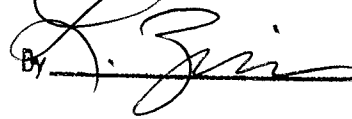


1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

OCT - 7 2010

DEPARTMENT OF REAL ESTATE

By 

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 To:)
11 ASMS LOAN MODIFICATIONS, INC.,) NO. H-11009 SF
12 SASHA GIVERTS, and) ORDER TO DESIST AND REFRAIN
13 SERGEY ANIKIN,) (B&P Code Section 10086)

14 The Commissioner (hereinafter "Commissioner") of the California Department
15 of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
16 ASMS LOAN MODIFICATIONS, INC. (hereinafter "ASMS"), SASHA GIVERTS (hereinafter
17 "GIVERTS"), and SERGEY ANIKIN (hereinafter "ANIKIN"). Based on that investigation, the
18 Commissioner has determined that ASMS, GIVERTS, and ANIKIN have engaged in, are
19 engaging in, or are attempting to engage in, acts or practices constituting violations of the
20 California Business and Professions Code (hereinafter "the Code") and/or Title 10,
21 Chapter 6, California Code of Regulations (hereinafter "the Regulations"), including the
22 business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
23 broker in the State of California within the meaning of Sections 10131(d) (performing services
24 for borrowers and/or lenders in connection with loans secured by real property) and 10131.2
25 (real estate broker license required to charge and collect an advance fee) of the Code.

26 Furthermore, based on the investigation, the Commissioner hereby issues the following Findings

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1 of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086
2 of the Code.

3 Whenever acts referred to below are attributed to ASMS, those acts are alleged to
4 have been done by GIVERTS and/or ANIKIN, acting by themselves, or by and/or through one or
5 more agents, associates, affiliates, and/or co-conspirators, and using the name "ASMS Loan
6 Modifications, Inc.", "AMS Loan Modification", or other names or fictitious names unknown at
7 this time.

8 FINDINGS OF FACT

9 1. ASMS is a corporation registered with the California Secretary of State's
10 Office. At no time mentioned has ASMS been licensed by the Department in any capacity.

11 2. At no time mentioned has GIVERTS been licensed by the Department in
12 any capacity.

13 3. At no time mentioned has ANIKIN been licensed by the Department in
14 any capacity. At all times mentioned prior to approximately October 15, 2009, ANIKIN was
15 the secretary and a director of ASMS.

16 4. During the period of time set forth below, GIVERTS, ANIKIN, and/or
17 other agents or employees of ASMS whose identifies are unknown at this time, on behalf of
18 ASMS solicited borrowers and negotiated to do one or more of the following acts for another
19 or others, for or in expectation of compensation; negotiate one or more loans for, or perform
20 services for, borrowers and/or lenders in connection with loans secured directly or collaterally
21 by one or more liens on real property; and charge, demand or collect an advance fee for any of
22 the services offered.

23 5. On or about June 30, 2009, GIVERTS and/or ANIKIN, as representatives
24 of ASMS, solicited Alena K. (hereinafter "Alena") in order to provide a loan modification and
25 negotiation services on behalf of Alena in connection with a loan secured by real property located
26 at 1689 Jackson Street, Whitehall, Pennsylvania.

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1 6. On or about June 30, 2009, GIVERTS and/or ANIKIN, as representatives
2 of ASMS, demanded and received an advance fee of \$1,399 from Alena for the activities
3 described in Paragraph 5.

4 7. On or about June 22, 2009, GIVERTS and/or ANIKIN, as representatives
5 of ASMS, solicited Gregory F., acting as an attorney-in-fact for Tatiana S., in order to provide a
6 loan modification and negotiation services on behalf of Tatiana S. in connection with a loan
7 secured by real property located at 2076 16th Avenue, San Francisco, California.

8 8. On or about August 1, 2009, GIVERTS and/or ANIKIN, as
9 representatives of ASMS, demanded and received an advance fee of \$1,399 from Tatiana S. for
10 the activities described in Paragraph 7.

11 9. On or about June 20, 2009, ANIKIN, as a representative of ASMS,
12 solicited Tatiana A. in order to provide loan modification and negotiation services on behalf of
13 Tatiana A. in connection with a loan secured by real property located at 2025 Kirkham Street,
14 San Francisco, California.

15 10. On or about July 14, 2009, ANIKIN, as a representative of ASMS,
16 demanded and received an advance fee of \$1,399 from Tatiana A. for the activities described in
17 Paragraph 9.

18 11. On or about May 28, 2009, an unknown representative of ASMS, solicited
19 Julian K. (hereinafter "Julian") in order to provide loan modification and negotiation services on
20 behalf of Julian in connection with a loan secured by real property located at 11313 Avenida De
21 La Lobos, Apt. A, San Diego, California.

22 12. On or about May 28, 2009, ASMS, demanded and received an advance fee
23 of \$1,399 from Julian for the activities described in Paragraph 11.

24 13. On or about August 2, 2009, an unknown representative of ASMS,
25 solicited Alexander F. (hereinafter "Alexander") in order to provide loan modification and
26 negotiation services on behalf of Alexander in connection with a loan secured by real property
27 located at 17791 73rd Avenue North, Maple Grove, Minnesota.

1 1. Immediately desist and refrain from performing any acts within the State
2 of California for which a real estate broker license is required. In particular, you are ordered to
3 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
4 in connection with loans secured directly or collaterally by one or more liens on real property,
5 unless and until you obtain a real estate broker license issued by the Department.

6 2. Immediately desist and refrain from charging, demanding, claiming,
7 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
8 for any of the services you offer to others, unless and until you demonstrate and provide
9 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a
10 real estate broker, and that ASMS, GIVERTS, and ANIKIN:

11 (A) Have an advance fee agreement which has been submitted to the
12 Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

13 (B) Have placed all previously collected advance fees into a trust account
14 for that purpose and are in compliance with Section 10146 of the Code;

15 (C) Have provided an accounting to trust fund owner-beneficiaries
16 pursuant to Section 2972 of the Regulations; and

17 (D) Are in compliance with California law, as amended effective as of
18 October 11, 2009, with respect to loan modification and/or forbearance services. Under the
19 amended law, you can only collect advance fees for loan modification or other mortgage loan
20 forbearance services related to commercial loans and loans for residential properties
21 containing five or more dwelling units.

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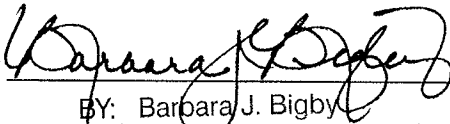
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1 3. Immediately desist and refrain from demanding, claiming, collecting and/or
2 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and
3 under any conditions, with respect to the performance of loan modification or any other form of
4 mortgage loan forbearance services in connection with loans on residential property containing
5 four or fewer dwelling units.

6 DATED: 10/5/2010

7 JEFF DAVI
8 Real Estate Commissioner

9
10 By 
11 BY: Barbara J. Bigby
 Chief Deputy Commissioner

12 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
13 real estate broker or real estate salesperson without a license or who advertises using words
14 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
15 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
16 imprisonment in the county jail for a term not to exceed six months, or by both fine and
17 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
18 (\$60,000).”
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