

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION**

**A. HEATH ABSHURE,
ARKANSAS SECURITIES COMMISSIONER**

PLAINTIFF

v.

No. 60CV-10-933

FILED /11/15/10 09:47:52
Pat O'Brien Pulaski Circuit Clerk
CR01

**LARRY WAYNE ZIEGLER, AKA ZIG ZIEGLER,
TROY DEE TRUVILLION, and
PHOENIX PERFORMANCE ENHANCEMENT GROUP**

DEFENDANTS

**ORDER FOR PERMANENT INJUNCTION,
RESTITUTION AND FINES**

Now on this 15th day of November, 2010, comes the Court for a hearing of the Motion for Default Judgment against Defendants, Larry Wayne Ziegler, AKA Zig Ziegler, and Phoenix Performance Enhancement Group ("PPEG"), Motion to Dismiss as to Defendant Troy Dee Truvillion, Request for Restitution to be paid to the Arkansas investor, and Request for fines imposed against Defendants, Ziegler and PPEG to be paid to the Arkansas Securities Department. The Plaintiff appears by and through David H. Smith, attorney for the Arkansas Securities Department. The Defendants, Ziegler and PPEG, failed to appear although duly and properly notified of this hearing. From the pleadings, documentary evidence, the testimony of witnesses and all other matters properly before the Court, the COURT DOTH FIND AND ORDER:

1. This Court has jurisdiction and venue over the parties and the subject matter involved herein.

2. This Court has the authority to: permanently enjoin the Defendants, Ziegler and PPEG, from offering for sale or selling in the State of Arkansas, securities not registered or effectively qualified for any exemption from registration available under the Arkansas Securities Act ("Act") or any federal statute or rule in violation of Ark. Code Ann. §23-42-501; permanently enjoin the Defendants, Ziegler and PPEG, from engaging in fraudulent activity in connection with the offer and sale of securities in Arkansas in violation of Ark. Code Ann. §23-42-507; Order the Defendants, Ziegler and PPEG, jointly and severally, to pay restitution, including interest, to the Arkansas investor, Kenneth McConnell, Jr., as authorized by Ark. Code Ann. §23-42-209; and Order the Defendants, Ziegler and PPEG, to pay a fine of \$10,000 to the Plaintiff for violating the Act, as authorized by Ark. Code Ann. §23-42-209.

3. The Court finds that the Defendants, Ziegler and PPEG, have offered and sold securities in Arkansas without properly registering those securities or qualifying them for an exemption from registration in violation of Ark. Code Ann. § 23-42-501. Further, the Court finds that the Defendants, Ziegler and PPEG have engaged in acts that operated as a fraud in connection with the offer and sale of the securities to the Arkansas investor in violation of Ark. Code Ann. §23-42-507.

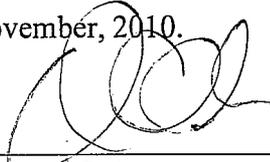
4. The Court finds that it is in the public interest to permanently enjoin the Defendants, Ziegler and PPEG, from offering or selling securities in violation of the Act and from engaging in acts that operate as a fraud in connection with the offer and sale of securities. Therefore, the Court hereby enters an Order of Permanent Injunction against the Defendants, Ziegler and PPEG, permanently enjoining them from offering or selling securities in Arkansas in violation of the Act and from engaging in acts that operate as a fraud in connection with the offer and sale of securities in Arkansas.

5. Pursuant to Arkansas Code Ann. § 23-42-209 the Court hereby finds and orders the Defendants, Ziegler and PPEG, jointly and severally, to pay restitution and interest, totaling \$58,969, to the Arkansas investor, Kenneth McConnell, Jr.

6. Pursuant to Arkansas Code Ann. § 23-42-209 the Court hereby finds and orders the Defendants, Ziegler and PPEG, jointly and severally, to pay a fine to the Arkansas Securities Department in the amount of \$10,000.00 for the violations of Arkansas Securities Act.

7. The Complaint as to the Defendant Troy Truvillion is dismissed without prejudice pursuant to Ark. R. Civ. P. 41(a).

IT IS SO ORDERED on this 15th day of November, 2010.



Circuit Judge