

1 Whenever acts referred to below are attributed to HELP MODIFY NOW and/or
2 HELP MODIFY NOW DEBT SOLUTIONS INC., those acts are alleged to have been done by
3 said parties, and/or by its officers, directors, employees, agents, affiliates and real estate licensees
4 employed by or associated with that party who at all times mentioned were engaged in the
5 furtherance of its business or operations and were acting within the course and scope of their
6 authority and employment.

7 FINDINGS OF FACT

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9 1. HELP MODIFY NOW, dba Help Modify Now, Inc. and dba Help Modify
10 Now Corp. ("HMN") is not now and has never been licensed by the Department of Real Estate
11 of the State of California ("Department") as a real estate broker. HMN is a Nevada corporation
12 doing business in California as a foreign corporation. HMN's main corporate offices are located
13 at 1117 Desert Lane, Suite 2066, Las Vegas, Nevada, 89102. HMN maintains offices at 301
14 Shipyard Way, Suite B, Newport Beach, CA 92663, out of which it does business in California.
15 Between on or before October 24, 2008 and continuing through November 9, 2009, Anita Pieratt
16 was the designated agent for service of process in California.
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18 2. Chas F. Bain ("Bain") is not now and has never been licensed by the
19 Department as a real estate broker. Bain is the Chief Executive Officer and President of HMN.

20 3. HELP MODIFY NOW DEBT SOLUTIONS INC., dba Help Modify Now
21 (HMNDSI) is not now and has never been licensed in California as a real estate broker.
22 HMNDSI is a California corporation. HMNDSI's principal executive and business offices are
23 located at 4665 MacArthur Court #100, Newport Beach, CA 92660. Between on or before
24 November 5, 2008 and continuing through November 9, 2009, Anita Pieratt was the designated
25 agent for service of process in California.
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1 4. Larry Gunter (“Gunter”) is not now and has never been licensed in California
2 as a real estate broker. Gunter is the CEO and President of HMNDSI.

3 5. All further references to the parties listed in Paragraphs 1 through 4 above,
4 include those parties and entities themselves, as well as the officers, agents and employees of the
5 parties listed in Paragraphs 1 through 4 above.

6 6. At all times relevant herein, the parties and entities listed in Paragraphs 1
7 through 4 above engaged in the business of, acted in the capacity of, advertised or assumed to act
8 as real estate brokers in the State of California within the meaning of Code Sections 10131(d)
9 and 10131.2. Their activities included soliciting borrowers or lenders for and/or negotiating
10 loans, collecting payments and/or performing services for borrowers or lenders in connection
11 with loans secured by liens on real property. Their activities also included claiming, demanding,
12 charging, receiving, collecting or contracting for the collection of an advance fee within the
13 meaning of Code Sections 10026 and 10085.
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15 7. Beginning at a time no later than August 10, 2008, and continuing to the
16 present time, HMN and HMNDSI solicited borrowers for loan modification and related financial
17 services through telemarketing and one or more websites in various print and electronic media,
18 including websites located at: www.helpmodifynow.com. Those advertisements solicited, and
19 continue to solicit, borrowers, offering loan modification services in exchange for payment of
20 advance fees.
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22 Unlicensed Activities

23 8. HMN and HMNDSI, doing business as “Help Modify Now,” were not licensed
24 by the Department in any capacity, as corporate real estate brokers, nor as registered “dbas” of a
25 corporate real estate broker at any time during the period between August 1, 2008, and the
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1 present. HMN and HMNDSI's presidents and chief executive officers, Chas F. Bain and Larry
2 Gunter, were not licensed by the Department in any capacity during the period between August
3 1, 2008 and the present.

4 9. Beginning on or before August 10, 2008, and continuing through on or after
5 May 1, 2009, HMN and HMNDSI, doing business as "Help Modify Now, Inc.," advertised,
6 solicited and entered into loan modification agreements with borrowers Dorothy F. and Sherry
7 N. In addition, HMN and HMNDSI, doing business as "Help Modify Now, Inc.," collected
8 advance fees of \$3,495.00 each from the borrowers and agreed to negotiate with lenders on their
9 behalf to reduce or renegotiate the terms of home loans. HMN and HMNDSI did not in fact
10 perform the promised activities and did not refund or provide an accounting for the advance fees
11 collected. HMN and HMNDSI were not licensed by the Department, and therefore were
12 unlawfully engaging in activities requiring a real estate license.
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14 CONCLUSIONS OF LAW

15 The conduct, acts and/or omissions of HELP MODIFY NOW and HELP
16 MODIFY NOW DEBT SOLUTIONS INC., in advertising, soliciting, and negotiating on behalf
17 of borrowers when they were not licensed by the Department is in violation of Code Section
18 10130.
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DESIST AND REFRAIN ORDER

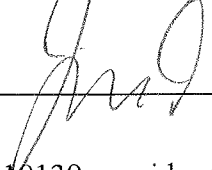
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2 Based on the Findings of Fact and Conclusions of Law stated herein, it is hereby
3 ordered that HELP MODIFY NOW, and HELP MODIFY NOW DEBT SOLUTIONS INC.,
4 whether doing business under your own names, or any other names, or any fictitious names,
5 ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within
6 the State of California for which a real estate broker license is required. In particular, each of
7 them is ORDERED TO DESIST AND REFRAIN from:

8 (i) charging, demanding, claiming, collecting and/or receiving advance fees,
9 as that term is defined in Section 10026 of the Code, in any form, and
10 under any conditions, with respect to the performance of loan
11 modifications or any other form of mortgage loan forbearance service in
12 connection with loans on residential property containing four or fewer
13 dwelling units; and

14 (ii) charging, demanding, claiming, collecting and/or receiving advance fees,
15 as that term is defined in Section 10026 of the Code, for any other real estate related services
16 offered by them to others.
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19 DATED: 9-15, 2010

20 JEFF DAVI
21 Real Estate Commissioner

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

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cc: Help Modify Now Debt Solutions Inc.
4665 MacArthur Court, #100
Newport Beach, CA 92660

Larry Gunter
Help Modify Now Debt Solutions Inc.
4665 MacArthur Court #100
Newport Beach, CA 92660

Help Modify Now
1117 Desert Lane, Suite 2055
Las Vegas, Nevada 89102

Chas F. Bain
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