

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTH DIVISION

FILED 07/29/09 12:53:25  
Pat O'Brien Pulaski Circuit Clerk  
CR3 By \_\_\_\_\_

A. HEATH ABSHURE,  
ARKANSAS SECURITIES COMMISSIONER

PLAINTIFF

v.

No. CV-2009-5326

21<sup>st</sup> CENTURY LEGAL SERVICES, INC.

DEFENDANT

MOTION FOR TEMPORARY INJUNCTION

Comes now the Plaintiff, A. Heath Abshure, Arkansas Securities Commissioner, by and through counsel, Scott S. Freydl, Staff Attorney, and for his motion states and alleges the following:

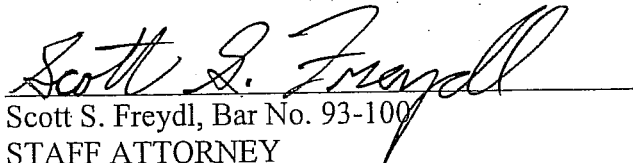
1. This Court has jurisdiction and venue is proper over the parties and the subject matter pursuant to Ark. Code Ann. §§ 23-39-514(d)(3)(B) and 23-39-514(l)(1)(B).
2. This Court has the authority to issue a temporary restraining order in this case pursuant to Ark. Code Ann. § 23-39-514(l) and A.R.C.P. Rule 65.
3. The Affidavit of A. Heath Abshure, which is attached to this motion as "Exhibit A", and the exhibits attached to the Complaint, provide proof that the Defendants have solicited, offered, or engaged in mortgage loan activity with Arkansas residents in violation of Arkansas Code Annotated §§ 23-39-503(b), 23-39-503 (c) and 23-39-514(d).
4. If a temporary injunction is not immediately issued, then irreparable harm is like to result from the Defendant's mortgage loan activity with residents of the State of Arkansas.

5. The harm to the members of the public of Arkansas, in whose place the Plaintiff stands, is irreparable and far outweighs the harm that could be done the Defendant by the issuance of a temporary injunction.

6. It is likely that the Plaintiff will succeed on the merits of this case and that a permanent injunction will be entered.

WHEREFORE, the Plaintiff, the Commissioner, respectfully requests that this Court enter an order granting a temporary injunction against the Defendant, 21<sup>st</sup> Century Legal Services, Inc., enjoining the Defendant from soliciting, offering, or engaging in any mortgage loan activity, including, but not limited to, mortgage loan modification activity, with residents of the State of Arkansas through internet, telephone, in person, or any other means; and, for all other relief as may be appropriate in the public interest.

Respectfully Submitted,



Scott S. Freydl, Bar No. 93-100  
STAFF ATTORNEY  
Arkansas Securities Department  
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Telephone: (501) 324-9266  
Facsimile: (501) 324-9268

7/29/09  
Date

EXHIBIT A

AFFIDAVIT OF A. HEATH ABSHURE

COMES THE AFFIANT AND STATES UNDER OATH:

My name is A. Heath Abshure, I am over 18 years of age, and I am the duly appointed Arkansas Securities Commissioner.

On June 24, 2009, I entered Cease and Desist Order No. S-09-033-09-CD01, ordering 21<sup>st</sup> Century Legal Services, Inc., to cease and desist from engaging in mortgage loan activity with residents of the State of Arkansas.

As of July 29, 2009, 21<sup>st</sup> Century Legal Services, Inc., continues to solicit, offer, or engage in mortgage loan activity, including, but not limited to, mortgage loan modification activity with residents of the State of Arkansas.

Such continued soliciting, offering, or engaging in mortgage loan activity poses an immediate risk of irreparable harm or damage to the public in that the solicitation, offer, and engagement in mortgage loan activity by 21<sup>st</sup> Century Legal Services, Inc., with residents of the State of Arkansas is in violation of the law.

*A. Heath Abshure*  
A. HEATH ABSHURE, Affiant

STATE OF ARKANSAS    )  
  )  
COUNTY OF PULASKI    )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for the Sate and County aforesaid, on this 29<sup>th</sup> day of July, 2009.

*Barbara A. Robinson*  
NOTARY PUBLIC

S E A L

My commission expires January 22, 2018

