



Department of Banking and Finance

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Sonny Perdue
Governor

Robert M. Braswell
Commissioner

September 22, 2009

VIA CERTIFIED MAIL – 7002 2410 0001 2664 7701

Marc Trachtenberg
Primary Capital Funding, LLC
also d/b/a www.primarycapitalfunding.com
3003 Summit Boulevard
15th Floor, #5061
Atlanta, Georgia 30319

FILED

OCT 23 2009

GEORGIA DEPARTMENT OF
BANKING AND FINANCE

ORDER TO CEASE AND DESIST

Pursuant to O.C.G.A. § 7-1-1018(a), the Georgia Department of Banking and Finance (“Department”) hereby orders you, Primary Capital Funding, LLC also d/b/a www.primarycapitalfunding.com (“Primary Capital Funding”), to cease and desist from engaging in activities in violation of the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000 *et seq* (“the Act”). O.C.G.A. § 7-1-1002(a) prohibits any person from transacting business as a residential mortgage broker or residential mortgage lender unless licensed or exempted from licensing requirements. The Department has documentation that Primary Capital Funding, LLC violated the Act, specifically O.C.G.A. § 7-1-1002, by engaging in residential mortgage broker/lending activities without a valid license or pursuant to an applicable exemption.

This Order shall be final thirty days from the date of issuance. O.C.G.A. § 7-1-1018(a). The Department, however, may rescind the Order to Cease and Desist if within this thirty-day period you provide the Department with documentation showing that Primary Capital Funding, LLC possesses a valid license or qualifies for an exemption found in O.C.G.A. § 7-1-1001. If the Department finds no valid license or applicable exemption exists, the Order to Cease and Desist shall become a final order of the Department pursuant to O.C.G.A. § 7-1-1018(a). Should you have any questions concerning this matter, please direct them to Helen O’Leary, Non-Depository Financial Institutions Division Senior Attorney, at (770) 986-1649.

Rod Carnes, CFE
Deputy Commissioner
Non-Depository Financial Institutions Division