

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION

4 FEDERAL TRADE COMMISSION,

5 Plaintiff,

6 v.

7 NATIONAL HOMETEAM SOLUTIONS, LLC;

8 NATIONAL FINANCIAL SOLUTIONS, LLC;

9 UNITED FINANCIAL SOLUTIONS, LLC;

10 NATIONWIDE FORECLOSURE SERVICES, LLC;

11 EVALAN SERVICES, LLC;

12 ELANT, LLC;

13 ELIAS H. TAYLOR, aka ELI TAYLOR;

14 EVERARD TAYLOR, aka EVERARDO TAYLOR;

15 EMANUEL TAYLOR; and

16 EDWIN P. TAYLOR, SR., aka ED TAYLOR,

17 Defendants.

Civil Action No. 4:08-cv-067

**STIPULATED PERMANENT
INJUNCTION AND FINAL
ORDER AS TO DEFENDANTS
NATIONWIDE FORECLOSURE
SERVICES, LLC AND EDWIN P.
TAYLOR SR.**

18
19 This matter comes before the Court on Complaint of plaintiff Federal Trade Commission
20 (“FTC” or “Commission”) against defendants National Hometeam Solutions, LLC; National
21 Financial Solutions, LLC; United Financial Solutions, LLC; Nationwide Foreclosure Services,
22 LLC; Evalan Services, LLC; Elant, LLC; Elias H. Taylor; Everard Taylor; Emanuel Taylor; and
23 Edwin P. Taylor, Sr. On February 26, 2008, the Commission filed a Complaint for Injunctive
24 and Other Equitable Relief (Dkt. #1) in this matter pursuant to Sections 5(a) and 13(b) of the
25 Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a) and 53(b). The FTC charged
26 defendants with engaging in deceptive acts or practices in connection with the marketing and
27 sale of mortgage foreclosure rescue services, in violation of Section 5(a) of the FTC Act, 15
28 U.S.C. § 45(a). The Commission and defendants Nationwide Foreclosure Services, LLC, and
Final Order as to Edwin Taylor

1 Edwin P. Taylor, Sr. have agreed to settle all matters of dispute between them without
2 adjudication. Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

3 **FINDINGS**

4 1. This Court has jurisdiction over the subject matter of this case and personal
5 jurisdiction over defendants.

6 2. Venue in the Eastern District of Texas is proper as to all parties.

7 3. The activities of defendants are in or affecting commerce, as defined in the FTC
8 Act, 15 U.S.C. § 44.

9 4. The Complaint states a claim upon which relief may be granted against
10 Defendants under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b).

11 5. Defendants waive all rights to seek judicial review or otherwise challenge or
12 contest the validity of this Final Order.

13 6. Defendants waive any claim, including any claim for attorneys' fees under the
14 Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by* Pub. L. 104-121, 110 Stat. 847, 863-
15 64 (1996), and any claims they may have against the Commission, its employees,
16 representatives, or agents.

17 7. Defendants enter into this Final Order freely and without coercion and
18 acknowledge that they have read, understand, and are prepared to abide by the provisions of this
19 Final Order.

20 8. This Final Order is in addition to, and not in lieu of, any other civil or
21 criminal remedies that may be provided by law.

22 9. Entry of this Final Order is in the public interest.

23 **DEFINITIONS**

24 For the purpose of this Final Order, the following definitions shall apply:

25 1. "Assisting others" means knowingly providing any of the following goods or
26 services to another business venture: (A) performing customer service functions, including, but
27 not limited to, receiving or responding to consumer complaints; (B) formulating or providing, or
28 arranging for the formulation or provision of, any marketing material; (C) providing names of, or

1 assisting in the generation of, potential customers; (D) hiring, recruiting, or training personnel;
2 (E) advising or acting as a consultant to others on the commencement or management of a
3 business venture; or (F) performing marketing services of any kind.

4 2. “Defendants” means Nationwide Foreclosure Services, LLC, and Edwin P.
5 Taylor, Sr., whether acting directly or through any successor, assign, agent, employee, entity,
6 corporation, subsidiary, division, or other device.

7 3. “Documents” means writings, drawings, graphs, charts, photographs,
8 sound recordings, images, and any other data or data compilations stored in any medium from
9 which information can be obtained and translated, if necessary, into reasonably usable form and
10 is synonymous in meaning and equal in scope to the usage of the term in the Federal Rules of
11 Civil Procedure 34(a). A draft or non-identical copy of a document is a separate document
12 within the meaning of the term.

13 4. “Employer” means any individual or entity for whom any defendant performs
14 services as an employee, consultant, or independent contractor.

15 5. “Employment” means the performance of services as an employee, consultant, or
16 independent contractor.

17 6. “Material” means likely to affect a person’s choice of, or conduct regarding,
18 goods or services.

19 7. “Mortgage foreclosure rescue service” shall mean any service, product, or
20 program wherein the offeror, expressly or by implication, claims that it can assist a homeowner
21 in any manner to: (A) stop, prevent, or postpone any home mortgage foreclosure sale; (B) obtain
22 any forbearance from any beneficiary or mortgagee; (C) exercise any statutory right of
23 reinstatement; (D) obtain any extension of the period within which the owner may reinstate his
24 or her obligation; (E) obtain any waiver of an acceleration clause contained in any promissory
25 note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained
26 in that deed of trust or mortgage; (F) obtain a loan or advance of funds; (G) avoid or ameliorate
27 the impairment of the owner’s credit resulting from the recording of a notice of default or the
28 conduct of a foreclosure sale; (H) save the owner’s residence from foreclosure; or (I) assist the

1 owner in obtaining from the beneficiary, mortgagee, trustee under a power of sale, or counsel for
2 the beneficiary, mortgagee, or trustee, the remaining proceeds from the foreclosure sale of the
3 owner's residence. The foregoing shall include any manner of claimed assistance, including, but
4 not limited to, debt, budget, or financial counseling; receiving money for the purpose of
5 distributing it to creditors; contacting creditors on behalf of the homeowner; arranging or
6 attempting to arrange for an extension of the period within which the owner of property sold at
7 foreclosure may cure his or her default; arranging or attempting to arrange for any delay or
8 postponement of the time of a foreclosure sale; and giving advice of any kind with respect to
9 filing for bankruptcy.

10 8. The term "and" also means "or," and the term "or" also means "and."

11 **ORDER**

12 **I. PROHIBITED BUSINESS ACTIVITIES**

13 **IT IS ORDERED** that defendants Nationwide Foreclosure Services, LLC, and Edwin P.
14 Taylor, Sr., and their successors, assigns, agents, employees, officers, servants, and all other
15 persons or entities in active concert or participation with them who receive actual notice of this
16 Final Order by personal service, facsimile, or otherwise, whether acting directly or through any
17 corporation, subsidiary, division or other device, are hereby permanently restrained and enjoined
18 from:

19 A. Falsely representing, or assisting others to falsely represent, expressly
20 or by implication, any material fact in connection with the advertising, marketing, promoting,
21 performance, offering for sale, or sale of any mortgage foreclosure rescue service, including but
22 not limited to misrepresenting:

- 23 (1) that home mortgage foreclosure can or will be stopped, postponed, or
24 prevented in all or virtually all instances;
- 25 (2) the likelihood that home mortgage foreclosure can or will be stopped,
26 postponed, or prevented;
- 27 (3) the degree of past success of any efforts to stop, postpone, or prevent
28 home mortgage foreclosures;

- 1 (4) the terms of any refund or guarantee;
- 2 (5) the likelihood that a consumer will receive a full or partial refund if a
- 3 home mortgage foreclosure is not stopped, postponed, or prevented;
- 4 (6) any record regarding consumer satisfaction or complaints or approval or
- 5 ratings by the Better Business Bureau or any other consumer advocacy or
- 6 consumer protection association; or
- 7 (7) any fact material to a consumer's decision to purchase any
- 8 mortgage foreclosure rescue service.

9 B. Falsely representing, or assisting others to falsely represent, expressly

10 or by implication, any material fact in connection with the advertising, marketing, promoting,

11 performance, offering for sale, or sale of any other good or service.

12 **II. PROHIBITIONS AGAINST DISTRIBUTION OF CUSTOMER INFORMATION**

13 **IT IS FURTHER ORDERED** that defendants Nationwide Foreclosure Services, LLC,

14 and Edwin P. Taylor, Sr., and their successors, assigns, agents, employees, officers, servants, and

15 all other persons or entities in active concert or participation with them who receive actual notice

16 of this Final Order by personal service, facsimile, or otherwise, whether acting directly or

17 through any corporation, subsidiary, division or other device, are permanently restrained and

18 enjoined from selling, renting, leasing, transferring or otherwise disclosing the individual name,

19 address, telephone number, email address, credit card number, social security number, bank

20 account number, or other identifying information of any person who provided any such

21 information to defendants at any time in connection with the advertising, marketing, promoting,

22 offering for sale, or sale of mortgage foreclosure rescue services; *provided, however*, that

23 defendants may disclose such identifying information to any law enforcement or regulatory

24 agency, or as required by any law, regulation, or court order.

25 **III. MONETARY JUDGMENT AND CONSUMER REDRESS**

26 **IT IS FURTHER ORDERED** that:

27 A. Judgment in the amount of \$22,760 is hereby entered against

28 defendants Nationwide Foreclosure Services, LLC, and Edwin P. Taylor, Sr., jointly and

1 severally, as equitable monetary relief, in favor of the Commission.

2 B. Defendants shall pay \$22,760 to the FTC in accordance with the following
3 directions:

4 (1) Within seven (7) business days after receiving notice of the entry of this
5 Final Order, defendants Nationwide Foreclosure Services, LLC, and
6 Edwin P. Taylor, Sr. shall transfer to the FTC \$12,426 in funds held in the
7 Bank of America account ending in 8632 and \$9,533 in funds held in the
8 Bank of America account ending in 9589, all of which were frozen
9 pursuant to the Temporary Restraining Order (Dkt. #10) entered by the
10 Court on February 27, 2008, and the Stipulated Preliminary Injunction
11 (Dkt. #38) entered by the Court on March 6, 2008. Upon receipt of this
12 Final Order, Bank of America shall directly transfer such funds to the FTC
13 by electronic funds transfer or by certified check or other guaranteed
14 funds made payable to and delivered to the Commission.

15 (2) Within seven (7) business days after receiving notice of the entry of this
16 Final Order, defendants shall pay to the FTC the remaining balance of
17 \$801 in the form of a certified or cashier's check made payable to the
18 FTC, or by electronic funds transfer to the Commission, or to such agent
19 as the Commission may direct.

20 C. All funds paid pursuant to this Final Order shall be deposited into a fund
21 administered by the Commission or its agent to be used for equitable relief, including but not
22 limited to consumer redress and any attendant expenses for the administration of any redress
23 funds. In the event that direct redress to consumers is wholly or partially impracticable or funds
24 remain after redress is completed, the Commission may apply any remaining funds for such
25 other equitable relief (including consumer information remedies) as it determines to be
26 reasonably related to the defendants' practices alleged in the Complaint. Any funds not used for
27 such equitable relief shall be deposited with the United States Treasury as disgorgement.

28 Defendants shall have no right to challenge the Commission's choice of remedies or manner of

1 distribution under this Section.

2 D. Defendants expressly waive their rights to litigate the issue of disgorgement.

3 E. Defendants acknowledge and agree that all money paid pursuant to this Final
4 Order is irrevocably paid to the Commission for purposes of settlement between plaintiff and
5 defendants.

6 F. The Commission and defendants acknowledge and agree that this judgment for
7 equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive
8 assessment, or forfeiture.

9 G. Defendants agree that, if they fail to timely and completely fulfill the
10 payment and other obligations set forth in this Final Order, the facts alleged in the Complaint
11 filed in this matter shall be taken as true in any subsequent litigation filed by the Commission to
12 enforce its rights pursuant to this Final Order, including, but not limited to, a nondischargeability
13 complaint in any bankruptcy case.

14 H. Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish
15 to the Commission defendants' taxpayer identifying numbers (social security number or
16 employer identification number), which shall be used for purposes of collecting and reporting on
17 any delinquent amount arising out of defendants' relationship with the government.

18 **IV. COOPERATION WITH FTC COUNSEL**

19 **IT IS FURTHER ORDERED** that defendants Nationwide Foreclosure Services, LLC,
20 and Edwin P. Taylor, Sr. shall, in connection with this action or any subsequent investigations
21 related to or associated with the transactions or the occurrences that are the subject of the FTC's
22 Complaint, cooperate in good faith with the FTC and appear at such places and times as the FTC
23 shall reasonably request, after written notice, for interviews, conferences, review of documents,
24 and for such other matters as may be reasonably requested by the FTC.

25 **V. COMPLIANCE MONITORING**

26 **IT IS FURTHER ORDERED** that, for the purpose of monitoring and investigating
27 compliance with any provision of this Final Order,

28 A. Within ten (10) days of receipt of written notice from a representative of the

1 Commission, Nationwide Foreclosure Services, LLC, and Edwin P. Taylor, Sr.
2 each shall submit additional written reports, sworn to under penalty of perjury;
3 produce documents for inspection and copying; appear for deposition; and/or
4 provide entry during normal business hours to any business location in such
5 defendant's possession or direct or indirect control to inspect the business
6 operation;

7 B. In addition, the Commission is authorized to monitor compliance with
8 this Final Order by all other lawful means, including, but not limited to, the following:

- 9 (1) Obtaining discovery from any person, without further leave of court, using
10 the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
11 (2) Posing as consumers and suppliers to Nationwide Foreclosure Services,
12 LLC, and Edwin P. Taylor, Sr., their employees, or any entity managed or
13 controlled in whole or part by any defendant, without the necessity of
14 identification or prior notice; and

15 C. Nationwide Foreclosure Services, LLC, and Edwin P. Taylor, Sr. shall permit
16 representatives of the Commission to interview any employer, consultant, independent
17 contractor, representative, agent, or employee who has agreed to such an interview, relating in
18 any way to any conduct subject to this Final Order. The person interviewed may have counsel
19 present.

20 *Provided, however,* that nothing in this Final Order shall limit the Commission's lawful
21 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-
22 1, to obtain any documentary material, tangible things, testimony, or information relevant to
23 unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C.
24 § 45(a)(1)).

25 VI. COMPLIANCE REPORTING BY DEFENDANTS

26 **IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this
27 Final Order may be monitored:

- 28 A. For a period of five (5) years from the date of entry of this Final Order,

1 (1) Individual defendant Edwin P. Taylor, Sr. shall notify the Commission of
2 the following:

3 (a) Any changes in his residence, mailing addresses, and telephone
4 number, within ten (10) days of the date of such change;

5 (b) Any changes in his employment status (including self-
6 employment), and any change in the his ownership in any business
7 entity, within ten (10) days of the date of such change. Such
8 notice shall include the name and address of each business that
9 Edwin P. Taylor, Sr. is affiliated with, employed by, creates or
10 forms, or performs services for; a statement of the nature of the
11 business; and a statement of his duties and responsibilities in
12 connection with the business or employment; and

13 (c) Any changes Edwin P. Taylor, Sr.'s name or use of any alias or
14 fictitious name; and

15 (2) Defendants Nationwide Foreclosure Services, LLC, and Edwin P. Taylor,
16 Sr. shall notify the Commission of any changes in the corporate structure
17 of Nationwide Foreclosure Services, LLC, or any business entity that
18 Edwin P. Taylor, Sr. directly or indirectly controls, or has an ownership
19 interest in, that may affect compliance obligations arising under this Final
20 Order, including, but not limited to, a dissolution, assignment, sale,
21 merger, or other action that would result in the emergence of a successor
22 entity; the creation or dissolution of a subsidiary, parent, or affiliate that
23 engages in any acts or practices subject to this Final Order; the filing of a
24 bankruptcy petition; or a change in the corporate name or address, at least
25 thirty (30) days prior to such change, *provided* that, with respect to any
26 proposed change in the corporation about which the defendants learn less
27 than thirty (30) days prior to the date such action is to take place,
28 defendants shall notify the Commission as soon as is practicable after

1 obtaining such knowledge.

2 B. One hundred eighty (180) days after the date of entry of this Final Order,
3 Nationwide Foreclosure Services, LLC, and Edwin P. Taylor, Sr. each shall provide a written
4 report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner
5 and form in which they have complied and are complying with this Final Order. This report
6 shall include, but not be limited to:

7 (1) For individual defendant Edwin P. Taylor, Sr.:

8 (a) His then-current residence address, mailing address, and telephone
9 number;

10 (b) His then-current employment and business addresses and
11 telephone numbers, a description of the business activities of each
12 such employer or business, and his title and responsibilities for
13 each such employer or business; and

14 (c) Any other changes required to be reported under Section VI.A.

15 (2) For all defendants:

16 (a) A copy of each acknowledgment of receipt of this Final Order,
17 obtained pursuant to Section IX below;

18 (b) A statement describing the manner in which defendants have
19 complied and are complying with the provisions set forth in
20 Sections I-III above; and

21 (c) Any other changes required to be reported under subparagraphs A
22 or B of this Section.

23 C. For the purposes of this Final Order, defendants shall, unless otherwise directed
24 by the Commission's authorized representatives, mail all written notifications to the Commission
25 to:

26 Associate Director
27 Division of Enforcement
28 Federal Trade Commission
601 New Jersey Ave., Room 2119
Washington, D.C. 20580

1 Re: FTC v. National Hometeam Solutions, et al.,
2 Civil Action No. 4:08-cv-067 (E.D. Tex.).

3 For purposes of the compliance reporting and monitoring required by this Final Order,
4 the Commission is authorized to communicate directly with defendants Nationwide Foreclosure
5 Services, LLC, and Edwin P. Taylor, Sr.

6 **VII. RECORD KEEPING PROVISIONS**

7 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry
8 of this Final Order, defendants Nationwide Foreclosure Services, LLC, and Edwin P. Taylor,
9 Sr., and those businesses where defendant Edwin P. Taylor, Sr. is the majority owner or
10 otherwise controls the business, and their agents, directors, officers, employees, corporations,
11 successors, and assigns, and other entities or persons directly or indirectly under their control,
12 and all persons or entities in active concert or participation with any of them who receive actual
13 notice of this Final Order by personal service, facsimile, or otherwise, in connection with the
14 advertising, marketing, promoting, performance, offering for sale, or sale of mortgage
15 foreclosure rescue services, are hereby restrained and enjoined from failing to create and retain
16 the following records:

17 A. Accounting records that reflect the cost of goods or services sold, revenues
18 generated, and the disbursement of such revenues;

19 B. Personnel records accurately reflecting: the name, address, and telephone number
20 of each person employed in any capacity by such business, including as an independent
21 contractor; that person's job title or position; the date upon which the person commenced work;
22 and the date and reason for the person's termination, if applicable;

23 C. Customer files containing the names, addresses, phone numbers, dollar amounts
24 paid, quantity of items or services purchased, and description of items or services purchased, to
25 the extent such information is obtained in the ordinary course of business;

26 D. Complaints and refund requests (whether received directly, indirectly or through
27 any third party) and any responses to those complaints or requests;

28 E. Copies of all sales scripts, training materials, advertisements, or other marketing
 materials; and

1 F. All records and documents necessary to demonstrate full compliance with each
2 provision of this Final Order, including but not limited to, copies of acknowledgments of receipt
3 of this Final Order, required by Section VIII.D., and all reports submitted to the FTC pursuant to
4 Section VI.

5 **VIII. DISTRIBUTION OF ORDER BY DEFENDANTS**

6 **IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry
7 of this Final Order, defendants shall deliver copies of the Final Order as directed below:

8 A. Defendant Nationwide Foreclosure Services, LLC, must deliver a copy
9 of this Final Order to all of its principals, officers, directors, and managers. Nationwide
10 Foreclosure Services also must deliver copies of this Final Order to all of its employees, agents,
11 independent contractors, and representatives who engage in the advertising, marketing,
12 promoting, performance, offering for sale, or sale of mortgage foreclosure rescue services. For
13 current personnel, delivery shall be within five (5) days of service of this Final Order upon
14 defendants. For new personnel, delivery shall occur prior to them assuming their
15 responsibilities.

16 B. For any business that individual defendant Edwin P. Taylor, Sr. controls, directly
17 or indirectly, or in which he has a majority ownership interest, Edwin P. Taylor, Sr. must deliver
18 copies of this Final Order to all principals, officers, directors, and managers of that business as
19 well as to all employees, agents, independent contractors, and representatives of that business
20 who engage in the advertising, marketing, promoting, performance, offering for sale, or sale of
21 mortgage foreclosure rescue services. For current personnel, delivery shall be within five (5)
22 days of service of this Final Order upon defendant. For new personnel, delivery shall occur prior
23 to them assuming their responsibilities.

24 C. For any business where individual defendant Edwin P. Taylor, Sr. is not a
25 controlling person of a business but otherwise engages in the advertising, marketing, promoting,
26 offering for sale, or sale of mortgage foreclosure rescue services, he must deliver a copy of this
27 Final Order to all principals and managers of such business before engaging in such conduct.

28 D. Nationwide Foreclosure Services, LLC, and Edwin P. Taylor, Sr. must secure a

1 signed and dated statement acknowledging receipt of the Final Order, within thirty (30) days of
2 delivery, from all persons receiving a copy of the Final Order pursuant to this Section.


3 **IX. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

4 **IT IS FURTHER ORDERED** that Nationwide Foreclosure Services, LLC, and Edwin
5 P. Taylor, Sr., within five (5) business days of receipt of this Final Order as entered by the Court,
6 must each submit to the Commission a truthful sworn statement acknowledging receipt of this
7 Final Order.

8 **X. RETENTION OF JURISDICTION**

9 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for
10 purposes of construction, modification, and enforcement of this Final Order.

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12 **SIGNED this the 6th day of September, 2008.**

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16 RICHARD A. SCHELL
17 UNITED STATES DISTRICT JUDGE
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1 The parties consent to the terms and conditions of the Stipulated Permanent Injunction as
2 set forth above and hereby consent to the entry thereof without the need of a hearing.

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4 For the Plaintiff:

5 Dated: 6-3-, 2008

6 Respectfully Submitted,

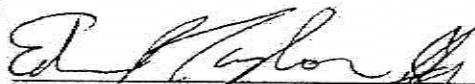
7 WILLIAM BLUMENTHAL
8 General Counsel

Dean C Graybill 9-04-08

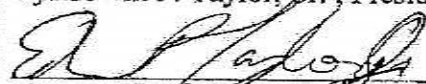
9 DEAN C. GRAYBILL
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21 For the Defendants:

22
23 

24 Nationwide Foreclosure Services, LLC
25 By: Edwin P. Taylor, Sr., President

26 

27 Edwin P. Taylor, Sr., Individually
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