authority on such accounts and replace them with the Receiver.

6. Here, officers of Landmark Bank have provided the Receiver documentation demonstrating that it has three checking accounts in the name of and previously controlled by Bryan D. Roark. See account summaries attached hereto as Exhibit A. The combined total of the funds in these three accounts is \$424,202.02.

7. Despite Landmark Bank having been provided a file-stamped copy of the Order Freezing Assets and Appointing Receiver and the Receiver requesting that Landmark Bank transfer or turn over the funds from those accounts, Landmark Bank has respectfully declined to do so. Its officers advised the Receiver that it would prefer to have an Order from this Court

directed specifically to Landmark Bank requiring it to turn over the subject funds to the Receiver.

8. The funds in the Landmark Bank checking accounts are clearly Assets as defined in the Order Freezing Assets and Appointing Receiver and are subject to the Court's Order that all banks, financial institutions and other parties holding funds or accounts of, in the name of, or previously controlled by Roark comply with any request of the Receiver to immediately deliver all funds held for the benefit of Roark to Receiver.

WHEREFORE, the Receiver respectfully requests that the Court grant his Application and enter an Order specifically directed to Landmark Bank, Ada, Oklahoma requiring it to turn over all funds in the three checking accounts represented by the account summaries attached as Exhibit A to this Application totaling \$424,202.02, and for any other relief the Court may deem just and equitable.

Respectfully submitted,



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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  
Attorney for Receiver

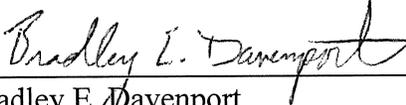
**CERTIFICATE OF SERVICE**

I do hereby certify that on this 12<sup>th</sup> day of November, 2009, I mailed a true and correct copy of the above and foregoing document by placing same in the United States mails, postage prepaid, to:

Jennifer Shaw  
Melanie Hall  
Oklahoma Department of Securities  
120 N. Robinson, Suite 860  
Oklahoma City, OK 73102  
Attorneys for Plaintiff

Clell Cunningham, III  
Dunn, Swan & Cunningham, P.C.  
210 Park Avenue  
Suite 2800  
Oklahoma City, OK 73102  
Attorney for Christiana K. Roark

Dave Mordy, V.P., Lending Officer-Legal Counsel  
Landmark Bank Ardmore Banking Center  
2525 N. Commerce  
P.O. Box 1785  
Ardmore, OK 73402  
Attorney for Landmark Bank

  
\_\_\_\_\_  
Bradley E. Davenport

Customer Summary - Combined Special Instructions

MORGAN STANLEY-ADA

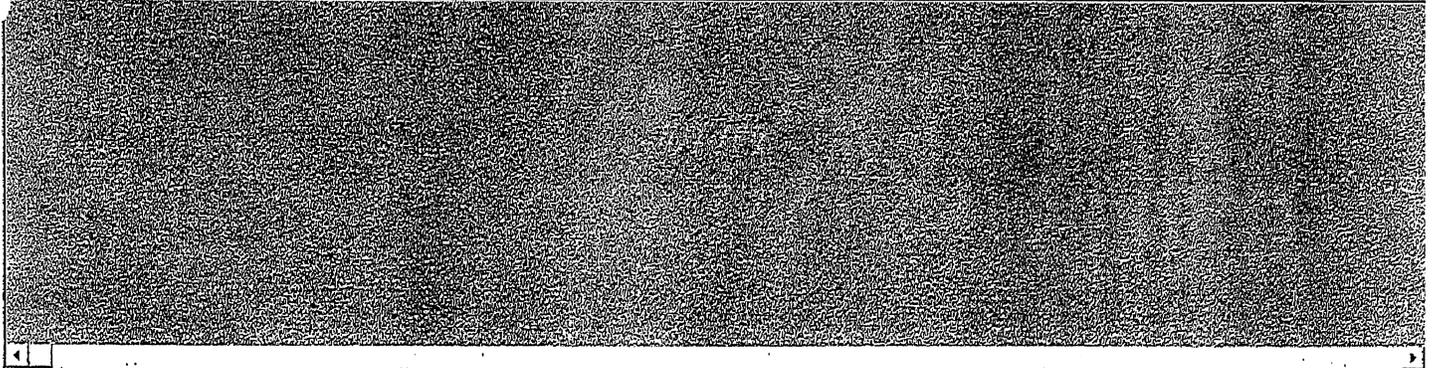
Checking

BRYAN D ROARK, PRESIDENT

SMALL BUSINESS CKG

Combined Special Instructions List

Effective	Expires	Description	Amount	Type	Seq Nbr	Low Ser Nbr	High Ser Nbr	Charge Opti
10/26/2009	12/31/2050	BRYAN ROARK, DOD 10/24/09	\$0.00	Special Instruction	1			



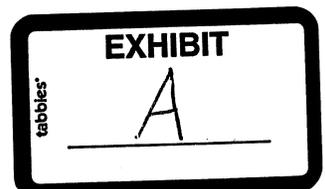
Available Bal without OD Limit                      \$188,678.72    Available for Check Card Authorizations                      \$188,678.72  
 Available Balance    \$188,678.72

Scroll Backward

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Display More Balance Information

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Customer Summary - Combined Special Instructions

BRYAN D ROARK  
CHRISTY ROARK

Checking  
\*ORIG INTEREST CKING

Combined Special Instructions List

Effective	Expires	Description	Amount	Type	Seq Nbr	Low Ser Nbr	High Ser Nbr	Charge Opti
10/26/2009	12/07/2009	BRYAN ROARK DOD 10/23/09	\$0.00	Special Instruction	1			
10/27/2009	04/25/2010	ALBERTA CREEK RESORT	\$175.00	Stop	1	5347		Waive Stop

Available Bal without OD Limit                    \$1,979.33    Available for Check Card Authorizations                    \$2,779.33  
 Available Balance    \$2,779.33

Scroll Backward      Scroll Forward

Customer Summary - Combined Special Instructions

BRYAN D ROARK

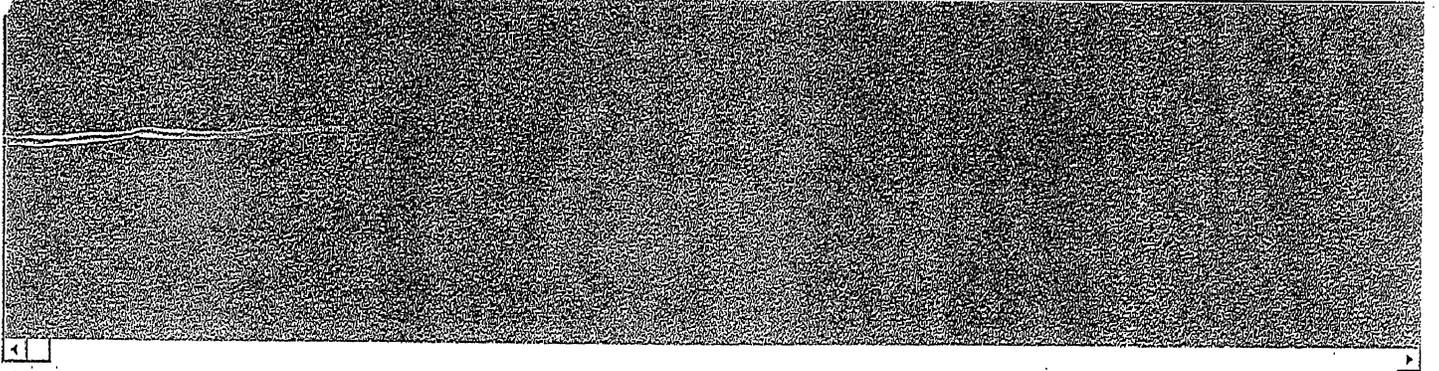
Checking

DBA CIRCLE R RANCH

BETTER FREE CHECKING

Combined Special Instructions List

Effective	Expires	Description	Amount	Type	Seq Nbr	Low Ser Nbr	High Ser Nbr	Charge Opti
10/26/2009	12/07/2009	BRYAN ROARK DGD 10/24/09	\$0.00	Special Instruction	1			



Available Bal without OD Limit      \$232,743.97      Available for Check Card Authorizations      \$232,743.97  
 Available Balance      \$232,743.97

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