State of New Hampshire Banking Department

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In re the Matter of: 3

) Case No.: 07-035

4 State of New Hampshire Banking) Consent Order

Department,

Petitioner,

and

Stone Mountain Mortgage Inc.,

Respondent(s)

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- For purposes of settling the above-referenced matter, among other things, the New Hampshire Banking Department (hereinafter referred to as "the Department") and Stone Mountain Mortgage Inc (hereinafter Respondent), do hereby enter this Agreement and stipulate to the following:
 - 1. The Respondent is licensed to conduct mortgage brokering activity by the Department pursuant to RSA 397-A:3.
 - 2. The Respondents' primary business is located at 14 Main Street Bethel, ME.
 - 3. The Department began an examination of Respondent on July 24, 2006.
 - 4. The examination revealed that the Respondent had co-brokered at least two loans with an unlicensed entity in violation of RSA 397-A:17.
 - 5. The Respondent volunteered that it had committed three other like violations.

CONSENT ORDER

- 6. The Commissioner subsequently issued an Order to Show Cause to the Respondent regarding these violations.
- 7. The Respondent admits having engaged in activity which it now knows was impermissible, argues such violations were negligently and not knowingly committed, and wishes to avoid further formal process.
- II. For purposes of amicably resolving and closing the above-referenced matters the Respondent agrees to the following terms and conditions and the Department accepts the same:
 - 1. The Respondent agrees that it has voluntarily entered into this Agreement without reliance upon any discussions between the Department and Respondent, without promise of a benefit of any kind (other than concessions contained in this Agreement), and without threats, force, intimidation, or coercion of any kind. The Respondent further acknowledges its understanding of the nature of the offenses stated above, including the penalties provided by law.
 - 2. The Respondent agrees to waive any and all rights to a hearing and appeal thereof.
 - 3. The Respondent agrees that it will not deny the factual basis for this Agreement to which it has stipulated above and will not give conflicting statements about such facts or its involvement in the stipulated facts.
 - 4. The Respondent agrees that all terms of this Agreement are contractual and none is a mere recital.
 - 5. The Respondents will pay a fine for violation of RSA 399-A:17 in the amount of \$7,500. Said sum is payable in 3 equal monthly installments the first payment being due the thirtieth of the month in which this agreement is executed by the Commissioner.
 - 6. The Respondent acknowledges that failure to make payment as agreed above or further violations of law will result in license action and additional administrative fines.
 - 7. Each person who signs this Consent Order in a representative capacity warrants that his or her execution of this Consent Order is

duly authorized, executed, and delivered by and for the entity for which he signs. 2 3 This Agreement represents the complete and final resolution of, and discharge of any basis for any civil or administrative proceeding by the Department 4 against the Respondent for violations arising as a result of or in connection 5 with any actions or omissions by the Respondent through the date of this Order as it applies to the allegation of the above captioned cause; provided, 6 however, this release does not apply to facts not known by the Department or 7 not otherwise provided by the Respondent to the Department as of the date of this Order. This agreement does not preclude any consumer from filing a claim 8 pursuant to RSA 383:10-d. The Department expressly reserves its right to 9 pursue any administrative or civil action or remedy available to it should the Respondent breach this Agreement or in the future violate the Act or 10 rules and orders promulgated thereunder. 11 12 13 WHEREFORE, based on the foregoing, we have set our hands to this Agreement, 14 with it taking effect upon the signature of Peter C. Hildreth, Bank 15 Commissioner. 16 17 Recommended this 7^{th} day of May , 2007 by 18 /S/ 19 James Shepard, Staff Attorney, Banking Department 20 21 Executed this 2^{nd} day of May , 2007. 22 /S/ 23 Gerald Smith, as representative for Respondents

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1	STATE OF
2	COUNTY OF
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4	The foregoing instrument was acknowledged before me this <u>2nd</u> day of
5	May , 2007, by Gerald Smith of the above-named entity,
6	on behalf of the organization.
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8	[ed: signature was properly notarized]
9	Notary Public / Justice of the Peace
10	My Commission Expires:
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12	FINDING THE ABOVE CONSENT ORDER AND THE AGREEMENTS CONTAINED THEREIN TO BE IN
14	THE PUBLIC INTEREST IT IS;
15	SO ORDERED
16	this7 th day ofMay, 2007.
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18	/S/ Peter C. Hildreth, Bank Commissioner
19	Bank commissioner
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