

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

AUG 19 2009

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

OKLAHOMA DEPARTMENT OF )  
SECURITIES EX REL. IRVING )  
FAUGHT, ADMINISTRATOR, )

Plaintiff, )

v. )

Case No. CJ-2009-2773

Judge: Gurich, Noma D.

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, )  
Oklahoma limited liability company; THE )  
WAVE-GOLDMADE, LTD., an )  
unincorporated association; BRIAN )  
MCKYE, an individual; JOE DON )  
Johnson, an individual; JAMES )  
FARNHAM, an individual, )

SET FOR HEARING ON  
AUGUST 24, 2009 at 10:00 A.M.

Defendants. )

and )

HERITAGE ESTATE SERVICE, )  
LLC, an Oklahoma limited liability )  
company, )

Relief Defendant. )

**SPECIAL MASTER'S RESPONSE TO BRIAN MCKYE'S  
MOTION TO SETTLE JOURNAL ENTRY**

Stephen J. Moriarty ("Special Master") the Court appointed Special Master for  
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; and BRIAN MCKYE, an individual (all collectively referred to as “Companies”) hereby files his Response to the Motion to Settle Journal Entry filed by Brian McKye on August 6, 2009 (the “McKye Motion to Settle”). Special Master represents as follows:

**Factual Background**

1. On April 1, 2009, this Court entered its Order Appointing Special Master and Approving Waiver of Special Master's Bond. Pursuant to the Order, the Special Master was given full authority to “operate and manage all assets” of the Companies. Further, Special Master was given the authority to “take immediate custody, possession, and control of any and all assets” of the Companies.

2. On June 2, 2009, McKye filed a Motion to Retrieve Personal Effects and request Court to Direct Special Master to Return Personal Mail (the “McKye Motion to Retrieve Personal Property”). A copy of the McKye Motion to Retrieve Personal Property is attached as Exhibit “A”. Pursuant to the McKye Motion to Retrieve Personal Property, McKye requested that he be allowed to retrieve his personal effects, property, papers, software, bedding, linens, etc..” Motion, par. 2.

3. On June 11, 2009, Special Master filed his Response to the McKye Motion to Retrieve Personal Property. A copy of the Special Master’s response is attached hereto as Exhibit “B”. Special Master did not object to the return of personal items of nominal value, but objected to the return of property of value as inconsistent with this Court’s Order of April 1, 2009.

4. On July 13, 2009, the Court held hearings on a number of pending Motions,

including the McKye Motion to Retrieve Personal Property. A complete transcript of the proceedings of July 13, 2009 is attached hereto as Exhibit "C". The transcript provides, in part, as follows:

THE COURT: And Mr. McKye, regarding personal effects, have you come up with any sort of list to tell the Special Master what it is that you want?

MR. MCKYE: Well, I said, beds, linens and clothing, and like a dresser, several dressers. All of my personal belongings at the corporate office. And I did maintain a cot at each of the stores, or a futon, I should say. So I have like a microwave, items at corporate far outnumber each of the stores. So all I'm asking for access to is my bedding in the stores and like my microwave and you know, towels and things like that. And then at corporate, it's too numerous to mention.

THE COURT: Is there a possibility of setting up an appointment for Mr. McKye to come to corporate?

MR. MORIARTY: That would be fine, Your Honor.

THE COURT: All right. Why don't I just leave it to the two of you then to work out a mutually agreeable time for you to appear and point out the items you wish to retrieve, and perhaps bring some kind of vehicle with you to take away things at that point if you can. And then, if there is anything left, you all can make arrangements to pick up. Would that work?

MR. MCKYE: If Your Honor sustains my motion, do you want me to put together an approved order for your signature?

THE COURT: That would be fine. And I'll show your motion sustained. And I'll let you draft something and perhaps provide it to the Special Master and you all can work something out. I'm also suggesting that you go ahead at the quickest possible time to go arrange to meet with him at the office so you can retrieve whatever it is you want to retrieve. All right.

Transcript, page 16, line 20 through page 18, line 2.

5. On July 14, 2009, this Court entered an Order approving the bid of Your Credit, Inc. for the purchase of the Sure Lock Loans and authorizing the Special Master to Close on said bid.

6. On July 31, 2009, Special Master sent a letter to McKye. A copy of said letter is

attached as Exhibit "D". As reflected in the letter, McKye had failed to provide a list of his personal effects and failed to contact the Special Master to set up an appointment to identify his personal effects, as requested by the Court on July 13, 2009. McKye did not respond to the letter.

7. On August 5, 2009, in the middle of the closing of the sale to Your Credit, Inc., McKye showed up at the corporate office. He presented Special Master with a proposed Order regarding the McKye Motion to Retrieve Personal Property. Special Master told McKye he could agree to the proposed Order insofar as it directed the Special Master to forward personal mail and deliver identified personal items and papers, but could not agree to deliver certain trailers and tools not specifically requested in the Motion to Retrieve Personal Property, not described to the Court by McKye in the hearing on July 13, 2009 and not previously identified to the Special Master by McKye. At the same time, Special Master asked Mr. McKye to walk through the corporate office to identify items he claimed as personal property. McKye refused.

8. On information and belief, a significant portion of the cost of the materials used to build the trailers may have been paid by The Wave Goldmade, Ltd.. Attached as Exhibit "E" are checks drawn on the account of The Wave Goldmade, Ltd. which bear notations for "trailer", "supplies" and/or "labor".

9. McKye did not attach a copy of the proposed Order to his Motion to Settle Journal Entry. *See Rule 11 D, Official Court Rules of the Seventh Judicial Administrative District.*

### **Arguments**

The proposed Order presented by McKye to Special Master on August 5, 2009 was not

consistent with this Court's ruling as reflected in the transcript of the proceedings of July 13, 2009. *See Exhibit "C"*. It required that Special Master to return property to McKye having value and otherwise available to satisfy the claims of creditors herein, contrary to this Court's Order of April 1, 2009. Finally, it established relief beyond that requested by McKye's Motion to Retrieve Personal Property insofar as it required Special Master to return trailers and tools to McKye not requested or previously identified by McKye.

**Conclusion**

WHEREFORE, the Special Master respectfully requests that the Court deny Brian McKye's Motion to Settle Journal Entry and for such other and further relief as this court deems just and proper.



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STEPHEN J. MORIARTY (OBA #6410)  
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SPECIAL MASTER

**CERTIFICATE OF MAILING**

This is to certify that on the 19th day of August, 2009, the foregoing was sent by U.S. Mail, first class, postage prepaid to:

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

Brian McKye  
P.O. Box 957  
Jay, OK 74346



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Stephen J. Moriarty

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