

IN THE DISTRICT COURT OF OKLAHOMA
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

NOV 16 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

OKLAHOMA DEPARTMENT OF SECURITIES)
ex rel. IRVING L. FAUGHT, Administrator,)
)
Plaintiff,)
v.)
)
THE ESTATE OF BRYAN DAVID ROARK,)
)
Defendant.)

Case No. CJ-2009-10905

RECEIVER'S EMERGENCY APPLICATION TO SELL CATTLE

COMES NOW the Receiver for his Emergency Application to Sell Cattle and states as follows:

1. On November 4, 2009, Douglas L. Jackson was appointed Receiver of the Assets, which include cows and calves owned by Bryan David Roark.
2. The Receiver has approximately 390 head of cattle that were scheduled to be sold prior to the death of Bryan David Roark and have already been advertised for sale at the LeFlore County Livestock Auction in Wister, Oklahoma on November 19, 2009.
3. The cattle the Receiver has to sale are identified on the attached sale sheet, which does contain a typographical error pertaining to the date of the sale that is actually scheduled to occur on November 19, 2009 and not October 19th. See sale sheet attached as *Exhibit A*. Of the cattle listed on the sale sheet attached as Exhibit "A", the ten tiger stripe heifers weighing 800 pounds plus open do not belong to the Roarks. In addition, of the 15 black heifers weighing 800 plus ready to bred [*sic*], only half of those belong to Bryan David Roark.
4. In the Receiver's experience, opinion, and in consultation with David Roark, these cattle should be sold as scheduled at the Leflore County Livestock Auction on November 19,

2009, rather than the Receiver incurring additional costs to hire someone to care for and feed these cattle through the winter.

5. These cattle owned by Bryan and Christiana Roark will be sold in the name of the Receiver. Further, the Receiver requests authorization to net, or deduct, the sale costs out of the proceeds that these cattle bring at the November 19, 2009 sale, including the pasture rent due and owing relative to these same cattle.

6. The Oklahoma Department of Securities and Christiana Roark, Intervenor, support this Application and the sale of these cattle on November 19, 2009.

WHEREFORE, the Receiver prays that the Court enter an Emergency Order, instanter and without notice, authorizing the Receiver to sell the cattle referenced herein and on the sale sheet attached as Exhibit "A", authorize the Receiver to net the costs of sale and pasture rent from the sale proceeds, and for such other and further relief the Court may deem just and equitable.

Respectfully submitted,



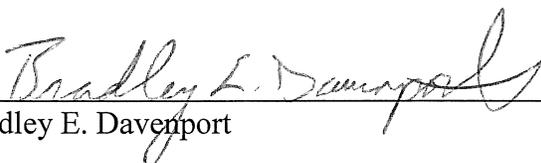
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Attorneys for Receiver

CERTIFICATE OF SERVICE

I do hereby certify that on this 16th 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
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Oklahoma City, OK 73102
Attorneys for Plaintiff

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



Bradley E. Davenport

**COMPLETE DISPERSAL SALE 375 COWS
BRYAN & CHRISTIE ROARK
THURSDAY NIGHT OCT. 19 AT 6:00
LEFLORE COUNTY LIVESTOCK AUCTION
WISTER, OK**

45 BLK & BWF COWS ALL WITH BLK CALVES AT SIDE.

70 BLK & BWF COWS 4-6 MONTH BRED.

**30 ANGUS COWS BRED TO V8 BRAHMAN BULLS SPRING
CALVING.**

**24 TIGER STRIPE COWS 4-6 YR OLD WITH 3-400# CALVES
AT SIDE.**

26 TIGER STRIPE COWS 4-6 YR OLD 5-6 MONTHS BRED.

10 TIGER STRIPE HEIFERS WEIGHING 800# + OPEN.

**62 BLK & BWF HEIFERS 32 WITH CALVES. THE REST
HEAVY BRED.**

15 BLK HEIFERS WEIGHING 800# + READY TO BRED.

25 NICE TERRANTA HEIFERS 3-5 MONTHS BRED.

**90 MIXED CROSS BRED COWS 4-7 YR OLD 40 CALVES.
THE REST BRED.**

5 BLK SIMMENTAL BULLS 3-4 YR OLD

3 BLK ½ OLD ANGUS BULLS

1 2 YR OLD BRANGUS BULL

2 3 YR OLD V8 BRAHMAN BULLS

FOR MORE INFO CALL DONNY SHADWICK

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