

BEFORE THE ARKANSAS SECURITIES COMMISSIONER

**CASE NO. C-09-056
ORDER NO. C-09-056-09-CO01**

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ARKANSAS SECURITIES DEPT.

**IN THE MATTER OF:
HOME SERVICING, LLC
LICENSE NO. 34670**

RESPONDENT

CONSENT ORDER

This Consent Order is entered pursuant to the Arkansas Fair Mortgage Lending Act ("FMLA"), Ark. Code Ann. §§ 23-39-501 through 23-39-518, the Rules of the Arkansas Securities Commissioner promulgated under the FMLA and the Arkansas Administrative Procedures Act, codified at Ark. Code Ann. §§ 25-15-101 through 25-15-219, in accordance with an agreement by and between the Staff of the Arkansas Securities Department ("Staff") and the Respondent, Home Servicing, LLC ("Home Servicing"), in full and final settlement of all claims that could be brought against Home Servicing by the Staff on the basis of the facts set forth herein.

Home Servicing admits the jurisdiction of the FMLA and the Arkansas Securities Commissioner ("Commissioner"), waives its right to a formal hearing and, without admitting or denying the findings of facts made herein, consents to the entry of this order and agrees to abide by its terms.

FINDINGS OF FACT

1. Home Servicing is a mortgage banker and mortgage servicer located in Baton Rouge, Louisiana, license number 34670. Home Servicing is currently licensed as a mortgage banker and mortgage servicer with the Arkansas Securities Department ("Department"). Home Servicing's license as a mortgage banker and mortgage servicer is scheduled to expire on December 31, 2009.

2. The fiscal year of Home Servicing ended on December 31, 2008. Therefore, Home Servicing was required to file its audited financial statement with the Department by March 31, 2009.

3. The Staff contacted Home Servicing by telephone on June 9, 2009, and June 22, 2009, concerning the failure of Home Servicing to file its audited financial statement by the March 31, 2009, deadline. Home Servicing experienced unexpected delays in the preparation of this audited financial statement. Further, at all times Home Servicing has cooperated with the Staff. On August 26, 2009, Home Servicing did file its audited financial statement through the National Mortgage Licensing System with the Staff. The Staff has determined that Home Servicing's audited financial statement meets the requirements of the FMLA.

CONCLUSIONS OF LAW

4. The acts of Home Servicing constitute a violation of Ark. Code Ann. §§ 23-39-505(g)(1) and Commissioner's Order number C-08-068-08-OR01, titled In The Matter of Arkansas Fair Mortgage Lending Act, Ark. Code Ann. §§ 23-39-517(a) through (c), and §§ 23-39-518(a) through (e), which ordered mortgage bankers and mortgage servicers to file an audited financial statement directly with the Department or through the Nationwide Mortgage Licensing System within ninety days of the end of the mortgage banker's or mortgage servicer's fiscal year. In addition, said acts warrant the entry of an order under Ark. Code Ann. § 23-39-514(a)(2)(B) with the appropriate civil penalty against the Respondent, Home Servicing, as authorized by Ark. Code Ann. § 23-39-514(b).

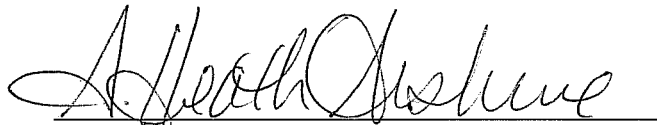
5. Pursuant to Ark. Code Ann. § 23-39-514(a)(1) the entry of this order is in the public interest.

6. The Commissioner by order may impose a civil penalty that shall not exceed \$10,000.00 for each violation by a mortgage banker or mortgage servicer upon a licensee or any partner, officer, director, member, manager, or other person occupying a similar status or performing a similar function on behalf of a licensee for any violation of the FMLA. Ark. Code Ann. § 23-39-514(b)(1) and (2).

ORDER

By agreement and with the consent of the Staff and the authorized representatives of Home Servicing, it is hereby ordered that Home Servicing shall be responsible for the payment of a civil penalty in the amount of \$1,000.00 to the Arkansas Securities Department. The payment of said civil penalty shall be made by Home Servicing to the Arkansas Securities Department within thirty (30) calendar days of the date of this order.

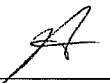
IT IS SO ORDERED.



A. Heath Abshure
Arkansas Securities Commissioner

9/1/2009
Date

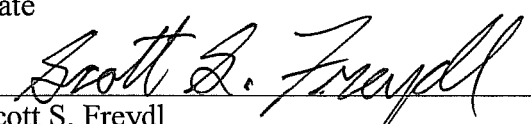
I hereby agree to the entry of this Consent Order, and consent to all terms, conditions, and orders contained therein, and waive any right to an appeal from this order.



George Caballero, Home Servicing, LLC

8-31-2009

Date



Scott S. Freydl
Staff Attorney, Arkansas Securities Department

9/1/09

Date