

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2005 NO. 05CM002760

WAKE COUNTY, C.S.C.

STATE OF NORTH CAROLINA ex rel.  
ROY COOPER, Attorney General,

BY \_\_\_\_\_

Plaintiff,

PRELIMINARY INJUNCTION  
ORDER

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.

THIS CAUSE came on before the undersigned Superior Court Judge on the Attorney General's motion for a preliminary injunction 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.

The Court finds for the purposes of this Order that defendant Heineman was personally served with the summons and complaint in this action on March 13, 2005, and that defendant Lambeth was personally served with the summons and complaint in this action on March 7, 2005. Defendant Lambeth was present for this hearing but was not represented by counsel. Defendant Heineman was not present for this hearing and was not represented by counsel.

At the time of the hearing, defendant Johnson has not yet been served with the summons and complaint. Accordingly, for good cause shown, the temporary restraining order entered by this Court on March 3, 2005, is continued as to defendant Johnson until further hearing on the State's motion for a preliminary injunction, which is scheduled to be heard on

March 21<sup>st</sup>, at 10:00 a.m. in Courtroom 10-B.

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 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 preliminarily enjoined from violations of the law, and the Court therefore finds the plaintiff State of North Carolina is entitled to a preliminary injunction.

IT IS THEREFORE ORDERED that defendants Heineman and Lambeth, their agents, employees, and persons acting in concert with them are preliminarily enjoined 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;

- (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.

THIS ORDER shall remain in effect pending further order of the Court.

This the 14th day of March, 2005 at 11:27 A. M.

  
Superior Court Judge

CERTIFICATE OF SERVICE

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

Service by the ~~Guilford County Sheriff's Department~~ to:

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

*by mail*  
~~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 14<sup>th</sup> day of March, 2005.

ROY COOPER  
Attorney General

*Harriet F. Worley*  
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Harriet F. Worley  
Assistant Attorney General  
Consumer Protection Division  
N.C. Department of Justice