IN THE DISTRICT COURT OF KINGFISHER COUNTY
STATE OF OKLAHOMA

Kingfisher County, Oklahoma
FILED
APR - 9 2012
YVONNE DOW, COURT CLERT
BY_____
DEPUTY

OKLAHOMA DEPARTMENT OF SECURITIES *ex rel.* IRVING L. FAUGHT, Administrator, and DOUGLAS L. JACKSON, in his capacity as Court-appointed Receiver for Marsha Schubert and Schubert & Associates,	)	
Plaintiffs,	)	
v.	)	Case No. CJ-2009-202
THE WILCOX FAMILY REVOCABLE TRUST Dated September 23, 2002, MARVIN L. WILCOX, Individually and as Trustee of THE WILCOX FAMILY REVOCABLE TRUST; SCOTT A. WILCOX, as a Beneficiary of THE WILCOX FAMILY REVOCABLE TRUST; and, LARRY M. WILCOX, as a Beneficiary of THE WILCOX FAMILY REVOCABLE TRUST,	)	
Defendants.	)	

PLAINTIFFS' WITHDRAWAL OF MOTION FOR INDIRECT CIVIL CONTEMPT AGAINST DEFENDANT, MARVIN WILCOX

COME NOW the Plaintiffs, Oklahoma Department of Securities, ex rel. Irving L. Faught, Administrator, and Douglas L. Jackson, as Court-appointed Receiver for Marsha Schubert and Schubert and Associates, and hereby withdraw their Motion for Indirect Civil Contempt Against Defendant, Marvin Wilcox, individually and as Trustee of the Wilcox Family Revocable Trust, that was filed on August 31, 2011 as part of Plaintiffs' Response to Motion to Release Order of Injunction and Counter Motion for Indirect Civil Contempt. In support of the withdrawal of their Motion for Indirect Civil Contempt against Defendant Trustee, Plaintiffs would show the Court as follows:

1. Plaintiffs' Motion for Indirect Civil Contempt relative to Defendant Trustee, Marvin Wilcox, was filed due to the fact that information was produced in the case demonstrating that

Defendant, Marvin Wilcox, as Trustee of the Wilcox Family Revocable Trust, made distributions from the Trust's bank account at NBC Bank in the total amount of $135,326.40 on April 1, 2010, and made additional cash distributions to the three trust beneficiaries, including himself, in the amount of $3,000 each, on November 29, 2010.

2. These distributions by Defendant Trustee were in direct violation of this Court's Temporary Injunction issued on January 25, 2010, which had enjoined Defendant Trustee from withdrawing, wasting, dissipating or distributing any of the remaining assets of the Wilcox Family Revocable Trust, less and except two specifically-identified tracts of real property, to anyone until further order of the Court.

3. At the hearing on Plaintiff's Counter Motion for Indirect Civil Contempt against Defendant Trustee held September 28, 2011, the Court granted Plaintiff's Motion for Indirect Civil Contempt and issued a contempt citation relative to Defendant Trustee, Marvin Wilcox.

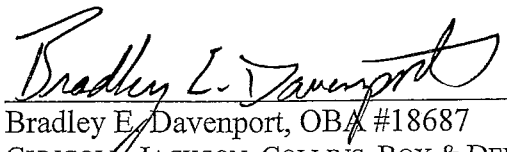
4. The contempt trial for Defendant Trustee is set for Monday, April 16, 2012 at 9:00 a.m.

5. Defendant Trustee has re-paid to the Trust funds totaling $48,000 representing the amount that he had distributed to himself in April and November, 2010. Documents supplied by Defendant Trustee's counsel demonstrate that Defendant Trustee deposited the sum of $48,000.00 back into the Trust's bank account at NBC Bank in Kingfisher, Oklahoma on January 23, 2012. *See* excerpt of NBC bank statement for Wilcox Family Revocable Trust attached as ***Exhibit 1***, showing deposit ticket and credit to trust account of $48,000.

6. Given the fact that Defendant Trustee has re-paid the funds to the Trust that he previously distributed to himself in violation of the Temporary Injunction, Defendant Trustee has purged himself of the indirect civil contempt.

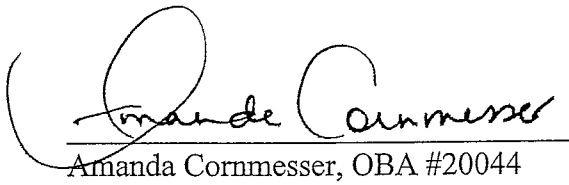
WHEREFORE, Plaintiffs respectfully withdraw their Motion for Indirect Civil Contempt Against Defendant Trustee, and further request that the Court dismiss the contempt citation and strike the contempt trial set for Monday, April 16, 2012 as moot.

Respectfully submitted,



Bradley E. Davenport, OBA #18687
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.
3030 Chase Tower
100 North Broadway Ave.
Oklahoma City, Oklahoma 73102
(405) 272-4710 ph; (405) 272-5141 fax
Attorney for Plaintiff, Douglas L. Jackson, in his capacity as Court-Appointed Receiver

and



Amanda Cornmesser, OBA #20044
Oklahoma Department of Securities
120 N. Robinson, Suite 860
Oklahoma City, OK 73102
(405) 280-7700 telephone
(405) 280-7742 facsimile
Attorney for Plaintiff, Oklahoma Department of Securities

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of April, 2012, a true and correct copy of the above and foregoing instrument was mailed, first class, postage prepaid, to:

Matthew R. Oppel
801 S. Main Street, P.O. Box 555
Kingfisher, OK 73750
Attorney for Defendant, Scott Allen Wilcox, Beneficiary

Jeffrey C. Trent
915 W. Main Street
Yukon, OK 73099
Attorney for Defendant,
Marvin L. Wilcox, Individually, and as Trustee of the Wilcox Family Revocable Trust

Larry M. Wilcox
R.R. 1, Box 51A
Dover, OK 73734

Bradley E. Davenport

Bradley E. Davenport, OBA #18687

NBC

Member FDIC

31 5800 004 [redacted]

WILCOX FAMILY REVOCABLE TRUST
UAD 9/23/2002
PO BOX 106
KINGFISHER OK 73750-0000

PAGE NUMBER 1
STATEMENT PERIOD
FROM 01/01/12
THRU 01/31/12
CUST#
ENCLOSURES 5

------ BUSINESS ECONOMY CHECKING -------

Account Number DD	[redacted]	Beginning Balance	36,885.75
Average Balance	47,311.78	Deposits/Credits	49,611.04
Average Collected Balance	47,210.28	Interest Paid	0.00
Minimum Balance	31,899.65	Checks/Debits	6,597.14-
Tax ID Number	000-00-0000	Service Charges	5.00-
		Ending Balance	79,894.65
		# Deposits/Credits	2
		# Checks/Debits	4

Deposits and Withdrawals

Date	Description	Amount
01/11	DEPOSIT-	1,611.04
01/23	DEPOSIT-	48,000.00
01/31	SERVICE CHARGE	5.00-

Check Register

* INDICATES NON-CONSECUTIVE CHECK NUMBER(S)

Check#	Date	Amount	Check#	Date	Amount	Check#	Date	Amount
6969	01/03	499.13	*7018	01/11	5,997.78	7019	01/10	100.23

Balance Summary

Date	Balance	Date	Balance	Date	Balance
01/03	36,386.62	01/11	31,899.65	01/31	79,894.65
01/10	36,286.39	01/23	79,899.65		

EXHIBIT
tabbies
1

ALTUS (580) 477-1100 | ENID (580) 233-3512 | KINGFISHER (405) 375-4201 | OKLAHOMA CITY (405) 748-9100 | TULSA (918) 499-5990

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

NBC

Member FDIC

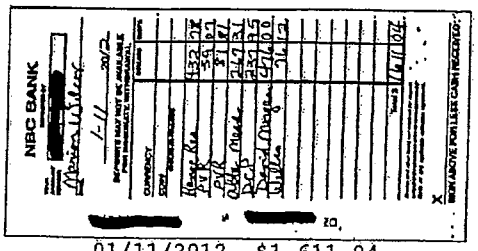
31 5800 004

WILCOX FAMILY REVOCABLE TRUST
UAD 9/23/2002
PO BOX 106
KINGFISHER OK 73750-0000

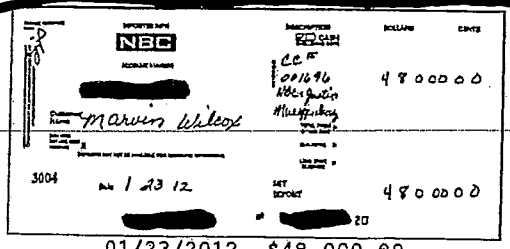
[redacted]
PAGE NUMBER 2
STATEMENT PERIOD
FROM 01/01/12
THRU 01/31/12
CUST#

ACCESS YOUR STATEMENT ANYWHERE, ANYTIME WITH ESTATEMENTS FROM NBC. FOR DETAILS, CONTACT YOUR LOCAL NBC OFFICE OR VISIT US ONLINE AT WWW.NBCOK.COM

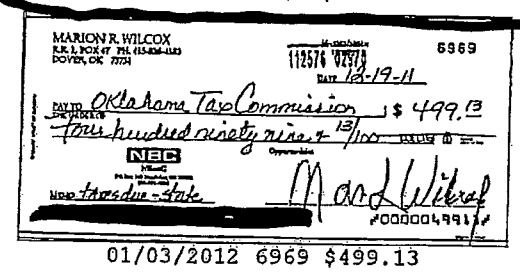
NBC
P.O. BOX 21000
OKLAHOMA CITY, OK 73156
1-800-590-2580 (405)748-9100


NBC BANK
Marvin Wilcox
1-11 20 12
CURRENCY 432.00
COIN 55.00
81.00
Home Ins. 244.81
P.R. 23.75
Dodge Truck 94.00
Retail Charge 34.00
Total $ 1,611.04
[redacted] 20

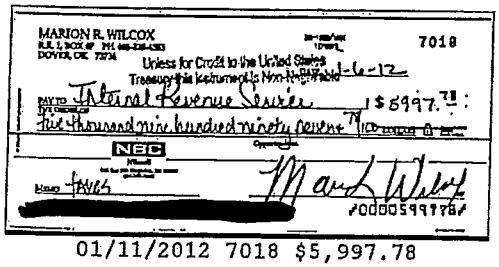
01/11/2012 $1,611.04


NBC
[redacted]
Marvin Wilcox
3004
1 23 12
48 000 00
48 000 00
[redacted] 20

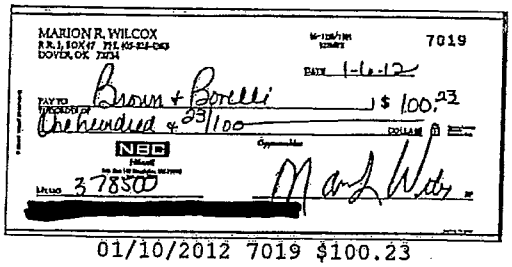
01/23/2012 $48,000.00


MARION R. WILCOX
R.R. 1, BOX 47
DOVER, OK 73734
112576 0257
6969
DATE 12-19-11
PAY TO THE ORDER OF Oklahoma Tax Commission $ 499.13
Four hundred ninety nine + 13/100 DOLLARS
NBC
MEMO taxes due - state
[redacted]
#0000004991#

01/03/2012 6969 $499.13


MARION R. WILCOX
R.R. 1, BOX 47
DOVER, OK 73734
7018
Unless for Credit to the United States Treasury this Instrument is Non-Negotiable
DATE 1-6-12
PAY TO THE ORDER OF Internal Revenue Service $ 5997.78
five thousand nine hundred ninety seven + 78/100 DOLLARS
NBC
MEMO taxes
[redacted]
#0000599778#

01/11/2012 7018 $5,997.78


MARION R. WILCOX
R.R. 1, BOX 47
DOVER, OK 73734
7019
DATE 1-6-12
PAY TO THE ORDER OF Brown + Borelli $ 100.23
One hundred + 23/100 DOLLARS
NBC
MEMO 378500
[redacted]

01/10/2012 7019 $100.23