

IN THE DISTRICT COURT OF LOGAN COUNTY,  
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF SECURITIES, )  
*ex rel.*, IRVING L. FAUGHT, Administrator, )

Plaintiff, )

vs. )

Case No. CJ-2004-256

MARSHA SCHUBERT, an individual, and d/b/a )  
SCHUBERT AND ASSOCIATES; and )

SCHUBERT AND ASSOCIATES, an unincorporated )  
association, )

Defendants. )

**APPLICATION BY RECEIVER FOR AUTHORITY  
TO PAY INTERIM ATTORNEY FEES**

COMES NOW the Receiver, Douglas L. Jackson, and 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 Order of this Court entered on November 15, 2004, Petitioner employed Gungoll, Jackson, Collins, Box, & Devoll, P.C., as attorneys to advise and represent Petitioner in connection with matters pertaining to the recovery of assets for and administration of the Schubert Receivership Estate.

2. The Order provided that the amount of fees paid to Receiver's attorneys would be determined by the terms set forth in the Application for Approval for Employment of Legal Counsel, submission of an application for payment of fees to the Court, and approval of the fees by the Court.

3. For the time period of August 1, 2006 through December 15, 2006, Attorneys have expended 400 hours in and about the performance of duties as counsel for the Receiver for

which they have not been compensated, as is set forth in the attached itemized statements of Attorneys fees. See Detail Fee Transaction File List attached as *Exhibit A*.

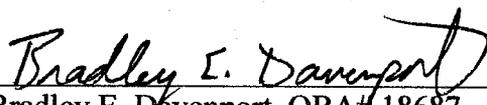
4. Similarly, Attorneys have expended \$13,660.72 of costs and litigation expenses in and about the performance of duties as Receivership counsel for the same time period as referenced in ¶3 above for which they have not be compensated, as set forth in the attached itemized statements of costs. See Detail Cost Transaction File List attached as *Exhibit B*.

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

6. As appears from Attorneys' itemized statements and the Receiver's monthly accountings, Attorneys' efforts have resulted in considerable assistance to the Receiver and recovery of money on behalf of the Schubert Receivership Estate. The Receiver does have on hand sufficient funds with which to pay interim attorney fees and costs.

WHEREFORE, the Receiver respectfully requests that this Court authorize the Receiver to pay to the Receiver's attorneys, Gungoll, Jackson, Collins, Box, & Devoll, P.C., the amount of \$76,920.00 as interim attorney fees, and \$13,660.72 as interim costs, for the period of August 1, 2006 through December 15, 2006.

Respectfully submitted,

  
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Bradley E. Davenport, OBA# 18687  
Gungoll, Jackson, Collins, Box & Devoll, P.C.  
Post Office Box 1549  
Enid, Oklahoma 73702-1549  
(580) 234-0436 phone/(580)-233-2384 fax  
Attorney for Receiver, Douglas L. Jackson

CERTIFICATE OF SERVICE

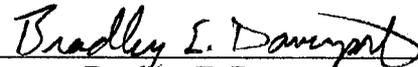
I hereby certify that on the 26<sup>th</sup> day of December 2006, I mailed a true and correct copy of the above and foregoing instrument, postage pre-paid to:

Oklahoma Department of Securities  
Attn: Gerri Stuckey  
Amanda Cornmesser  
First National Center, Suite 860  
120 N. Robinson  
Oklahoma City, OK 73102

William J. Baker  
Hert, Baker & Koemel, PC  
P. O. Box 668  
Stillwater, OK 74076  
Attorney for Defendant Richard Schubert, individually  
and d/b/a Schubert and Associates

Mack Martin  
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119 N. Robinson, Suite 360  
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Attorneys for Defendant Marsha  
Schubert, individually, and d/b/a  
Schubert and Associates.

Charles Meyers  
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Attorney for Farmers & Merchants  
Bank

  
Bradley E. Davenport