

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUN 11 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

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

v.)

Case No. CJ-2009-2773

Global West Funding, Ltd., Co.,)
an Oklahoma limited liability company;)
Global West Financial LLC,)
an Oklahoma limited liability company;)
Sure Lock Financial, LLC,)
an Oklahoma limited liability company;)
Sure Lock Loans LLC, an Oklahoma)
limited liability company;)
The Wave-Goldmade, Ltd.,)
an unincorporated association;)
Brian McKye, an individual;)
Joe Don Johnson, an individual; and)
James Farnham, an individual,)

Defendants,)

and)

Heritage Estate Service LLC,)
an Oklahoma limited liability company,)

Relief Defendant)

**PLAINTIFF'S OBJECTION TO PAYMENT OF
RENT TO MARSHALL C. MCKYE**

Plaintiff, the Oklahoma Department of Securities *ex rel.* Irving L. Faught,
Administrator (Plaintiff), respectfully objects to the "Motion for Order Directing
Payment of Rent to Marshall C. McKye or, in the Alternative, Order Surrendering

Property to Marshall C. McKye” filed by Robert F. Groshon, Jr. (Motion) for the following reasons:

1. On March 24, 2009, Plaintiff filed a Petition for *Permanent Injunction and Other Equitable Relief* (Petition) and an *Application for a Temporary Restraining Order, Order Freezing Assets, and Order for Accounting*, pursuant to Section 1-603 of the Oklahoma Uniform Securities Act of 2004 (Act), Okla. Stat. tit. 71, §§ 1-102 through 1-701 (Supp. 2003). This Court issued a *Temporary Restraining Order, Order Freezing Assets and Order for Accounting* against Defendants (Temporary Order) on the same day.

2. On April 1, 2009, an *Agreed Order Appointing Special Master* was entered by this Court. This order applied to Relevant Defendants. In addition, an *Order Modifying in Part, Temporary Restraining Order, Order Freezing Assets, and Order for Accounting* was entered by the Court relating to the same defendants.

3. The Special Master appointed by the Court found approximately \$92,000 in liquid assets for the Relevant Defendants. The Special Master used a portion of these funds for payroll and there is now a balance of approximately \$30,000 in the bank accounts. Approximately \$6,000,000 in investor funds have been deposited with the Relevant Defendants.

4. Investor funds placed into the Relevant Defendants’ bank accounts were transferred among other accounts.

5. On June 1, 2009, the Motion was filed and the Motion was set for hearing on June 12, 2009. Plaintiff did not receive a copy of the Motion until June 9, 2009.

Argument

In the Motion, counsel for Marshall C. McKye claims a total of \$3,000.00 for unpaid rent. The funds that the Special Master has been able to identify are dramatically less than the amount invested. The funds should not be released for the payment of rent since any potential disgorgement order would vastly exceed the assets frozen by the Court. *SEC v. Current Financial Services*, 62 F. Supp.2d 66, 68 (D.D.C. 1999). Further, the payment to any creditor at this time would be a payment made out of investor funds.

The liquid assets of the Relevant Defendants currently are less than 1% of the funds invested. To allow a payment of rent to a creditor prior to a determination of other creditor claims would create an unjust preference. The Temporary Order was entered to help preserve the assets of Relevant Defendants. Payment to the father of Defendant Biran McKye would have a negative impact of the preservation of the assets. The Department has not had sufficient time to question Marshall C. McKye or to adequately respond to the Motion as it was received three days prior to the hearing.

CONCLUSION

In light of the facts presented and the authorities cited, Plaintiff respectfully requests that this Court deny the Motion for the reasons stated.

Respectfully submitted,



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CERTIFICATE OF MAILING

The undersigned certifies that on the 11th day of June, 2009, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346
Pro Se

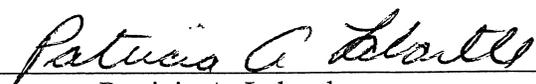
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Global West Financial, LLC;
Sure Lock Financial, LLC;
Sure Lock Loans, LLC;
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