

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

COBB COUNTY, GA
FILED IN OFFICE

2011 JAN -3 PM 12:40

DEPARTMENT OF BANKING AND
FINANCE,

Plaintiff,

v.

MICHAEL SURGENT d/b/a TRINITY
CORPORATION,

Defendant.

*
*
*
*
*
*
*
*
*
*

Civil Action No. 10-108043-33

Jay C. Stephenson
COBB SUPERIOR COURT CLERK

FINAL ORDER AND JUDGMENT

On August 6, 2009, Plaintiff issued an Order to Cease and Desist to Defendant as Defendant was transacting business as a mortgage broker or mortgage lender without a valid license. The Order to Cease and Desist Order became a final order by operation of law on September 9, 2009. After the Cease and Desist Order became final, Defendant continued to engage in mortgage broker and lending activities for which a license is required from Plaintiff, including, but not limited to, directly or indirectly soliciting or negotiating mortgage loans (loan modifications) for others or offering to solicit or negotiate mortgage loans (loan modifications) for others.

Plaintiff filed this action on August 11, 2010, seeking an Order from this Court declaring that Defendant violated the Order to Cease and Desist by continuing to directly or indirectly solicit or negotiate mortgage loans (loan modifications) for others and by offering to solicit or negotiate mortgage loans (loan modifications) for others, enjoining the Defendant from further acting as a mortgage broker, mortgage lender or mortgage loan originator in violation of the Order to Cease and Desist unless and until he obtains a license, and ordering Defendant to comply with the Order to Cease and Desist including,

but not limited to, ceasing all solicitation and negotiation of residential mortgage loans and offers to solicit and negotiate residential mortgage loans. Defendant was personally served with the complaint on August 25, 2010 but has failed to file an answer* to the complaint. Plaintiff has filed a Motion for Entry of Default Judgment. The Court has considered the pleadings filed in this case. IT IS HEREBY ORDERED as follows:

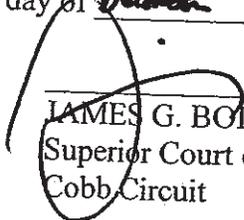
1) The Court grants declaratory relief finding that Defendant violated the Order to Cease and Desist by continuing to directly or indirectly solicit or negotiate mortgage loans (loan modifications) for others and by offering to solicit or negotiate mortgage loans (loan modifications) for others after the Order to Cease and Desist was final.

2) Defendant is hereby enjoined from violating the Order to Cease and Desist issued by Plaintiff on August 6, 2009 and which became final by operation of law on September 9, 2009. This includes, but is not limited to, Defendant being enjoined from further acting as a mortgage broker, mortgage lender or mortgage loan originator in violation of the Order to Cease and Desist unless and until he obtains a license.

3) Defendant shall comply with the terms of the Order to Cease and Desist. This includes, but is not limited to, ceasing all solicitation and negotiation of residential mortgage loans and offers to solicit and negotiate residential mortgage loans.

4) The terms of this Order may be enforced by filing a motion for contempt in the Superior Court of Cobb County or by any other action deemed appropriate by the Plaintiff.

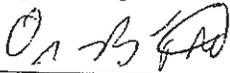
SO ORDERED, this 24th day of December, 2010.



JAMES G. BODIFORD, Judge
Superior Court of Cobb County
Cobb Circuit

* Mr. Sargent sent our chambers a letter on Oct. 9, 2010 (postmark date). The Court cannot consider this to be an answer to the complaint as it was filed after the 45th day from service. OCB

Prepared by:



Oscar B. Fears, III
Senior Assistant Attorney General
40 Capitol Square, SW
Atlanta, Georgia 30334
Telephone (404) 656-3303
Ga. Bar No. 257020
Attorney for Plaintiff

CERTIFICATE OF SERVICE

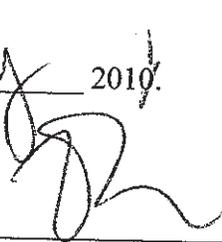
This is to certify that I have delivered via U.S. Mail a copy of the foregoing Order
to the following:

Oscar Fears III
40 Capitol Square, S.W.
Atlanta, GA 30334

Michael Surgent
c/o Trinity Corporations
2625 Sandy Plains Rd.
Ste. 101
Marietta, GA 30066

Boris Michael Surgent
#3N3; 899807
P.O. Box 100110
Marietta, GA 30061

This 3 day of January 2010.



Leanne E. Dolin
Staff Attorney to Judge James G. Bodiford
Cobb Superior Court