

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. 05CV002761

STATE OF NORTH CAROLINA ex rel.)
ROY COOPER, Attorney General,)
)
Plaintiff,)
)
vs.)
)
D. SCOTT HEINEMAN and KURT F.)
JOHNSON, INDIVIDUALLY and D/B/A THE)
DOREAN GROUP, and JOYCE EARL)
DELANCY LAMBETH, A/K/A J.E.D. LAMBETH,))
)
Defendants.)

TEMPORARY
RESTRAINING ORDER

THIS CAUSE came on before the undersigned Superior Court Judge on the Attorney General's motion for a temporary restraining order pursuant to N.C.G.S. § 75-14, Rule 65 of the North Carolina Rules of Civil Procedure, and Chapter 114 of the North Carolina General Statutes. It appears to the Court from the verified complaint and the motion and affidavits filed herein that there is good and sufficient cause to believe that the defendants D. Scott Heineman, Kurt Johnson, and Joyce Earl Delancy Lambeth are engaged in unfair and deceptive commercial practices in violation of N.C.G.S. § 75-1.1.

It further appears to the Court that immediate and continuing harm to the consuming public and to the integrity of the North Carolina public records will occur unless defendants are temporarily enjoined from violations of the law, and the Court therefore finds the plaintiff State of North Carolina is entitled to a temporary restraining order.

IT IS THEREFORE ORDERED that defendants, their agents, employees, and persons acting in concert with them are temporarily restrained from:

- (a) advertising mortgage elimination services to residents of North Carolina;

- (b) soliciting or receiving money from any residents of North Carolina for mortgage elimination services;
- (c) filing any documents on the public records in any county in North Carolina, including documents entitled “Notice of Intent to Correct Title,” “Substitution of Trustee,” “Specific Power of Attorney,” “Full Reconveyance” or any other document being used in a scheme to have a deed of trust satisfied with less than full payment;
- (d) filing any documents on the public records in any county in North Carolina where defendants, their agents, employees, and persons acting in concert with them purport to sign the documents as attorney-in-fact or agent for any lending institution unless defendants, their agents, employees, and persons acting in concert with them can produce an affidavit signed by an authorized agent employed by the lending institution giving permission for defendants, their agents, employees, and persons acting in concert with them to make a filing on behalf of the lending institution; and
- (e) filing any document on the public records in any county in North Carolina which creates a “negative option” through which a lender purports to lose rights and/or appoint defendants, their agents, employees, and persons acting in concert with them as attorney-in-fact for the lender.
- (f) disposing of any funds defendants have collected from North Carolina consumers in connection with their operation of a mortgage elimination business; and

- (g) destroying, removing, transferring, erasing, or otherwise disposing of any business or financial records, relating to defendants' mortgage elimination operations.

IT IS FURTHER ORDERED that at least three (3) days prior to the preliminary injunction hearing in this matter, and in no event later than two (2) weeks after entry of this Order, defendants shall provide plaintiff with a list identifying every North Carolina consumer who has paid any defendant for mortgage elimination services, including the consumer's name, address, and telephone number, along with the amount of money each customer paid to one or more defendants.

IT IS FURTHER ORDERED that this matter be heard before the Superior Court Judge presiding at the Wake County Courthouse, Courtroom _____ on _____, 2005, at _____ . M., or as soon thereafter as this matter can be heard, on the State's motion for a preliminary injunction.

This the _____ day of March, 2005 at _____ . M.

Superior Court Judge

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served upon defendants the foregoing TEMPORARY RESTRAINING ORDER in the following manner:

Service by the Guilford County Sheriff's Department to:

J.E.D. Lambeth
3914 Old Berkshire Drive,
Browns Summit, NC 27214

Service by independent process server to:

D. Scott Heineman, d/b/a The Dorean Group
2447 Corum Court
Union City, CA 94587
or
29460 Union City Blvd.
Union City, CA 94587

Kurt F. Johnson, d/b/a/ The Dorean Group
125 East SunnyOak Avenue/Apt.103
Campbell, CA (Zip 95008, 95009 or 95011)
or
29460 Union City Blvd.
Union City, CA 94587

This the 3rd day of March, 2005.

ROY COOPER
Attorney General

Harriet F. Worley
Assistant Attorney General
Consumer Protection

N.C. Department of Justice

Division