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7 **STATE OF WASHINGTON**
8 **KING COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 REAL ESTATE INVESTMENT
13 NETWORK LLC, an Oregon limited
14 liability company; KERRY
15 HEMMINGSEN, individually and on
16 behalf of his marital community;
17 DANIEL STACK, individually and on
18 behalf of his marital community; and
19 WILLIAM GASTINEAU, individually
20 and on behalf of his marital community,

21 Defendants.

NO. 18-2-12432-8 SEA

AGREED ORDER GRANTING THE
STATE OF WASHINGTON'S
MOTION FOR PRELIMINARY
INJUNCTION

22 THIS MATTER came before the Court on the State of Washington's Motion for
23 Preliminary Injunction. The Court considered the following material:

- 24 A. State of Washington's Motion for Preliminary Injunction ("Motion");
25 B. Declaration of Heidi Anderson and the exhibit attached thereto;
26 C. Declaration of Joseph Bowen and the exhibits attached thereto;
D. Declaration of Susan Boyle and the exhibits attached thereto;
E. Declaration of Lynn Friend and the exhibits attached thereto;
F. Declaration of Chelsea Hicks and the exhibits attached thereto;

- 1 G. Declaration of Catherine Holcroft and the exhibits attached thereto;
2 H. Declaration of Jeffrey Holter and the exhibits attached thereto;
3 I. Declaration of Sandra Kieffer and the exhibits attached thereto;
4 J. Declaration of Paul Kieffer and the exhibits attached thereto;
5 K. Declaration of Robert McDonald and the exhibits attached thereto;
6 L. Defendants' Response to Motion for Preliminary Injunction;
7 M. Declaration of Gregory Toussieng;
8 N. Declaration of Dan Stack and the exhibit attached thereto;
9 O. Declaration of William Gastineau; and
10 P. Any replies submitted in support of the Motion.

11 Defendants dispute certain factual assertions made by the State in its Motion and
12 supporting pleadings, and that Defendants' conduct constitutes a violation of RCW 19.86.020
13 and/or RCW 63.29.350. However, State and the Defendants stipulate that any and all
14 requirements for a preliminary injunction, as set forth under CR 65, are met and that a
15 preliminary injunction should be entered.

16 Based upon the agreement and stipulation of the parties, it is hereby ORDERED as
17 follows:

- 18 1. The State of Washington's Motion for Preliminary Injunction is GRANTED.
19 2. Pending the trial in this matter, Defendants and their officers, agents,
20 representatives, employees, attorneys, and other persons in active concert or participation with
21 them who receive actual notice of this order by personal service or otherwise, are hereby
22 RESTRAINED and ENJOINED from the following:
- 23 a. Making misrepresentations or material omissions to consumers regarding
24 Surplus Funds, including without limitation the amount of Surplus Funds
25 available, the process to obtain Surplus Funds, fees and costs associated with
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1 recovering Surplus Funds, and the amount of time it takes to recover Surplus
2 Funds;

- 3 b. Seeking or entering into contracts with consumer homeowners of recently
4 foreclosed property for more than five percent (5%) of recovered Surplus
5 Funds, plus reasonable costs in an amount not to exceed \$225;
- 6 c. Seeking or entering into contracts with consumers relating to the recovery of
7 Surplus Funds without disclosing all information known by Defendants at the
8 time regarding the consumer's foreclosed property, including, without
9 limitation how much the property sold for at the foreclosure sale, the liens on
10 the property, and the amount of recoverable Surplus Funds;
- 11 d. Retaining, other than in trust, Surplus Funds in excess of five percent (5%) of
12 the total amount recovered.

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14 DATED this 29th day of may, 2018.

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17 
18 HONORABLE CATHERINE MOORE

1 Presented by:

2 ROBERT W. FERGUSON
3 Attorney General

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15 Agreed, approved and stipulated; notice of
16 presentation waived:

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