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FILED

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BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: UNIVERSAL HOUSING OF CALIFORNIA, STANLEY TYRONE WHIGHAM, and KAREN WHIGHAM.	No. H-6022 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of UNIVERSAL HOUSING OF CALIFORNIA ("UHC"), STANLEY TYRONE WHIGHAM ("S. WHIGHAM") and KAREN WHIGHAM ("K. WHIGHAM"). Based on that investigation the Commissioner has determined that UHC, S. WHIGHAM and K. WHIGHAM have engaged in or are engaging in acts or are attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers and mortgage loan originators in the State of California within the meaning of Business and Professions Code[1] Sections 10131(d) (soliciting, negotiating and performing services for borrowers in connection with loans secured by real property), 10131.2 (advance fee handling), 10166.01 (activities requiring a mortgage loan originator endorsement)

[1] All references are to California Codes and Regulations, unless otherwise stated.

and acts involving the collection of advance fees for loan modification services after October 10, 2009, in violation of Sections 10085.5 and 10085.6 of the Code and Sections 2944.7 and 2945.4 of the Civil Code.

In addition, based on that investigation, the Commissioner has determined that UHC, S. WHIGHAM and K. WHIGHAM have engaged in or are engaging in acts or are attempting to engage in practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"). Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to UHC, S. WHIGHAM and K. WHIGHAM, those acts are alleged to have been done by UHC, S. WHIGHAM and K. WHIGHAM, acting alone, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name "Universal Housing of California", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. UHC is not now, and has never been, licensed by the Bureau in any capacity.

2. S. WHIGHAM is not now, and since January 4, 2011 has not been licensed by the Bureau in any capacity. S. WHIGHAM voluntarily surrendered his real estate broker license effective January 4, 2011 pursuant to Department Case No. H-5346 SAC.

3. K. WHIGHAM is not now, and has never been, licensed by the Bureau in any capacity.

4. At the times set forth below UHC, S. WHIGHAM and K. WHIGHAM solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: engaged in the business of, acted in the capacity of, or advertised a loan modification and negotiation service and advance fee brokerage using their individual names and/or any other names, soliciting, offering to negotiate or perform loan

modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction.

Palin Ave. Transaction

5. On or about December 27, 2011, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, entered into an agreement with Mark B. for loan modification and negotiation services on Mark B.'s existing mortgage on his property located on Palin Ave., in Galt, California.

6. On or about December 27, 2011, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, demanded and received an advance fee of $895.00 from Mark B. for the activities described in paragraph 5, above.

7. UHC, S. WHIGHAM and K. WHIGHAM failed to obtain a loan modification for Mark B., and have not returned the total $895.00 advance fees paid by Mark B.

Granite Ct. Transaction

8. On or about November 17, 2011, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, demanded and received an advance fee of $895.00 from Ivan H. for the activities described in paragraph 9, below.

9. On or about February 21, 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, entered into an agreement with Ivan H. for loan modification and negotiation services on Ivan H.'s existing mortgage on his property located on Granite Ct., in Stockton, California.

10. UHC, S. WHIGHAM and K. WHIGHAM failed to obtain a loan modification for Ivan H., and have not returned the total $895.00 advance fees paid by Ivan H.

56th St. Transaction

11. On or about March 5, 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, entered into an agreement with Donovan A. for loan modification and

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negotiation services on Donovan A's existing mortgage on his property located on 56th St., in Sacramento, California.

12. On or about March 5, 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, demanded and received an advance fee of $795.00 from Donovan A. for the activities described in paragraph 11, above.

13. UHC, S. WHIGHAM and K. WHIGHAM failed to obtain a loan modification for Donovan A., and have not returned the total $795.00 advance fees paid by Donovan A.

Thor Way Transaction

14. On or about June 18, 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, entered into an agreement with Sally F. for loan modification and negotiation services on Sally F.'s existing mortgage on her property located on Thor Way, in Carmichael, California.

15. On or about June 18, 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, demanded and received an advance fee of $895.00 from Sally F. for the activities described in paragraph 14, above.

16. UHC, S. WHIGHAM and K. WHIGHAM failed to obtain a loan modification for Sally F., and have not returned the total $895.00 advance fees paid by Sally F.

Nunzia Ct. Transaction

17. In or about June 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, entered into an agreement with Baljit J. for loan modification and negotiation services on Baljit J.'s existing mortgage on his property located on Nunzia Ct., in Roseville, California.

18. In or about June 2012, S. WHIGHAM and K. WHIGHAM, as a representative of UHC, demanded and received an advance fee of $850.00 from Baljit J. for the activities described in paragraph 17, above.

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19. UHC, S. WHIGHAM and K. WHIGHAM failed to obtain a loan modification for Baljit J., and have not returned the total $850.00 advance fees paid by Baljit J.

CONCLUSIONS OF LAW

Based on the Findings of Fact contained in Paragraphs 1 through 19, above, UHC, S. WHIGHAM and K. WHIGHAM solicited borrowers and/or performed services for those borrowers with respect to the collection of advance fees and loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license and a mortgage loan originator endorsement, all in violation of Sections 10085.5, 10085.6, 10130, 10131(d), 10131.2, and 10166.01 of the Code, and Sections 2944.7 and 2945.4 of the Civil Code.

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, UNIVERSAL HOUSING OF CALIFORNIA, STANLEY TYRONE WHIGHAM, and KAREN WHIGHAM, whether doing business under their own names or any other name or fictitious business name, ARE HEREBY ORDERED to immediately desist and refrain from:

1. Performing any acts within the State of California that require a real estate license and mortgage loan originator endorsement unless and until they are properly licensed by the Bureau;

2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units;

3. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services they offer to others,

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unless and until they demonstrate and provide evidence satisfactory to the Commissioner that they are properly licensed by the Bureau and that they:

(a) Have an advance fee agreement which has been submitted to the Bureau and which is in compliance with Sections 2970 and 2972 of the Regulations;

(b) Have placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 (deposit of advance fees into trust account) of the Code;

(c) Have provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations;

(d) Are in compliance with California law, as amended effective as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the amended law, they can only collect advance fees for loan modification or other mortgage loan forbearance services related to commercial loans and loans for residential properties containing five or more dwelling units;

(e) Have refunded to Mark B., the advance fees paid to them by him in this matter in the amount of $895.00;

(f) Have refunded to Ivan H. the advance fees paid to them by him in this matter in the amount of $895.00;

(g) Have refunded to Donovan A. the advance fees paid to them by him in this matter in the amount of $795.00;

(h) Have refunded to Sally F. the advance fees paid to them by her in this matter in the amount of $895.00; and,

(i) Have refunded to Baljit J. the advance fees paid to them by him in this matter in the amount of $850.00.

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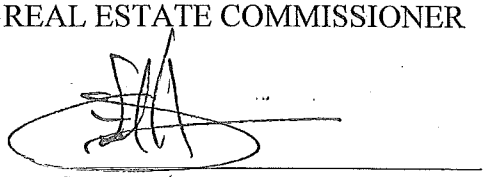
DATED: August 19, 2013.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commission.

Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a 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)."