



**GRANTED**

**Dated: Apr 26, 2011**

**Morris B. Hoffman  
District Court Judge**

SEE ATTACHMENT FOR ANY ADDITIONAL TERMS

**EFILED Document**

**CO Denver County District Court 2nd JD  
Filing Date: Apr 26 2011 3:35PM MDT  
Filing ID: 37254824  
Review Clerk: Cameron M Munier**

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p>STATE OF COLORADO, <i>ex rel.</i> John W. Suthers, Attorney General,</p> <p>Plaintiff,</p> <p>v.</p> <p>AUHLL AND ASSOCIATES, LLC, d/b/a LOAN MODIFICATION SOLUTIONS, a Colorado limited liability company; NANETTE M. AUHLL, an individual; ROBERT R. AUHLL, an individual; PRINCIPAL FINANCIAL PARTNERS, INC., a Colorado corporation; and THOMAS S. STEFANSZKY, an individual,</p> <p>Defendants.</p>	<p><b>▲ COURT USE ONLY ▲</b></p>
	<p>Case No.: 2011cv2268</p> <p>Courtroom: 280</p>
<p align="center"><b>STIPULATED PRELIMINARY INJUNCTION ORDER</b></p>	

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado (the “State”), and Defendants Auhll and Associates, LLC, Nanette M. Auhll, Robert R. Auhll, and Principal Financial Partners, Inc. (“Defendants”), having each consented to the entry of this Stipulated Preliminary Injunction Order, without any prejudice to the State’s ability to prosecute the claims in the Complaint against the Defendants and without Defendants admitting any wrongdoing or liability; and the Court, having considered this matter and being fully advised in the premises, FINDS, CONCLUDES AND ORDERS AS FOLLOWS:

1. This Court has jurisdiction in the matter presented herein by virtue of section 6-1-110(1), C.R.S. (2010), of the Colorado Consumer Protection Act and Rule 65(a) of the Colorado Rules of Civil Procedure.
2. Pursuant to Rule 65(c) of the Colorado Rules of Civil Procedure, the State is not required to provide a security bond.

3. This Order shall remain in effect until final judgment in this case is entered or the Court modifies it.

### **Preliminary Injunction**

4. Through their authorized signatures below, the State and Defendants hereby agree and stipulate to the following preliminary injunction under C.R.S. § 6-1-110(1) and C.R.C.P. 65:

A. Defendants Auhll and Associates, LLC, Robert R. Auhll, Nanette M. Auhll, and Principal Financial Partners, Inc., jointly and individually, and any other persons under their control or in concert or participation with Defendants who receive notice of this order, stipulate and agree to be preliminarily enjoined and restrained from:

(1) Soliciting, offering, or accepting, indirectly or directly, payment for mortgage assistance relief services, including foreclosure assistance, loan modifications, and principal reductions;

(2) Advertising, marketing, or displaying mortgage assistance relief services, including foreclosure assistance, loan modifications, and principal reductions; and

(3) Publishing, distributing or disseminating any information, including written, oral, or video, relating to mortgage assistance relief services, including foreclosure assistance, loan modifications, and principal reductions.

Nothing herein shall prohibit Defendants from continuing work on behalf of clients who have paid Defendants a fee on or before January 30, 2011 for mortgage assistance relief, and provided that Defendants (1) within five (5) days of this order disclose in writing those clients by name, address, and telephone number, and provide records regarding the activity and status of each such client file since December 1, 2010 and through April 15, 2011, to the Attorney General; and (2) are not instructed by the clients orally or in writing at any time to stop working on the file.

B. Defendants Robert R. Auhll and Nanette M. Auhll, jointly and individually, and any other persons under their control or in concert or participation with Defendants who receive notice of this order, stipulate and agree to:

(a) Deactivate within forty-eight (48) hours of the order all Internet sites, domain names, URL addresses, registrations, and any other forms or materials that advertise, market, discuss, or solicit any business relating to mortgage assistance relief services, including foreclosure assistance, loan modifications, and principal reductions.

C. Defendants Auhll and Associates, LLC, Robert R. Auhll, Nanette M. Auhll, and each of their successors, assigns, members, officers, agents, servants, employees, and attorneys, and those persons and entities in active concert or participation with them who receive notice of this order, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, stipulate and agree to be restrained and enjoined from and to perform the following:

(a) Subject to subsections (c) and (d) of Section C, transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, perfecting a security interest in, or otherwise disposing of any asset with a fair market value of \$5,000.00 or greater, wherever located, including outside the United States, which is owned or controlled by, in the actual or constructive possession of, or held, directly or indirectly, for the benefit of, Auhll and Associates, LLC, Robert Auhll, or Nanette Auhll, in whole or in part, as of the date of their signatures below, including, but not limited to, the real property located at 1412 Pinyon Drive, Castle Rock, Colorado 80104 and the 2003 Rinker boat, VIN: RNK71388F203.

(b) Incurring liens or other encumbrances on any asset subject to subsection (a) in the name, singly or jointly, of any corporation, partnership, or other entity owned, managed, or controlled, directly or indirectly, by Auhll and Associates, LLC, Robert Auhll, or Nanette Auhll.

(c) Defendants may sell for at least fair market value any asset subject to subsection (a) above only if (1) the sale amount is approved by the Attorney General in writing prior to any sale and (2) the entire proceeds of the sale of each asset are assigned and delivered to the State to be held in trust by the State and applied to any final settlement or judgment. Defendants must cooperate with any request for documents or information by the Attorney General as part of his approval of any sale. The State shall provide its decision on approval of the sale of any asset subject to subsection (a) within two (2) business days; however, the decision regarding approval of the sale of the real property shall be provided within twenty-four (24) hours after Defendants notify Investigator Sartor by e-mail at Shelly-Jean.Sartor@state.co.us. If the sale of the real property at 1412 Pinyon Drive, Castle Rock, Colorado 80104 results in net sale proceeds payable to the State of at least \$60,000.00 after payment of all liens and fees, the State shall not withhold approval of the sale, provided that Defendants execute prior to closing an assignment of proceeds for the benefit of the State for the entire amount of the sale proceeds.

(d) Only if the 2003 Rinker boat, VIN: RNK71388F203, has been transferred or sold prior to entry of this order and the proceeds have been received in full by Defendants, it shall not be subject to subsection (a) above, but Defendants stipulate and agree to hold in a trust account with their lawyer, Gary Lozow, or his law firm for the benefit of the State the sale proceeds of not less than \$18,000.00 from any sale to be applied to any final settlement or judgment.

(e) Defendants Nanette M. Auhll and Robert R. Auhll, jointly and severally, agree to use their best efforts to sell the property at 1412 Pinyon Drive, Castle Rock, Colorado 80104, for fair market value, and maintain it in good and marketable condition, including ensuring the

timely payment of all mortgages, insurance, taxes, and, if applicable, homeowner's fees, through the time of sale and up to and including the delivery of the sale proceeds to the State.

D. For any violations of this order, the State reserves all rights and remedies under the law, including C.R.S. § 6-1-112(1)(b) and the mandatory penalty of not more than ten thousand dollars (\$10,000) for each such violation, which shall be in addition to any other remedy, including contempt under C.R.C.P. 107.

Dated this 22nd day of April, 2011.

/s/ Robert Auhll

\_\_\_\_\_  
Robert R. Auhll, individually

Dated this 22nd day of April, 2011.

/s/ Nanette Auhll

\_\_\_\_\_  
Nanette M. Auhll, individually

Dated this 22nd day of April, 2011.

/s/ Robert Auhll

\_\_\_\_\_  
Auhll and Associates, LLC, by its  
Authorized representative

Robert Auhll            President  
\_\_\_\_\_            \_\_\_\_\_ [print name and title]

Dated this 22nd day of April, 2011.

/s/ Robert Auhll

\_\_\_\_\_  
Principal Financial Partners, Inc., by its  
Authorized representative

Robert Auhll            President  
\_\_\_\_\_            \_\_\_\_\_ [print name and title]

Dated this 25th day of April, 2011.

/s/ Erik R. Neusch

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ANDREW P. McCALLIN, Reg. No. 20909  
First Assistant Attorney General  
ERIK R. NEUSCH, Reg. No. 33146  
JENNIFER MINER DETHMERS, Reg. No. 32519  
Assistant Attorneys General  
Colorado Attorney General's Office  
1525 Sherman Street  
Denver, Colorado 80203

*Attorneys for Plaintiff State of Colorado*

APPROVED AS TO FORM ON BEHALF OF DEFENDANTS:

Dated this 25th day of April, 2011.

/s/ Gary Lozow

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GARY LOZOW, Reg. No. 2031  
Isaacson Rosenbaum, P.C.  
1001 17th Street, Suite 1800  
Denver, Colorado 80202

*Attorney for Defendants Auhll and Associates, LLC, d/b/a Loan Modification Solutions, Nanette M. Auhll, Robert R. Auhll, and Principal Financial Partners, Inc.*

ENTERED this \_\_\_\_ day of \_\_\_\_\_ 2011.

BY THE COURT:

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DISTRICT COURT JUDGE

*Pursuant to C.R.C.P. 121, § 1-26(7), the original of this document with original signatures is maintained at the offices of the Colorado Attorney General, 1525 Sherman Street, Denver, Colorado 80203, and will be made available for inspection upon request.*

This document constitutes a ruling of the court and should be treated as such.

**Court:** CO Denver County District Court 2nd JD

**Judge:** Morris B Hoffman

**File & Serve**

**Transaction ID:** 37216104

**Current Date:** Apr 26, 2011

**Case Number:** 2011CV2268

**Case Name:** ST OF COLO vs. AUHLL & ASSOC LLC et al

**Court Authorizer:** Morris B Hoffman

**/s/ Judge Morris B Hoffman**