

Honorable Frank E. Cuthbertson

RECEIVED BY
10 MAR 18 PM 4:02
SUPERIOR COURT
ADMINISTRATION

FILED
IN COUNTY CLERK'S OFFICE

A.M. MAR 17 2010 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

In Re:

Case No. 09-2-08315-6

MCUBE PETROLEUM, INC., a Washington corporation;

**PETITION TO EXPAND
RECEIVERSHIP TO INCLUDE
ORNA INTERNATIONAL, LTD.**

BASILAM PETROLEUM, LLC, a Washington limited liability company;

DISKI PETROLEUM, LLC, a Washington limited liability company; and

HALMAHERA - REMBANG, LLC, a Washington limited liability company.

I. RELIEF REQUESTED

COMES NOW William L. Beecher, in his capacity as the court-appointed Receiver of MCube Petroleum, Inc. ("MCube") and as a current Director and the President of Orna International, Ltd. ("Orna"), and petitions this Court, pursuant to the provisions of RCW 7.60.020, for an Order to expand the current Receivership Estate to include Orna.

II. BACKGROUND

William L. Beecher is the court-appointed Receiver for MCube Petroleum, Inc., Basilam Petroleum, LLC, Diski Petroleum, LLC, and Halmahera - Rembang, LLC (collectively, the "Receivership Estate"), having been appointed to serve in that capacity by this Court's Order dated May 7, 2009. The primary focus of his activities as Receiver has been and is to marshal and administer the assets of the Receivership Estate.

1 3. Declaration of Mark B. Anderson.

2 IV. DISCUSSION

3 The appointment of a Receiver for Orna is authorized and appropriate. A Court is
4 authorized to appoint a Receiver under RCW 7.60.025 in the following instances:

5 (h) In an action by a transferor of real or personal property to avoid or rescind
6 the transfer on the basis of fraud, or in an action to subject property or a fund
7 to the payment of a debt;

8 ***

9 (p) Under RCW 19.40.071(3), in connection with a proceeding for relief with
10 respect to a transfer fraudulent as to a creditor or creditors;

11 ***

12 (nn) In such other cases as may be provided for by law, or when, in the
13 discretion of the court, it may be necessary to secure ample justice to the
14 parties.

15 The appointment of Mr. Beecher as Receiver for Orna is clearly appropriate here, as is
16 the inclusion of Orna in these receivership proceedings. The only rational and efficient way to
17 administer and resolve creditor/investor claims in this case, including those involving Orna, is to
18 consolidate collection in the hands of a single individual. Expansion of the present Receivership
19 Action to include Orna would ensure protection for all assets of the Receivership Estate,
20 including proceeds from the sale of Property belonging to Orna and, thus, to MCube Petroleum,
21 Inc., its parent in receivership. It is not anticipated that the expansion of the Receivership Estate
22 as requested herein would substantively alter any of the risks currently covered by the
23 Receiver's bond.

24 Accordingly, the Receiver requests that this Court issue an Order:

- 25 1. appointing William L. Beecher as Receiver for Orna, on the same terms and
26 conditions under which Mr. Beecher is currently serving as Receiver, without
27 requiring an additional bond;
- 28 2. confirming the substantive terms of the contingent fee agreement earlier
approved by this Court for legal services to be provided to the Receiver with
respect to the expanded Receivership Estate; and
3. establishing or confirming notice procedures for future action by the Receiver.

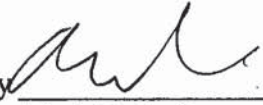
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A proposed Order is attached hereto as Exhibit A.

DATED this 16th day of March, 2010.

SMITH ALLING LANE, P.S.

By  _____

Mark B. Anderson, WSBA #25895

Attorneys for Receiver