

IN THE DISTRICT COURT OF LOGAN COUNTY STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF SECURITIES ex rel.)
Irving L. Faught, Administrator,)

Plaintiff,)

v.)

MARSHA SCHUBERT, an individual and d/b/a)
SCHUBERT AND ASSOCIATES; RICHARD L.)
SCHUBERT, an individual and d/b/a SCHUBERT AND)
ASSOCIATES; and SCHUBERT AND ASSOCIATES,)
An unincorporated association,)

Defendants)

And)

ROBERT W. MATHEWS, MARVIN L. WILCOX,)
PAMELA J. WILCOX, DETRA J. OWENS, SHERYL)
MERCER, BEN J. ALLEN, SHARON A. ALLEN,)
MICHAEL ROGERS, BOB E. HUDSON, WADE)
TOEPFER, EDWARD G. STANTON, KENNETH)
LARUE, MARTIN W. MATHEWS, BETH ARMER,)
individually, and as trustee For the Beth Armer Revocable)
Trust, SHANNA KINSLOW, SCOTT A. WILCOX,)
JUSTIN R. TARRANT, JEFFREY L. WILCOX,)
JACQUELYN BOUNDS, STEVEN R. ESPOLT, PHILLIP)
YENZER, GLENDA YENZER, LOYD R. JONES,)
ROBERT J. OWENS, SONNY HARMON, RODNEY J.)
MARTIN, WANDA MARTIN, NEIL SHEEHAN, K.R.)
LARUE, DANA LARUE, KENNETH YOUNG, LESLIE)
A. YOUNG, ALEXANDRA YOUNG, DEAN CUE,)
CLAUDETTE CUE, THERESA PITTMAN, DANIEL)
JACKSON, CRYSTAL JACKSON, SANDRA K.)
PHILLIPS, ELNORA VIEFHAUS, CURTIS R. SANDERS)
KURT BLAIR, WENDY B. BLAIR, DANNY GREGORY)
MARTHA GREGORY, KERRY LONG, RAYMOND C.)
LAUBACK, GARY L. SCOTT, BILLIE A. VINCENT,)
TED A. PAYNE, JOYCE E. PAYNE, SEAN WINN)
ROBERT RAINS, ANGELA D. EWERS, WILLIS LUBER)
CAROL A. LINDLEY, MAUDIE L. COOK, BILL)
HARRIS, REBECCA HONEYMAN, WILLIAM)
ETHERIDGE, CHRISTOPHER LARUE, ARTHUR)
PLATT, E.E. TACKETT, TIMOTHY W. RAINS, KRISTA)
RAINS, BETTY LAMB, LAURA PAYNE, MANUEL)
SEGURA, and JEFFREY PALMER,)

Intervenors,)

#102716
Supreme Court
Case No. _____

Logan County District Court
Case No. CJ-2004-256

DESIGNATION OF RECORD
FOR APPEAL FROM
DISTRICT COURT

DESIGNATION OF RECORD FOR APPEAL FROM DISTRICT COURT

- Designation of Record
- Counter-Designation of Record
- Amended Designation of Record

Defendant hereby designates the following for inclusion in the record on appeal in this case.

A. TRANSCRIPTS

- 1. Transcripts Ordered
 - 1. Transcript of Proceedings held on August 11, 2005.
- 2. I, _____, attorney for appellant or appellee, party pro se, or petitioner, as indicated below, hereby state that I have not ordered a transcript.
- 3. Statement by attorney for appellant, counter or cross-appellant, petitioner, or appellant pro se.
I, _____, attorney for appellant (or appellant pro se), hereby state that I have not ordered a transcript because
 - (1) _____ a transcript is not necessary for this appeal, or
 - (2) _____ no stenographic reporting was made.

B. EXHIBITS

DESIGNATION OF PLEADINGS AND DOCUMENTS

Items are designated by circling the items on a copy of the appearance docket attached hereto.

Items are designated by listing item below with the date it was filed in the trial court.

- 1. Petition of Plaintiff, Oklahoma Department of Securities – October 14, 2004;
- 2. Application for Temporary Restraining Order Freezing Assets, Order Appointing Receiver, and Order for Accounting – October 14, 2004;
- 3. Temporary Restraining Order – October 14, 2004;
- 4. Oath of Receiver – October 18, 2004;
- 5. Answer and Cross-Claim – November 4, 2004;
- 6. Stipulation and Consent to Order of Permanent Injunction – November 15, 2004;

- 7. Order of Permanent Injunction – November 15, 2004;
- 8. Order Amending Authority of Receiver – December 10, 2004;
- 9. Motion to Vacate *Ex Parte* Order Appointing Douglas L. Jackson as Receiver for Investors of Marsha Schubert or Alternatively, to Transfer this Motion to the Oklahoma County District Court – July 27, 2005;
- 10. Receiver's Response and Objection to Non-Party Movants' Motion to Vacate *Ex Parte* Order Appointing Jackson Receiver for Investors of Marsha Schubert or Alternatively, to Transfer Motion to the Oklahoma County District Court – August 11, 2005;
- 11. Oklahoma Department of Securities' Memorandum in Opposition to Motion to Vacate *Ex Parte* Order Appointing Douglas L. Jackson as Receiver for Investors of Marsha Schubert or Alternatively, to Transfer this Motion to the Oklahoma County District Court, and Motion to Amend Order Amending Authority of Receiver – August 11, 2005;
- 12. Journal Entry of Judgment – October 17, 2005; 13. Transcript held on August 11, 2005

D. TRANSCRIPT PAYMENT STATEMENT BY COURT REPORTER:

I, Joseph Welch, C.S.R., R.P.R., court reporter for the above-styled case, do hereby acknowledge this request for transcript on this 24th day of October and have received a deposit in the sum of PAID from Kline, Kline, Elliott & Bryant, PC.

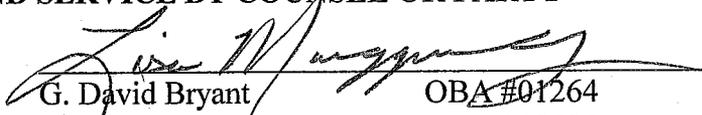
in full

Joseph Welch

Joseph L. Welch, CSR/RPR
 301 Payne County Courthouse
 Stillwater, Oklahoma 74074
 (405) 372-3999

E. DATE, SIGNATURE, AND SERVICE BY COUNSEL OR PARTY

October 28, 2005



G. David Bryant OBA #01264
Lisa Mueggenborg OBA #18595
KLINE, KLINE, ELLIOTT & BRYANT, PC
720 N.E. 63rd Street
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ATTORNEYS FOR APPELLANTS,
ROBERT W. MATHEWS, et al

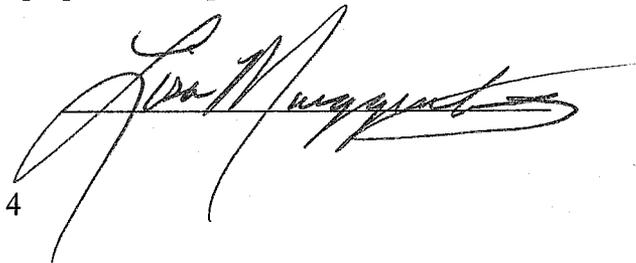
CERTIFICATE OF SERVICE

I, Lisa Mueggenborg, hereby certify that in addition to filing the original Designation of Record in the District Court of Logan County, a copy of the foregoing Designation of Record was mailed by first class mail, postage prepaid, this 28 day of October, 2005 to the following:

Amanda Cornmesser
Gerri Stuckey
Melanie Hall
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
Attorneys for Oklahoma Department of Securities

Bradley E. Davenport
323 W. Broadway Avenue
Enid, Oklahoma 73701-1549
Attorney for the Receiver,
Douglas L. Jackson

Additionally, true and correct copies of the above and foregoing were mailed this 28 day of October, 2005, by first class mail, postage prepaid, to all parties listed on the attached Service List.



SERVICE LIST

Alexander L. Bednar
Atty for Richard Leboeff
PO Box 3021
Oklahoma City, OK 73101

Brandon Kerr/Charles Meyers
Attys for Farmers & Merchants
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