

6. Later Marsha Schubert stated that if I would leave several "signed" checks with her, she could make more investments and I would not have to come to the office to bring her new checks. Since her "day trading" activity was making money and she had been depositing the proceeds of the sales of the "day trades" into my account, I agreed to leave her more "pre-signed" checks.
7. I was never an authorized check signer on any investment account used by Marsha Schubert to conduct her "check floating" scheme.
8. During this period of "day trading", when I was at Marsha Schubert's office she would give me a sealed envelope containing deposits to take to NBanC. I never opened the envelope and I did not have any knowledge of what checks or deposits were in the sealed envelope. I do not remember how many envelopes I delivered to NBanC for Marsha Schubert.
9. During the "day trading" with Marsha Schubert, NBanC was aware of the deposits and checks processed through my personal checking account. I discussed the "day trading" activity with the President of NBanC, Mr. Themer, and at no time did he or any member of his bank inform me that there was a possible check scheme or "Ponzi" scheme being conducted by Marsha Schubert.
10. Until charges were brought against Marsha Schubert, I had never heard of a "Ponzi" scheme and I had no knowledge that Marsha Schubert was using the check scheme to further that activity.
11. I was never a partner in the entity known as Schubert and Associates. Marsha Schubert prepared the form K-1 after my accountant requested an accounting of the gains and losses in my "day trade" account. I requested, from the IRS, a copy of the partnership tax returns filed by Marsha Schubert to support the form K-1's that she had prepared. The IRS replied, in a letter dated November 29, 2004, that there was no record of form 1065 or form 1120 having been filed for Schubert & Associates for the years 2001, 2002 and 2003.
12. I never signed a partnership agreement or entered into a partnership with Marsha Schubert.

###

FURTHER THE AFFIANT SAYETH NOT.

Robert W Mathews
Robert Mathews, Affiant



Subscribed and sworn to me this 25th day of June, 2008.

Terry Leann Hawley Crane
NOTARY PUBLIC

My Commission Expires: 02/22/12
My Commission Number: 0003108

7. When I resigned from Kingfisher Bank and Trust, I had a 401(k) that I moved it with me to NBanC. When I resigned from NBanC, I also had a 401(k) with them. I moved both of these accounts to AXA; then to Raymond James after Marsha Schubert was convicted of securities violations. My retirement account is now with Smith Barney.

8. After my retirement from NBanC, Pam and I built a new home. In 2005, I sold a farm, that I had owned since 1990, to pay for the construction loan. The gain on sale of the farm was reported on the 2005 federal and state income tax returns.

9. My wife and I purchased a used RAV 4 in 1998. It was sold in 2003 and the cash was used to make a down payment on the Cadillac which was later sold to pay off the outstanding debt owed on the Cadillac. I owned a 1996 Ford pickup which I sold in 2003 and used the monies to make a down payment on the new Ford pickup. We never owned a fleet of vehicles.

10. As a loan officer of Kingfisher Bank and Trust and NBanC, I never participated in the bank's investment programs. At no time during my banking experience was I informed about a "Ponzi" scheme or how to detect if someone was operating one.

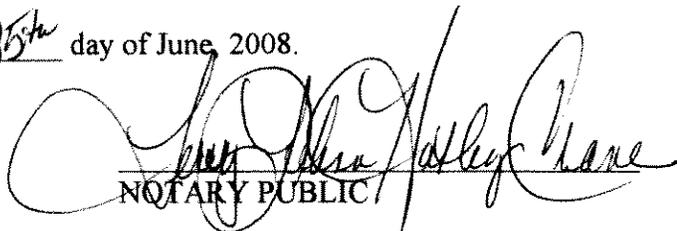
FURTHER THE AFFIANT SAYETH NOT.


 Marvin L. Wilcox, Affiant

Subscribed and sworn to me this 25th day of June, 2008.

My Commission Expires: 02/22/12
 My Commission Number: 0003108




 NOTARY PUBLIC

Robert Mathews
June 19, 2007

In Re: Robert William Mathews
Case No. 07-10108-TMW

Page 1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT COURT OF OKLAHOMA

IN RE:)
))
ROBERT WILLIAM MATHEWS,) Case No. 07-10108-TMW
) Chapter 7
Debtor.)

DEPOSITION OF ROBERT MATHEWS
TAKEN ON BEHALF OF THE RECEIVER AND CREDITOR
IN OKLAHOMA CITY, OKLAHOMA
ON JUNE 19, 2007

WORD FOR WORD REPORTING, L.L.C.
100 NORTH BROADWAY
SUITE 3250
OKLAHOMA CITY, OKLAHOMA 73102
(405) 232-9673

REPORTED BY: GINGER MILAM, CSR



1 Q. And your mother had passed away, so he was living by
2 himself?
3 A. Yes.
4 Q. And when you say we tried to take care of him, who
5 is we?
6 A. Me and my two sisters.
7 Q. And at some point, did one of y'all become the
8 trustee of his estate or his trust?
9 A. All three of us did.
10 Q. Did he step down or was he declared incompetent?
11 A. No, when we -- he was declared incompetent, probably
12 maybe the spring of '04.
13 Q. Was he -- was there a court proceeding or did you
14 have a doctor certify it?
15 A. Doctor certified.
16 Q. And who was his doctor?
17 A. It was a doctor in Enid at the time at the
18 Alzheimer's clinic, but I can't remember what the doctor was.
19 Q. Was it Rolfe Reitz or --
20 A. I don't even know, I can't remember at all.
21 Q. Okay. Okay. So how did you learn that she started
22 transferring money out of your Aka account into your Schubert
23 & Associates?
24 A. I believe she told me.
25 Q. What did she tell you?

1 A. I think she just said that she wanted to transfer
2 some money into Schubert & Associates and I -- you know,
3 anything she said was fine with me. It seemed to be working.
4 Q. Okay.
5 A. And I didn't understand anything she had going on,
6 but it seemed to be working.
7 Q. What -- did there become a time that you had more
8 personal involvement with Schubert & Associates?
9 A. No.
10 Q. Did there become a time that she started asking you
11 for checks or -- or have some involvement?
12 A. Yes, at one time she said she could do some day
13 trading.
14 Q. Now, tell me what she told you and how that came up.
15 A. It started out, she'd say she'd have a stock she
16 could buy, she could make some pretty good money and a quick
17 return, and I'd just give her a check.
18 Q. And what was your understanding of what she was
19 going to do?
20 A. I really didn't know. I thought she was buying a
21 stock one day and selling it the next, kind of, the -- is kind
22 of what she told me.
23 Q. Day trading, you mean she was buying and selling the
24 same day?
25 A. Well, or I kind of thought it would be the next day,

1 but I didn't understand it.
2 Q. So she told you she could make you some pretty good
3 money day trading; is that correct?
4 A. Yes.
5 Q. And what did you tell her?
6 A. I said, well, whatever -- whatever works.
7 Q. And what did she ask of you?
8 A. For three or four checks. She said if she had a
9 check, when something like that come up, she could do it. So
10 at the beginning, I left three or four checks at a time.
11 Q. And you signed the checks?
12 A. Yes.
13 Q. How did you know you were going to have enough money
14 in your account to cover those checks?
15 A. It was a quick turnaround, I believe. At that time,
16 when she first started, she wasn't -- I don't believe she was
17 spending very much money.
18 Q. Okay. How did you know how much she was writing
19 checks for?
20 A. She'd tell me.
21 Q. She'd tell you?
22 A. Yes.
23 Q. When she wrote the checks or after the fact or --
24 A. Probably after the fact.
25 Q. And was it for a few thousand dollars or tens of

1 Q. Did you ever receive any statements to that effect?
2 A. No.
3 Q. Did you think that was kind of odd to have money and
4 not receive statements?
5 A. A little bit.
6 Q. What did you do about that, if anything?
7 A. Nothing, I just asked her. I trusted --
8 Q. What did she say?
9 A. She'd tell me what I -- approximately what I had in
10 there.
11 Q. Did you ever ask her why you weren't receiving
12 statements?
13 A. No, not really.
14 Q. Did you believe you had \$2 million?
15 A. Yes.
16 Q. And did you ever ask her why there was such large
17 volumes on your day trading?
18 A. No.
19 MR. JACKSON: We'll take a break. I think I'm about
20 done.
21 (Short break)
22 Q. (By Mr. Jackson) Mr. Mathews, okay, how would you
23 know when to give her new checks?
24 A. She would ask.
25 Q. Okay. Were there times that she asked you to make

1 deposits?

2 A. Take them to the bank?

3 Q. Yes.

4 A. Yes, a time -- a few times.

5 Q. Okay. So tell me how that would work.

6 A. She would see if I could take the deposits to the

7 bank, she had an envelope ready in the office, I'd pick it up,

8 take it over there and give it to the teller.

9 Q. Which bank?

10 A. NBC.

11 Q. Okay. So you'd drive to NBC?

12 A. Yes.

13 Q. And then she'd give you a deposit slip back or the

14 bank would?

15 A. I usually didn't even take that, I just left the

16 deposit with it.

17 Q. Okay. Why would you make deposits for her?

18 A. Well, she -- it's like saving her a trip, I thought.

19 Q. Okay.

20 A. If she'd asked me to -- you know, they were busy or

21 could I take the check to some -- checks to the bank or take

22 something to the bank for her.

23 Q. Okay.

24 A. I might drop something off at KB&F, it's a sealed

25 envelope. I'd just drop it off there and say this is from

1 Marsha Schubert.

2 Q. Okay. And did you do that on more than one

3 occasion?

4 A. Oh yeah, several times.

5 Q. Over a two or three-year period?

6 A. Well, I don't think it was that long but -- when she

7 was doing it on an everyday basis, practically, I did several

8 times.

9 Q. She was doing it on an everyday basis; what is it?

10 A. The day trading.

11 Q. Okay.

12 A. That's what I thought it --

13 Q. So when she was doing it on an everyday basis, you

14 might do it two or three days a week for her?

15 A. Yes, it's possible. Lance took them sometimes,

16 Marvin took them sometimes, she sent secretaries, she took

17 them a lot.

18 Q. So you knew that Lance was taking them and Marvin

19 was taking them?

20 A. Yes.

21 Q. Did you know that they were having large amounts of

22 money run through their account like your account?

23 A. Yes.

24 Q. I mean, I saw one statement, as much as \$9 million a

25 month was going through your account?

C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, GINGER MILAM, a certified shorthand reporter
within and for the State of Oklahoma, certify that ROBERT
MATHews was by me sworn to testify the truth; that the
deposition was taken by me in stenotype and thereafter
transcribed by computer and is a true and correct transcript
of the testimony of the witness; that the deposition was taken
on the 19th day of June 2007, in Oklahoma City, Oklahoma; that
I am not an attorney for or a relative of any party, or
otherwise interested in this action.

Witness my hand and seal of office on this the 29th
day of June 2007.

Ginger Milam
GINGER MILAM, CSR
Oklahoma CSR No. 01595
Expiration Date December 31, 2008

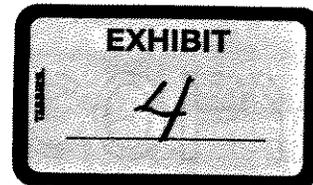
Ginger G. Milam
Oklahoma Certified Shorthand Reporter
Certificate No. 1355
Exp. Date: December 31, 2008

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES, ex rel IRVING)
L. FAUGHT, ADMINISTRATOR,)
et al.,)
Plaintiffs,)
v.) No. CJ-05-3796
ROBERT W. MATHEWS, et al.,)
Defendants.)

DEPOSITION OF MARVIN LEE WILCOX
TAKEN ON BEHALF OF THE PLAINTIFFS
IN OKLAHOMA CITY, OKLAHOMA
ON SEPTEMBER 13TH, 2006

REPORTED BY: KIT VICKERY, R.D.R.



1 when it was that you believe Marsha began day trading
2 on your behalf?

3 A December of '03, or January of '04,
4 something like that would be close, I think.

5 Q And if I understood your testimony, you
6 weren't sure with what company or companies that day
7 trading was occurring.

8 A Not really, no, sir.

9 Q What, if any, understanding did you have of
10 day trading back in December of '03 or January of '04?

11 A Me? I didn't have a clue what day trading
12 was.

13 Q What, if any, explanation of day trading
14 did Marsha Shubert give to you?

15 A She just said buy stocks and sell them the
16 same day and make a little bit of money, you know, a
17 little -- just, you know, during the day to trade --
18 the way I understood it she'd buy in the morning and
19 sell in the evening and that's all I know about it.

20 Q What, if any, amount of money did you
21 provide to Marsha Shubert for her to begin day trading
22 on your behalf?

23 A I don't remember. I don't have a clue.

24 Q Do you believe that you did provide Marsha
25 Shubert with some amount of money to begin day trading

1 for you?

2 A I'm sure we did.

3 Q Did you ever receive any type of account
4 number relative to the day trading you believed Marsha
5 Shubert did on your behalf?

6 A No, sir.

7 Q Previously, Mr. Wilcox, you testified that
8 you did receive some AXA account statements in the
9 mail at your PO Box; is that right?

10 A Uh-huh.

11 Q With respect to the day trading you
12 believed Marsha Shubert did on your behalf, did you
13 receive any kind of account statements regarding that
14 activity?

15 A No, sir.

16 Q At no time?

17 A I don't think so.

18 Q What, if any, inquiry did you make of
19 Marsha Shubert as to why you weren't getting
20 statements on the day trading?

21 A I didn't inquire about it because she's the
22 person we hired to take care of us, and I didn't see
23 any problems, none.

24 Q Mr. Wilcox, prior to getting into an
25 investment relationship with or through Marsha Shubert

1 in about October of 2001, can you describe for me
2 what, if any, investment experience you have had?
3 A Very little.
4 Q And can you explain to me what little
5 experience you did have?
6 A I had a friend of mine that I went to
7 school with that worked for Smith Barney, and once in
8 a while I would buy a little bit of stock and let it
9 sit and try and make a little money, not very often,
10 that's about it.
11 Q What, if any, kind of 401k or other
12 employer retirement plans did you have either with --
13 A It was through the bank.
14 Q Through the bank. Either of the banks.
15 What kind did you have through either of the banks?
16 A The 401ks? I don't have a clue. Just
17 they took care of it.
18 Q At any time prior to October 2001, did you
19 ever open or have an individual retirement account or
20 IRA?
21 A No, sir.
22 Q Did either of the two banks you worked for
23 handle investment products while you were there?
24 A Yes, sir.
25 Q And were you in any way involved with those

1 investment products?
2 A No, sir.
3 Q Do you recall what type of investment
4 products the bank handled when you worked there
5 besides certificates of deposit and money market
6 accounts?
7 A No, sir.
8 Q Mr. Wilcox, back to the day trading. Can
9 you explain to me, at least from your standpoint, how
10 that worked?
11 A Well, she -- like I said a while ago, she
12 supposedly was buying stocks during the day and would
13 sell them of an evening, and that's all I know about
14 it.
15 Q Were you ever providing any funds so that
16 she could make these trades on your behalf on a daily
17 basis?
18 A I presumed that I was providing her the
19 funds.
20 Q And do you know how -- I'm sorry, go ahead.
21 A To do the day trading.
22 Q And how did that take place?
23 A What she did, she told me, she said at
24 first I would give her a blank check and she would
25 write out of my account supposedly that -- to buy

1 stock one day, and you know, like I say, sell it that
2 evening, and that went on for a little bit. Then she
3 told me, she says, so I don't have to bother you all
4 the time, sign these checks and I'll have them on
5 hand, and as I day trade, I will use them and run
6 them -- you know, run them through the system or
7 whatever, and that's the way it worked.
8 Q Now on this first occasion you said you
9 gave her a blank check. Can you describe for me in a
10 little more detail what, if anything, was on the
11 check?
12 A My signature, that's it.
13 Q And --
14 A She handled the rest of it -- I'm sorry.
15 Q What account was this check for that you
16 gave her?
17 A My personal checking account.
18 Q And where was that account located?
19 A At NBC.
20 Q When you provided Marsha Shubert with this
21 first blank check on your account, did you have any
22 discussion with her at all about, you know, look, you
23 can't write this for over \$2,000? Were any kind of
24 limitations placed on that check?
25 A No, sir, because I knew her all her life.

1 She wasn't like Joe Blow that just come off the
2 street. I trusted her totally.
3 Q And after this first occasion you gave her
4 a blank check, you say that she advised at that point
5 to go ahead and provide her with additional blank
6 checks that you had signed.
7 A Yes, sir, that way she wouldn't have to be
8 calling me every other day or something if she found a
9 good deal.
10 Q And did you receive also in the mail, Mr.
11 Wilcox, monthly bank statements from NBC relative to
12 this account of yours?
13 A Oh, sure.
14 Q And did you review your monthly bank
15 statements that you received in this time period when
16 the day trading was going on?
17 A No, sir.
18 Q Did you reconcile your bank statements
19 during the timeframe that this day trading was going
20 on?
21 A No, sir.
22 Q Did you ever look at any one of your bank
23 statements during the time period that this day
24 trading was going on to see to what company or to whom
25 Marsha was making out these checks you had given her?

1 A Approximately, I'm guessing March or April
2 of 2004, I believe.
3 Q And when that occurred, Mr. Wilcox, what,
4 if anything, happened to your AXA accounts?
5 A I don't have a clue.
6 Q Did you continue getting monthly account
7 statements from AXA after March or April of 2004?
8 A I don't believe so.
9 Q Do you recall whether you and your wife
10 transferred your two AXA accounts to a company called
11 Wilbanks Securities?
12 A I don't remember how that was handled, I
13 really don't.
14 Q After Marsha Shubert's office was shut down
15 in October of 2004, did you continue to have
16 investment accounts with either AXA Advisors or
17 Wilbanks Securities?
18 A Wilbanks.
19 Q And do you still have those same accounts
20 today, sir?
21 A With Wilbanks?
22 Q Yes, sir.
23 A No.
24 Q And can you tell me whether you cashed
25 those accounts out, transferred them, or what happened

1 to them?
2 A I believe we transferred them to Smith
3 Barney. It was my little retirement account, my 401K
4 I had from the banks. It didn't amount to a whole
5 lot, but that's what it was. All our money was gone
6 when it went down except for my little 401K.
7 Q Now earlier you indicated you couldn't
8 recall if you had withdrawn any funds from either of
9 the two AXA accounts from October 2001 through October
10 2004. Do you know what happened to the funds in those
11 two AXA accounts?
12 A Yeah, Marsha took them. She took
13 everybody's money.
14 Q And is that based upon a review of your AXA
15 account statements or what?
16 A That's based on her going down the tubes
17 and seeing what's happened is the bottom line. She
18 ruined everybody.
19 Q Are you aware of any documentation, Mr.
20 Wilcox, as you sit here today that would show that
21 Marsha Shubert withdrew funds from either or both of
22 your AXA accounts?
23 A I don't know where that documentation would
24 be if there was any.
25 Q Was it your understanding, Mr. Wilcox, that

1 which I don't know how they work or anything like
2 that, but she just made us feel comfortable.
3 Q Did you ever talk to Lance Berry about day
4 trading with Marsha Shubert?
5 A I guess I really don't -- we talked about
6 what in particular? Is there anything particular? I
7 mean --
8 Q Did you recommend to him that he should
9 invest with Marsha Shubert?
10 A No. He was doing it before me, I think, in
11 his day trading. Yeah, he was doing the day trading
12 before me.
13 Q Who else was doing day trading before you?
14 A Johnny Stambrow, a young man that is dead
15 now, and Bob Mathews, and to my knowledge that's all
16 there was.
17 Q Did you ever pick up any deposits at Marsha
18 Shubert's office?
19 A Occasionally I would take some to People's
20 and some to KB&T once in a while. Never paid any
21 attention to what they was or anything.
22 Q What was at People's?
23 A I don't have a clue. It wasn't none of my
24 business. I just delivered the deposit for somebody.
25 Q Why were you delivering deposits for Marsha

1 Shubert?
2 A She asked me to.
3 Q And I'm asking you why.
4 MR. BRYANT: I think he just answered.
5 Q Were you an employee?
6 A Look, lady, I answered your question.
7 Q I'm asking if you were an employee.
8 MR. BRYANT: You can answer it.
9 A It's no.
10 Q Did you make deposits into your own account
11 that Marsha Shubert wrote out?
12 A Not to my knowledge.
13 Q Did you endorse your checks once Marsha
14 Shubert wrote them?
15 A I don't know what checks you're talking
16 about.
17 Q Checks that went into your NBC bank
18 account, did you endorse those checks?
19 A Not necessarily. They could have been
20 stamped for deposit only.
21 Q Did you ever pick up any paperwork from
22 Marsha Shubert?
23 A No.
24 Q Did you ever pick up any paperwork from Bob
25 Hudson for Marsha Shubert?

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 & ASSOCIATES;)
and SCHUBERT & ASSOCIATES, an)
unincorporated association,)

Defendant.)

DEPOSITION OF DENNIS THEMER

taken on behalf of the

Plaintiff

on April 1, 2005

in Oklahoma City, Oklahoma

WORD FOR WORD REPORTING, L.L.C.
2220 FIRST NATIONAL CENTER
120 NORTH ROBINSON AVENUE
OKLAHOMA CITY, OKLAHOMA 73102

Reported by: MARTI M. MARTIN, C.S.R.



1 Q Okay.
2 A I do not have a personal relationship with Marsha
3 Schubert.
4 Q Did someone introduce you to her?
5 A Yes.
6 Q And who would that be?
7 A I believe Marvin Wilcox.
8 Q Did you have an Axa account with Mrs. Schubert?
9 A Yes.
10 Q Anyone encourage you to open this account?
11 A Marvin.
12 Q Why?
13 A He said he was doing well, getting good returns. I
14 personally had an account with another broker that there was
15 no activity. I think I was a very small fish in his big pond.
16 Q When did you open your Axa account?
17 A I don't want to speculate.
18 Q Can you give me a year? Was it 2002, 2003, 2004?
19 A I don't want to guess. I can bring you my
20 statement, if you'd like.
21 Q That's fine. How much money did you put in the
22 account when you opened it?
23 A Approximately \$25,000.
24 Q Where did that money come from?
25 A Came from a rollover IRA.

1 Q Did you put any other contributions into this
2 account?
3 A No.
4 Q Anyone else make any contributions into this
5 account?
6 A No.
7 Q Did you move your account to Raymond James when
8 Mrs. Schubert left Axa?
9 A No.
10 Q Why?
11 A I was never approached to move my account to Raymond
12 James.
13 Q But she was your broker. So when she left Axa, what
14 happened to your account?
15 A It's still with Axa.
16 Q Okay. What other investments do you have besides
17 that account at Axa?
18 A I have a 401(k) with the bank.
19 Q Okay. Do you have an investment advisor that houses
20 inside NBC Bank?
21 A No.
22 Q Do you have an investment advisor that uses it as a
23 satellite office in any way?
24 A At this point I'd say no. Well, we have an
25 arrangement with Solomon Smith Barney.

1 A He was day trading.
2 Q Had you noticed a substantial increase in his
3 deposit activity?
4 A Yes.
5 Q Were his accounts or loans ever discussed in regular
6 officer loan meetings?
7 A Yes.
8 Q Mr. Themer, were you aware that checks were
9 deposited on a daily basis into Berry, Matthews and Wilcox's
10 accounts from Mrs. Schubert?
11 A Yes.
12 Q Were you aware that Mrs. Schubert was writing checks
13 to Matthews, Berry, and Wilcox on an almost daily basis?
14 A Yes.
15 Q Do you know why she was making daily deposits and
16 withdrawals into these accounts?
17 A I know their explanation. They were doing a daily
18 settlement.
19 Q Did they tell you anything else?
20 A That they were settling on a daily basis and that's
21 how they were keeping track of it.
22 Q Based on trades that she was performing for them?
23 A Yes.
24 Q Did they tell you what trades they had?
25 A No.

1 Q Did they seem to be a little unsure of what she was
2 doing for them?
3 A No.
4 Q Were you aware that she had their checkbooks?
5 A Yes.
6 Q Did they tell you that?
7 A Yes.
8 Q What did they tell you?
9 A They said they left their checkbooks there, but not
10 when this was going on.
11 Q What did they tell you when they told you that?
12 A They said they left the checkbook with her.
13 Q Did they tell you why?
14 A No.
15 Q It was just a statement?
16 A Yes.
17 Q Do you remember when they did tell you this?
18 A No.
19 Q Was it when they closed their accounts?
20 A I don't recall.
21 Q Did you have any conversations regarding the
22 activity in these accounts with Jim Talkington?
23 A Yes.
24 Q What were the conversations?
25 A He said the uncollecteds were getting to a level

1 that we didn't think we could tolerate the risk, and we needed
2 to get them on a -- move them toward a collected basis.
3 Q How often did you have this conversation?
4 A I don't recall.
5 Q Was it more than once?
6 A Yes.
7 Q More than twice?
8 A I don't recall.
9 Q Do you remember when it was?
10 A No.
11 Q Did you ever question Berry, Matthews, and Wilcox on
12 why they allowed Mrs. Schubert to have their checkbooks?
13 A I wasn't aware of it at that point.
14 Q When you talked to them.
15 A I would question -- I did not question them, no.
16 Q After your conversations with Mr. Talkington, did
17 you stop the uncollected balance from happening?
18 A We said, We cannot tolerate any more uncollected
19 balances. They said, Give us about three to five days. I
20 can't recall the time frame. They said they would move it
21 out.
22 Q So who all did you talk to?
23 A I don't recall.
24 Q Did you talk to Bob Matthews?
25 A I don't know if I did personally. I don't recall.

1 Q Who else would have talked to them?
2 A Jim possibly could have.
3 Q Okay. So Jeff Wilcox was aware of the
4 conversations?
5 A He was aware that they were trading -- writing
6 checks on an uncollected basis, yes.
7 Q Was he aware of your conversations with
8 Mr. Talkington?
9 A Yes.
10 Q Was he in the room when you and Mr. Talkington had
11 discussions?
12 A I don't know.
13 Q Did you and Mr. Talkington talk on the phone or did
14 you talk at the bank?
15 A We talked on the phone and in the bank.
16 Q About this situation?
17 A I do not know.
18 Q Did you suspect any suspicious activity?
19 A No.
20 Q Did you ever communicate with Mrs. Schubert about
21 the deposits?
22 A Yes.
23 Q When?
24 A I could not tell you, but I just know I did.
25 Q How many times?

C E R T I F I C A T E

STATE OF OKLAHOMA)

)

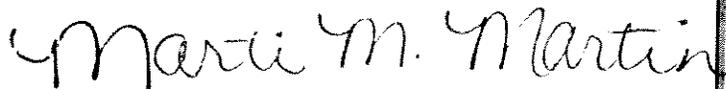
COUNTY OF McCLAIN)

I, MARTI M. MARTIN, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify there came before me the deponent herein, namely DENNIS THEMER, who was by me duly sworn to testify to the truth and nothing but the truth concerning the matters in this case.

I further certify that the foregoing transcript is a true and correct transcript of my original stenographic notes.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 15th day of April, 2005.



MARTI M. MARTIN, C.S.R.
CSR # 01730

Robert Mathews
October 17, 2006

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

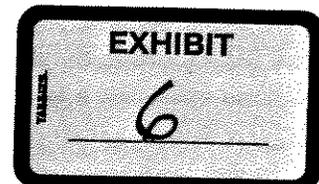
OKLAHOMA DEPARTMENT OF)
SECURITIES, ex rel. IRVING L.)
FAUGHT, Administrator, et al.,)
)
Plaintiffs,)
)
VS.) No. CJ-2005-3796
)
ROBERT W. MATHEWS,)
)
)
Defendant.)

* * * * *

DEPOSITION OF ROBERT W. MATHEWS
TAKEN ON BEHALF OF THE PLAINTIFFS
ON OCTOBER 17, 2006
IN OKLAHOMA CITY, OKLAHOMA

* * * * *

REPORTED BY: KORTNEY V. HOUTS, C.S.R.



STEVE MEADOR & ASSOCIATES
405-232-4114 FAX 405-232-1060 800-385-4114

1 that you state yes or no instead of saying uh-huh or
2 huh-uh as we Oklahomans sometimes do. Also, if at any
3 time during the course of the deposition you need to
4 take a break for any reason, just let me know, and I'll
5 be glad to do that. Finally, because we do have a
6 court reporter taking down everything that's said
7 today, when I ask a question, I do need for you to give
8 me a response out loud as opposed to shaking or nodding
9 your head. Okay?
10 A Yes.
11 Q Mr. Mathews, can you tell me how you came to
12 know Marsha Schubert?
13 A I probably met her around 1980. I believe
14 she might have been the president of Guthrie Savings
15 and Loan at the time.
16 Q And prior to getting to know Marsha Schubert,
17 have you had investment experience?
18 A I just did a little banking at Guthrie
19 Savings and Loan, maybe borrowed a little money there
20 from time to time.
21 Q Never did any kind of investing with anyone
22 eise?
23 A No.
24 Q At what point in time did you begin any kind
25 of investing relationship with or through Marsha

1 A That was it.
2 Q When you received account statements in the
3 mail from AXA Advisors, did you ever review those
4 statements?
5 A No.
6 Q Any particular reason why not?
7 A She was taking care of it. I didn't
8 understand it anyway.
9 Q Was there a point, Mr. Mathews, when you
10 began doing any investing or trading with Marsha
11 Schubert herself as opposed to AXA Advisors?
12 A I don't know.
13 MR. BRYANT: Go ahead.
14 Q (By Mr. Davenport) What kind of investing
15 did you understand Marsha Schubert was doing on your
16 behalf?
17 A I'm not sure. She just told me she'd take
18 care of it, and she just did it on her own.
19 Q Was there a time that you believed Marsha
20 Schubert was conducting options trading on your behalf?
21 A Yes. She told me she was trading options.
22 Q Do you know if that was taking place all
23 along from 2001 forward or --
24 A I don't --
25 Q -- did it start after that?

- 1 A I don't know.
2 Q And whenever it was that Mrs. Schubert began
3 the options trading on your behalf, did you have any
4 understanding as to what that was?
5 A No.
6 Q Did you ever fill out an account application
7 with any options trading company so she could trade
8 options on your behalf?
9 A No.
10 Q Did you ever give her any check or additional
11 moneys to begin options trading on your behalf?
12 A No.
13 Q Did you ever get any investment account
14 statements in the mail from any option trading company
15 like you testified you did from AXA Advisors?
16 A No. No.
17 Q How were you kept apprised of what was
18 supposedly going on with this options trading?
19 A Just asked her once in a while.
20 Q And what would she tell you?
21 A Everything's good.
22 Q Did she ever give you a balance or anything
23 of that nature?
24 A From time to time if I asked for it.
25 Q Did you ever get any kind of written

- 1 documents from Marsha about the options trading?
2 A Not documents.
3 Q Did Marsha Schubert or anyone with whom she
4 was affiliated ever send you like a 1099 tax form or
5 K-1 tax form relative to options trading?
6 A Related to options trading?
7 Q Yes, sir.
8 A Not that I know of.
9 Q How, if at all, did you report your earnings
10 or losses related to options trading on your tax
11 returns?
12 A My accountant asked her for some information.
13 Q And who is that?
14 A Jeff Trent.
15 Q Do you know whether or not Marsha ever
16 provided him with any documentation?
17 A Yes, she did.
18 Q And did you see any of that documentation?
19 A No.
20 Q Did you review your tax returns in this 2001
21 through 2004 time period before they were signed and
22 sent off to the --
23 A Yes.
24 Q Do you recall whether you had made money or
25 lost money in each of those years from options trading?

Page 13

1 had your checking account?
2 A NBC.
3 Q And that's in Kingfisher?
4 A Kingfisher.
5 Q Did you inquire of Marsha Schubert why she
6 would have need to keep your signed checks on hand to
7 day trades?
8 A Did I ask her why?
9 Q Yes, sir.
10 A No.
11 Q Did you have any understanding as to why?
12 A I thought she just needed to -- you know,
13 found a deal, she needed to buy it. That's what she
14 told me.
15 Q Did you think that was in any way unusual
16 that somebody would ask you to provide them with signed
17 checks on your bank account?
18 A Not really.
19 Q Relative to any day trading that Marsha
20 Schubert may have done on your behalf, did you ever
21 receive any account statements?
22 A From her?
23 Q From anyone.
24 A No.
25 Q And, again, how were you able to keep track

Page 30

1 Q Did you believe that had anything to do with
2 any options trading or day trading that you've done
3 through Marsha Schubert?
4 A No.
5 Q Do you see in this 2003 return any other
6 report of income or loss related to investments?
7 A No.
8 Q If you turn a few pages over, sir, there
9 should be another schedule K-1 for the year 2003.
10 A Okay.
11 Q Prior to today, have you seen this document?
12 A No.
13 Q And did you believe you were involved in any
14 kind of partnership with Schubert and Associates in the
15 year 2003?
16 A No.
17 Q If you would, sir, turn a couple of pages to
18 the 2004 U.S. individual tax return.
19 A Okay.
20 Q Again, if I could direct your attention to
21 line item 13 there where the amount is entered, do you
22 see where someone has again handwritten AXA?
23 A Yes.
24 Q Is that your handwriting?
25 A No.

