

Civil Action No. 3:07-CV-1994-B

1. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Permanent Injunction by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to use or employ any manipulative or deceptive device or contrivance;
- (b) to employ any device, scheme, or artifice to defraud;
- (c) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (d) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

2. **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Permanent Injunction by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
  - (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;
- or

- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

3. **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Permanent Injunction by personal service or otherwise are permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the

effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

4. Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. The Court shall determine the amounts of the disgorgement and civil penalty upon motion of the Commission. Prejudgment interest shall be calculated from November 30, 2007, based on the rate of interest used by the Internal Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In connection with the Commission's motion for disgorgement and/or civil penalties, and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Consent or this Permanent Injunction; (c) solely for the purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection with the Commission's motion for disgorgement and/or civil penalties, the parties may take discovery, including discovery from appropriate non-parties.

5. The Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

6. This Permanent Injunction may be served upon Barber of his counsel of record, in person or by mail, either by the United States Marshal, by the Clerk of the Court or by any member of the staff of the Commission.

7. Based on Barber's approval of the terms of this Permanent Injunction against him, Barber, understanding that it is the Commission's policy, as set forth in 17 C.F.R. §202.5(e), not to permit a defendant to consent to a judgment or order that imposes a sanction while denying the allegations in a complaint and further understanding that the Commission's assent to this Permanent Injunction against Barber is based upon his compliance with the Commission's policy, shall not take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the Commission's Complaint or creating an impression that the Complaint is without factual basis although nothing in this paragraph shall affect Barber's testimonial obligations or right to take legal positions in litigation to which the Commission is not a party.

8. Consistent with provisions of 17 C.F.R. §202.5(f) and based on Barber's approval of the terms of this Permanent Injunction against Barber, any claim of Double Jeopardy based upon entry of this Permanent Injunction against Barber, including the imposition of any remedy or civil penalty herein is waived based on Barber's understanding that this Permanent Injunction against Barber does not bar the institution or prosecution against Barber of any other action, civil, criminal or administrative, arising as a result of the matters alleged in the Complaint.

9. The Court shall retain jurisdiction over Barber and over the subject matter of this action in order to implement and carry out the terms of all orders and decrees that may be entered

herein and to entertain any suitable application or motion by the Commission for additional relief within the jurisdiction of this Court.

10. Barber shall continue to be considered a party to this action for purposes of the Right to Financial Privacy Act of 1978, 12 U.S.C. §§3401-22, and, as if still a party to this action, shall respond to requests for discovery by the Commission in accordance with provisions of the Federal Rules of Civil Procedure and the local rules and orders of the Court and shall make himself available as a witness upon reasonable notice at all trials or hearings in this matter.

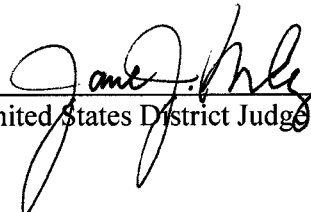
11. Defendants and their officers, agents, employees, servants, attorneys and all persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from, directly or indirectly, making any payment or expenditure of funds (including charges on any credit card or draws on any other credit arrangement), and from assigning, conveying, transferring, encumbering, disbursing, dissipating, selling, hypothecating or concealing any assets, monies, or other property owned by or in the actual or constructive possession of these Defendants, pending a showing to this Court that they have sufficient funds or assets to satisfy all claims arising from the violations alleged in the Complaint, pending the posting of a bond or surety sufficient to assure payment of any such claim, or until further order of this Court. Further, any bank, savings and loan associations, savings banks, commodities, dealers, investment company, trust company, broker-dealer or other financial or depository institution and investment companies holding one or more accounts for or on behalf of the Defendants are hereby restrained and enjoined from engaging in any transaction in securities and shall make no transactions (excepting liquidating transactions necessary as to wasting assets) and no disbursements of funds or securities (including extensions of credit, or

advances on existing lines of credit), including the honor of any negotiable instrument (including specifically, any check, draft, or cashier's check) purchased by or for the Defendants, pending further order of this Court. This provision shall continue in full force and effect until further order by this Court and shall not expire.

12. The Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

13. Based on the Court's express determination that there is no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk shall enter judgment accordingly.

EXECUTED AND ENTERED this 30 day of JAN, 2008.

  
United States District Judge

Approved as to Form and Content:

/s/ Tommy Eugene Barber  
TOMMY EUGENE BARBER

/s/ J. Kevin Edmundson  
J. Kevin Edmundson  
Texas Bar No. 24044020  
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Re: *SEC v. T-Bar Resources, et al.*  
Agreed Order of Permanent Injunction – Tommy Eugene Barber  
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