DEPARTMENT OF REAL ESTATE
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FILED

MAY 17 2011

DEPARTMENT OF REAL ESTATE

By

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: TROY ELLIS HOLLAND, and ATTORNEY PROTECTION	NO. H-11135 SF ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (hereinafter "Commissioner") of the California Department of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of TROY ELLIS HOLLAND (hereinafter "HOLLAND"), and ATTORNEY PROTECTION. Based on that investigation, the Commissioner has determined that HOLLAND and ATTORNEY PROTECTION have engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "the Regulations"), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Sections 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10131.2 (real estate broker license required to charge and collect an advance fee) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the

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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 HOLLAND and/or ATTORNEY PROTECTION, those acts are alleged to have been done by HOLLAND, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name "Of Lending Group", "Attorney Protection", "American Home Finance.", "Free and Clear Group", "California Commercial Loan Modification", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. On or about December 23, 1993, HOLLAND was licensed as a conditional real estate salesperson with the knowledge and understanding that said license would be subject to the conditions of Section 10153.4 of the Code. On or about June 23, 1995, HOLLAND's conditional real estate salesperson license was suspended pursuant to Section 10153.4 of the Code. At no time since June 23, 1995, has HOLLAND been licensed by the Department in any capacity.

2. At all times prior to February 11, 2011, Of Lending Group (hereinafter "OLG") was licensed by the Department as a real estate corporation. An Order Accepting the Voluntary Surrender of Real Estate License was effective February 11, 2011, in Case No. H-11008 SF, before the Department of Real Estate.

3. At no time mentioned was ATTORNEY PROTECTION licensed by the Department in any capacity. HOLLAND is the Chief Executive Officer of ATTORNEY PROTECTION.

4. During the period of time set forth below, HOLLAND and others, on behalf of ATTORNEY PROTECTION or other names or fictitious names unknown at this time, solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation; negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more

liens on real property; and charge, demand or collect an advance fee for any of the services offered.

5. Beginning in or about June of 2010, HOLLAND and others, on behalf of OLG and ATTORNEY PROTECTION, solicited Lisa R. (hereinafter "Lisa") in order to provide a short refinance and/or loan modification and negotiation services on behalf of Lisa in connection with a loan secured by real property located at 1339 Whisper Creek Court, Brentwood, California.

6. Between on or about July 14, 2010 and November 29, 2010, HOLLAND, on behalf of OLG and ATTORNEY PROTECTION demanded and received an advance fee totaling $5,350 from Lisa for the activities described in Paragraph 5.

7. Beginning in or about May of 2010, HOLLAND and others, on behalf of American Home Finance a division of ATTORNEY PROTECTION, solicited Kristine M. (hereinafter "Kristine") in order to provide loan modification and negotiation services on behalf of Kristine in connection with a loan secured by real property located at 305 West Meadows Lane, Danville, California.

8. On or about June 22, 2010, HOLLAND, on behalf of ATTORNEY PROTECTION demanded and received an advance fee totaling $3,495 from Kristine for the activities described in Paragraph 7.

9. HOLLAND and ATTORNEY PROTECTION solicits homeowners for loan modification services on their website, www.attorneyprotection.net. As described on the website, HOLLAND and ATTORNEY PROTECTION makes the following services and general claims:

- "You never lose ownership of your home. You are able to refinance your home to market value. You will receive a manageable payment. You never have to worry about an ARM or a Balloon payment."

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- "Our professional staff is here to assist you and eliminate the negative equity. We are dedicated to bringing our customers only the best programs available and offering negative equity help that will truly resolve the issues faced by most homeowners who are struggling right now."
- "Whether it is a short refinance or another type of principal reduction that is needed for your particular situation, we are able to provide a solution."
- "Our Mortgage Principal Reduction Program here at Attorney Protection is backed by a Private Banker allocated to help homeowners eliminate negative balances."
- "Whether it's mortgage principal reduction or another type of principal reduction that is needed for your particular situation, we are able to provide a solution."

10. HOLLAND and ATTORNEY PROTECTION solicits homeowners for loan modification services on their website, www.americanhomefinance.org. As described on the website, HOLLAND and ATTORNEY PROTECTION makes the following services and general claims:

- "Loan Modification Service"
- "Forensic Audit Report"
- "Lower Your Payments"
- "Fix your Interest Rate"
- "Reduce Loan Balance"
- "Late Payment OK"
- "Forgive Past Due"
- "Stop Foreclosure"
- "Avoid Bankruptcy"

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CONCLUSIONS OF LAW

11. Based on the findings of fact contained in paragraphs 1 through 10, HOLLAND and ATTORNEY PROTECTION, solicited one or more borrowers to perform services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property located within the State of California, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate broker license required to charge or collect an advance fee) of the Code.

12. HOLLAND and ATTORNEY PROTECTION, used a form of advance fee agreement which had not been provided to the Department for its prior review and consideration, in violation of Section 10085 of the Code (prior submission of advance fee materials required) and Section 2970 (details for prior submission of advance fee materials) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, HOLLAND and ATTORNEY PROTECTION, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, you are ordered to desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, unless and until you obtain a real estate broker license issued by the Department.

2. Immediately desist and refrain from 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 you offer to others, unless and until you demonstrate and provide

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evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker, and that HOLLAND and ATTORNEY PROTECTION:

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

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

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

(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, you 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.

3. Immediately desist and refrain from 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 modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.

DATED: 5/16/11

BARBARA J. BIGBY
Acting Real Estate Commissioner

By Barbara J. Bigby

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)."