

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
)
Plaintiff,)

v.)

Case No. CJ-2008-5138
Judge Bryan C. Dixon

Precious Oro Resources, LLC,)
an Oklahoma limited liability company;)
Thomas R. Ezell, an individual; and)
Nolan V. Harris, an individual;)
)
Defendants,)

and)

TMP Metals, LLC,)
a Texas limited liability company;)
Don Lynn Nunnally, an individual;)
Donna F. Elliott, an individual; and)
Eduwiges Baeza, an individual;)
)
Defendants Solely For)
Purposes of Equitable Relief.)

**DEFENDANTS' AMENDED MOTION
TO AMEND AGREED TEMPORARY RESTRAINING ORDER
TO ALLOW FOR THE PAYMENT OF STORAGE FEES**

Defendants, Precious Oro Resources, LLC (“POR”), Thomas R. Ezell (“Ezell”), and Nolan V. Harris (“Harris”), by and through their counsel of record, hereby move that the Court enter an order amending the current Agreed Temporary Restraining Order to allow for the payment of storage fees incurred by POR. In support of their Motion, Defendants state as follows:

1. Upon Motion by the Plaintiff, this Court entered Temporary Restraining Order, Order Freezing Assets and Order for Accounting on June 5, 2008.

2. The Temporary Restraining Order has been amended twice, on June 20, 2008 and July 25, 2008, to allow the individual Defendants access to their personal bank accounts and to allow POR to withdraw funds to pay attorney fees and miscellaneous business expenses.

3. Defendant POR owns 79 bags of ore currently being stored by J&J Enterprises in Zapata, Texas. On or about October 16, 2008, Defendant Harris received a demand from counsel for J&J Enterprises for payment of storage fees in the amount of \$40,823.25 (the "Demand Letter"). The Demand Letter is attached as Exhibit "A."

4. The Defendants dispute the total amount owed as stated in the Demand Letter but request that the Court authorize it to negotiate a lesser amount with J&J Enterprises and/or its counsel, and to pay such agreed lesser amount from POR's business checking account.

WHEREFORE, the Defendants respectfully request that the Court enter an Agreed Third Amended Temporary Restraining Order allowing POR to withdraw an amount not to exceed \$40,823.25 from its business checking account for the sole purpose of payment of storage fees to J&J Enterprises of Zapata, Texas.

Respectfully submitted,



P. David Newsome, Jr., OBA #6652
Andrea D. Stailey, OBA #20851
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF MAILING

I hereby certify that on this 17th day of November, 2008, a true and correct copy of the above and foregoing document was mailed by first class mail, with sufficient postage prepaid thereon, to:

Jennifer Shaw
Patricia A. Labarthe
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102



Andrea D. Stailey

LAW OFFICE OF
RICARDO H. SOLIZ
P.O. Box 303
Zapata, Texas 78076

OFFICE:
(956) 765-9390

STATE BAR NO.: 18827610
FAX NO.: (956) 765-6869

October 16, 2008

Nolan Harris
1604 South Desert Palm Ave.
Broken Arrow, OK 74012

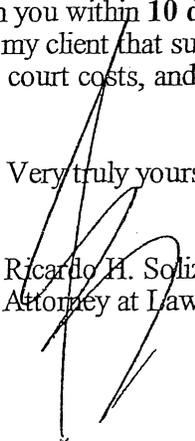
Re: Delinquent Debt

Dear Mr. Harris:

This office represents Jorge Gutierrez and Jay Lee d/b/a J & J Enterprises regarding the collection of monies you owe him for labor performed, as per your specifications, in the amount of \$2,600.00 and storage fees for 79 bags of ore @ \$2.65 per bag, per day (as per your agreement) from April 1, 2008 to October 2, 2008 (195days) in the amount of \$40,823.25, plus continued daily storage fees @ \$2.65 per day until this matter is settled. J & J Enterprises has attempted to collect this debt, but to no avail. This letter is an intent to collect said balance owed.

On behalf of J & J Enterprises, I herewith make demand for full payment of said delinquent account . If this office does not hear from you within **10 days** from the date hereof, I shall have no other alternative but to recommend to my client that suit be immediately filed against you for the full amount of the balance owed, court costs, and attorney's fees.

Very truly yours,


Ricardo H. Soliz
Attorney at Law

RHS/atg

Certified Mail # 7007 1490 0002 4734 7362

