

CAUSE NO. 2007-CI-13943

STATE OF TEXAS, Plaintiff	§	IN THE DISTRICT COURT
	§	
v.	§	
	§	
FORECLOSURE ASSISTANCE SOLUTIONS, LLC., J.W.W. SERVICES, INC., ADOLFO QUINTERO, JOHN WOODRUFF AND HERB ZERDEN INDIVIDUALLY, Defendants	§	408 TH JUDICIAL DISTRICT
	§	
	§	
	§	
	§	BEXAR COUNTY, TEXAS

ORDER DISBURSING REMAINING RESTITUTION FUNDS

On this day came for hearing the State's Unopposed Motion to Disburse Remaining Restitution Funds, in the above-entitled and numbered cause in which the STATE OF TEXAS is Plaintiff and FORECLOSURE ASSISTANCE SOLUTIONS, L.L.C. ("FAS"), J.W.W. SERVICES, INC., ADOLFO QUINTERO, JOHN WOODRUFF, and HERB ZERDEN are Defendants. Having read the pleadings and heard the argument of counsel, the Court finds that:

1. This Court on April 8, 2008 approved an Agreed Final Judgment and Permanent Injunction between the parties by which Defendants were ordered to pay \$475,000.00 to the State for restitution to be distributed to consumers who did business with Foreclosure Assistance Solutions.
2. The Agreed Final Judgment and Permanent Injunction provided that \$369,511.36 in restitution was to be remitted to 338 consumers specified in Attachment A to that Agreed Final Judgment and Permanent Injunction. A disbursing agent, Randolph Osherow, was ordered to complete the disbursement of these funds and to be compensated for his services from the restitution amount provided. Of the 338 persons identified, checks were distributed to 329 consumers for a total of \$362,511.36 distributed. After much research, the State has not found a deliverable address for 9 of these 338 consumers, totaling \$7,000.00. The Agreed Final

Judgment and Permanent Injunction provides that these remaining funds shall be forwarded to the State to be handled as unclaimed property by the State.

3. In addition, the State held the remainder of the restitution money for 270 days from the date of judgment, during which time, consumers could make a claim for restitution from Defendants. The 270 day period expired on January 8, 2009. Since the date of entry of the Agreed Final Judgment and January 8, 2009, 22 consumers produced evidence that they had done business with Defendants and were entitled to restitution totaling \$28,180.00, which amount has been disbursed by the State to these consumers.
4. The disbursing agent was paid a total of \$4,337.24 for his services of disbursing checks to the consumers who received restitution.
5. Thus, out of the total of \$475,000.00 provided for consumer restitution, \$79,971.40 remains unrefunded to consumers. The Agreed Final Judgment and Permanent Injunction provides that \$7,000.00 which was specifically allocated to 9 consumers should be treated as unclaimed property by the State, and the remaining funds shall revert to the State of Texas as additional civil penalties and be deposited into the State's General Revenue Fund.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the \$79,971.40 remaining from the restitution funds shall be distributed as follows: (1) the restitution specifically appropriated to 9 out of 338 named consumers in the Agreed Final Judgment and Permanent Injunction, totaling \$7,000.00, shall be forwarded to the State to be handled as unclaimed property by the State; and (2) the \$72,971.40 remaining shall revert to the State of Texas as additional civil

