

FILED

OCT 19 2011

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
BY: Guadalupe Valencia

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * * *

11 To:)	No. H-37601 LA
)	
12 INSTAMODIFY)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	
)	(B&P Code Section 10086)
)	

15 The Commissioner ("Commissioner") of the California Department of Real Estate
16 ("Department") caused an investigation to be made of the activities of INSTAMODIFY. Based
17 on that investigation, the Commissioner has determined that INSTAMODIFY has engaged in, or
18 is engaging in acts, or is attempting to engage in the business of, acting in the capacity of, and/or
19 assuming to act as a real estate broker in the State of California within the meaning of Business
20 and Professions Code Sections 10131(d) (soliciting, negotiating and performing services for
21 borrowers in connection with loans secured by real property) and 10131.2 (advance fee
22 handling).

23 In addition, based on that investigation, the Commissioner has determined that
24 INSTAMODIFY has engaged in or is engaging in acts or is attempting to engage in practices
25 constituting violations of the California Business and Professions Code ("Code") and/or Title 10,
26 California Code of Regulations ("Regulations"). Based on the findings of that investigation, set
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1 forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of
2 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. INSTAMODIFY is not now, and has never been, licensed by the
5 Department in any capacity.

6 2. At the times set forth below INSTAMODIFY negotiated to do one or more of
7 the following acts for another or others, for or in expectation of compensation: engaged in the
8 business of, acted in the capacity of, or solicited borrowers for a loan modification and
9 negotiation service and advance fee brokerage with respect to loans which were secured by liens
10 on real property for compensation or in expectation of compensation and for fees collected in
11 advance of the transaction.

12 Nicholas S. Transaction

13 3. On or about March 26, 2009, Nicholas S. entered into an "Authorization for
14 Services to Restructure or Resolve Mortgage Debt", in which INSTAMODIFY agreed to
15 negotiate a modification of the loan on Nicholas S's property in exchange for payment of
16 advance fees.

17 Virgilio F. Transaction

18 4. In or about May, 2009, Virgilio F. entered into an "Authorization for Services
19 to Restructure or Resolve Mortgage Debt", in which INSTAMODIFY agreed to negotiate a
20 modification of the loan on Virgilio F.'s property in exchange for payment of advance fees.
21 INSTAMODIFY collected \$2,375 in advance fees from Virgilio F.

22 Linda B. Transaction

23 5. In or about August 20, 2009, Linda B. was solicited by INSTAMODIFY
24 regarding a mortgage loan modification. Linda B. entered into an "Authorization for Services to
25 Restructure or Resolve Mortgage Debt", in which INSTAMODIFY agreed to negotiate a
26 modification of the loan on Linda B.'s property in exchange for payment of advance fees. Linda
27 B. submitted \$2,995 in advance fees to INSTAMODIFY.

1 Cantana A. Transaction

2 6. On or about October 22, 2009, Cantana A. entered into an "Authorization for
3 Services to Restructure or Resolve Mortgage Debt" in which INSTAMODIFY agreed to
4 negotiate a modification of the loan on Cantana A.'s property located in exchange for payment of
5 advance fees. Cantana A. submitted \$2,495 in advance fees to INSTAMODIFY.

6 Michael M. Transaction

7 7. In or about March, 2009, Michael M. was solicited by INSTAMODIFY
8 regarding a mortgage loan modification. On March 23, 2009, Michael M. entered into an
9 "Authorization for Services to Restructure or Resolve Mortgage Debt" in which
10 INSTAMODIFY agreed to negotiate a modification of the loan on Michael M.'s property in
11 exchange for payment of advance fees. Michael M. submitted \$2,495 in advance fees to
12 INSTAMODIFY.

13 Wanda M. Transaction

14 8. On or about September 26, 2009, Wanda M. entered into an "Authorization for
15 Services to Restructure or Resolve Mortgage Debt", in which INSTAMODIFY agreed to
16 negotiate a modification of the loan on Wanda M.'s property, in exchange for payment of
17 advance fees.

18 Avo M. Transaction

19 9. In or about August 2009, Avo M. entered into an agreement in which
20 INSTAMODIFY agreed to negotiate a modification of the loan on Avo M.'s property in
21 exchange for payment by Avo M. of \$2,495 in advance fees.

22 Jean M. Transaction

23 10. In or about August 2009, Jean M. entered into an agreement in which
24 INSTAMODIFY agreed to negotiate a modification of the loan on Jean M.'s property in
25 exchange for payment by Jean M. of \$2,495 in advance fees.

26 Maleskshah O. Transaction

27 11. In or about October 2009, Maleskshah O. entered into an agreement in which

1 INSTAMODIFY agreed to negotiate a modification of the loan on Maleskshah O.'s property in
2 exchange for payment of \$2,000 in advance fees.

3 CONCLUSIONS OF LAW

4 12. Based on the information contained in Paragraphs 1 through 11 above,
5 INSTAMODIFY violated Code Section 10130 by engaging in activities requiring a broker
6 license without first obtaining a broker license from the Department.

7 DESIST AND REFRAIN ORDER

8 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
9 herein, it is hereby ordered that INSTAMODIFY immediately desist and refrain from performing
10 any acts within the State of California for which a real estate broker license is required, unless
11 you are so licensed.

12 IT IS FURTHER ORDERED THAT INSTAMODIFY immediately desist and
13 refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that
14 term is defined in Section 10026 of the Code, in any form, and under any conditions, with
15 respect to the performance of loan modification or any other form of mortgage loan forbearance
16 services in connection with loans on residential property containing four or fewer dwelling
17 units.

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19 DATED: 10/11, 2011.

20
21 BARBARA J. BIGBY
22 Acting Real Estate Commissioner

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1 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
5 imprisonment in the county jail for a term not to exceed six months, or by both fine and
6 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
7 (\$60,000).”
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25 cc: INSTAMODIFY
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27 Irvine, CA 92612