

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

ELECTRONICALLY
FILED

AUG 29 2012

TIME: _____
CASE #: PLAINTIFF

FIRST SECURITY BANK, TRUSTEE

CASE NO.: CV-09-3281

BAMCO GAS, LLC

DEFENDANT

FIRST STATE BANK,
LONOKE, ARKANSAS

INTERVENOR

MOTION TO WITHDRAW MOTION TO ALLOW LIMITED INTERVENTION

Comes now A. Heath Abshure, Arkansas Securities Commissioner, by and through counsel, Amber E. Crouch, Staff Attorney, and hereby respectfully moves the Court to withdraw his *Motion to Allow Limited Intervention* (“Commissioner’s Motion”) filed in the above-captioned matter on July 3, 2012.

1. The Commissioner sought intervention in this matter on July 3, 2012, for the limited purpose of objecting to the Bamco Gas, LLC Successor Receiver Alan Barksdale’s (“Successor Receiver”) request for release from liability for “any and all claims, causes of action, suits, or demands from any . . . government or political subdivision thereof” in the Successor Receiver’s *Motion of Receiver for Approval of: (A) Sale Transaction; (B) Proposed Distribution of Receivership Assets; and (C) Related Relief* (“Successor Receiver’s Motion”) filed with the Court on June 15, 2012.

2. The Successor Receiver filed a *Notice of Filing of Motion and Response Deadline* on July 17, 2012, which included the Receiver’s *[Proposed Order] Granting Motion of Receiver for Approval of: (A) Sale Transaction; (B) Proposed Distribution of Receivership Assets; and (C) Related Relief* (“Proposed Order”), attached thereto as Exhibit A. The Proposed Order does not include the Successor Receiver’s objectionable request for release from liability for “any and

all claims, causes of action, suits, or demands from any . . . government or political subdivision thereof” As a result, and assuming that the Proposed Order will be entered by the Court in its current form, the Commissioner moves to withdraw the Commissioner’s Motion.

3. In moving to withdraw the Commissioner’s Motion, the Commissioner takes no further position whatsoever regarding the Proposed Order or any other aspect of this ongoing matter.

WHEREFORE, A. Heath Abshire, the Arkansas Securities Commissioner, prays that the Court will permit the withdrawal of his *Motion to Allow Limited Intervention* as filed with the Court on July 3, 2012.

Respectfully submitted this the 29th day of August, 2012.

By: 
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CERTIFICATE OF SERVICE

I, Amber E. Crouch, hereby certify that a copy of the foregoing Motion to Withdraw Motion to Allow Limited Intervention was served by electronic mail, on the following:

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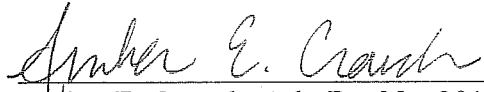
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