

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2015 JUL 24 AM 10: 01

SUPERIOR COURT DIVISION

COUNTY OF WAKE

FILE NO: 15 CVS 000785

WAKE COUNTY, C.S.C.

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

Plaintiff, )

v. )

CAROLINA MORTGAGE GROUP, INC., and )  
JEFFREY D. COX, )

Defendants. )

**JUDGMENT BY DEFAULT**

**PURSUANT TO RULE 55 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE**, the undersigned Judge of Wake County Superior Court grants Plaintiff State of North Carolina's, *ex rel.* Roy Cooper, Attorney General, Motion for Judgment by Default against Defendants Carolina Mortgage Group, Inc. and Jeffrey D. Cox. From the record herein, the Court finds as follows:

1. The Court has jurisdiction over the parties and subject matter.
2. On January 21, 2015, the State filed its Complaint in this action alleging that Defendants were operating a business in violation of the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1, *et seq.*
3. On March 24, 2015, pursuant to N.C. Gen. Stat. § 75-14 and N.C. Rule of Civil Procedure 55(a), Assistant Wake County Clerk of Court Satterfield granted the State's Motion for Entry of Default against Defendants.
4. Defendants have failed to file an answer to the Complaint filed on January 21, 2015, and thus, all of the allegations made by the State in the Complaint are deemed admitted.

5. From the record in this case, the State has made a sufficient showing that Defendants knowingly violated the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1, *et seq.*

6. Defendants have failed to plead or to appear in this action, and are subject to a Judgment by Default as provided by N.C. Rule of Civil Procedure 55(b)(2).

7. On May 14, 2015, the State filed a Motion for Judgment by Default with this Court, moving that this Judgment by Default be granted, pursuant to Rule 55(b)(2) of the North Carolina Rules of Civil Procedure.

8. Defendants are not infants, or incompetent persons, or otherwise under disability.

9. Defendants are liable to the State for the relief requested by reason of the facts shown in the Complaint filed in this action.

**BASED ON THE FOREGOING AND THE RECORD HEREIN**, this Court concludes that good and sufficient cause exists for entry of this Judgment by Default, pursuant to N.C. Gen. Stat. § 75-1, *et seq.* and N.C. Rule of Civil Procedure 55(b).

**IT IS THEREFORE ORDERED** that Defendants, their agents, employees, and corporate successors or assigns, and any persons acting in concert with them are hereby permanently enjoined from:

- a. Offering and soliciting residential and nonresidential mortgage loans in North Carolina;
- b. Engaging in unfair or deceptive practices in the offering or conducting of their business in this State;

**IT IS FURTHER ORDERED** that Plaintiff State of North Carolina, pursuant to N.C. Gen. Stat. § 75-1.1, *et seq.*, shall have and recover from Defendants the following:

- a. Consumer restitution in the amount of \$20,940 (*See Attachment A*);
- b. Restoration of all consumer property held by Defendants;
- c. Cancellation of all consumer contracts made by Defendants; and
- d. ~~Payment in the amount of \_\_\_\_\_ for any additional consumer restitution, attorneys' fees and other costs and fees of investigation and litigation, for consumer protection purposes, and other uses permitted by law.~~

*JR*

**IT IS FURTHER ORDERED** that Plaintiff State of North Carolina, pursuant to N.C. Gen. Stat. § 75-15.2, shall have and recover from Defendants a civil penalty of five thousand dollars (\$5,000) for each violation of the Unfair and Deceptive Trade Practices Act, in the total amount of \$90,000. (*See Attachment B*)

**SO ORDERED**, this the 24<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
SUPERIOR COURT JUDGE

**Attachment A**

<b>Consumer Last Name</b>	<b>Consumer First Name</b>	<b>Restitution</b>
Blake	Lisa	\$11,070.00
Delgado	Jose	\$9,870.00

**\$20,940.00 (Total)**

**Attachment B**

<b>Number</b>	<b>Consumer Last Name</b>	<b>Consumer First Name</b>	<b>Maximum Penalty</b>
1	Blake	Lisa	\$5,000
2	Bobbitt	Bryan	\$5,000
3	Carter	Sheila	\$5,000
4	Delgado	Jose	\$5,000
5	Fuentes	Mirta	\$5,000
6	Gaudette	Wayne & Sharon	\$5,000
7	Gregory	Shirley	\$5,000
8	Hogg	Tracy	\$5,000
9	Holst	Karl & Ellen	\$5,000
10	Massengill	Lane	\$5,000
11	Nickels	Elizabeth D.	\$5,000
12	Noble	Harlan E.	\$5,000
13	Paratore	Stacy	\$5,000

14	Patterson	Brian	\$5,000
15	Reid	Sandra	\$5,000
16	Satterfield	Roxanne & Michael	\$5,000
17	Stancil	Kenneth M.	\$5,000
18	Williford	Tony	\$5,000

(18 x \$5,000)= **\$90,000 (Total)**