

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6911

FILED
JUL 13 2000
DEPARTMENT OF REAL ESTATE

By K. Kuehler

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) DRE No. H-28229 LA
12 COASTLAND MORTGAGE CORPORATION;)
13 and RENEE BIBAL LOTERINA,)
14 individually and as)
15 designated officer of)
16 Coastland Mortgage Corporation,)
17)
18 Respondents.)

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between COASTLAND
18 MORTGAGE CORPORATION, a California corporate broker, and RENEE
19 BIBAL LOTERINA, individually and as designated officer of
20 Coastland Mortgage Corporation (sometimes collectively referred
21 to as "Respondents"), and the Complainant, acting by and through
22 Elliott Mac Lennan, Counsel for the Department of Real Estate, as
23 follows for the purpose of settling and disposing of the
24 Accusation filed on September 14, 1999, in this matter:

25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and Respondents
27 at a formal hearing on the Accusation, which hearing was to be



1 held in accordance with the provisions of the Administrative
2 Procedure Act ("APA"), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation and Agreement (Stipulation).

5 .2. Respondents have received, read and understand the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation filed by the Department of Real Estate in this
8 proceeding.

9 3. Respondents filed a Notice of Defense pursuant to
10 Section 11506 of the Government Code for the purpose of
11 requesting a hearing on the allegations in the Accusation.
12 Respondents hereby freely and voluntarily withdraw said Notice of
13 Defense. Respondents acknowledge that they understand that by
14 withdrawing said Notice of Defense they thereby waive their right
15 to require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that they will waive other rights
18 afforded to them in connection with the hearing such as the right
19 to present evidence in their defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the allegations
22 contained in the Accusation. In the interest of expedience and
23 economy, Respondents choose not to contest these allegations, but
24 to remain silent and understand that, as a result thereof, these
25 allegations, without being admitted or denied, will serve as a
26 prima facie basis for the disciplinary action stipulated to
27



1 herein. The Real Estate Commissioner shall not be required to
2 provide further evidence to prove said allegations.

3 5. This Stipulation is based on Respondents' decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation is expressly limited to this proceeding and any
7 further proceeding initiated by or brought before the Department
8 of Real Estate based upon the facts and circumstances alleged in
9 the Accusation and is made for the sole purpose of reaching an
10 agreed disposition of this proceeding without a hearing. The
11 decision of Respondents not to contest the allegations is made
12 solely for the purpose of effectuating this Stipulation. It is
13 the intent and understanding of the parties that this Stipulation
14 shall not be binding or admissible against Respondents in any
15 actions against Respondents by third parties.

16 6. It is understood by the parties that the Real
17 Estate Commissioner may adopt this Stipulation as her Decision in
18 this matter thereby imposing the penalty and sanctions on
19 Respondents' real estate licenses and license rights as set forth
20 in the "Order" herein below. In the event that the Commissioner
21 in her discretion does not adopt the Stipulation, it shall be
22 void and of no effect and Respondents shall retain the right to a
23 hearing and proceeding on the Accusation under the provisions of
24 the APA and shall not be bound by any stipulation or waiver made
25 herein.

26 7. The Order or any subsequent Order of the Real
27 Estate Commissioner made pursuant to this Stipulation shall not



1 constitute an estoppel, merger or bar to any further
2 administrative or civil proceedings by the Department of Real
3 Estate with respect to any matters which were not specifically
4 alleged to be causes for Accusation in this proceeding but do
5 constitute a bar, estoppel and merger as to any allegations
6 actually contained in the Accusation against Respondents herein.

7
8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations, it is
10 stipulated and agreed that the following determination of issues
11 shall be made:

12 I

13 The conduct of COASTLAND MORTGAGE CORPORATION as
14 described in Paragraph 4, is in violation of Section 10137 of the
15 Business and Professions Code ("Code") and is a basis for the
16 suspension or revocation of Respondent's license pursuant to said
17 Section 10137 of the Code.

18 II

19 The conduct of RENEE BIBAL LOTERINA as described in
20 Paragraph 4, constitutes a violation of Section 10137 of the Code
21 and is a basis for the suspension or revocation of Respondent's
22 restricted broker license pursuant to said section of the Code.

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1 III

2 The conduct of RENEE BIBAL LOTERINA, as described in
3 Paragraph 4, constitutes a failure to keep Coastland Mortgage
4 Corporation in compliance with the Real Estate Law during the
5 time that she was the officer designated by a corporate broker
6 licensee. This conduct is a basis for the suspension or
7 revocation of Respondent's restricted broker license pursuant to
8 Section 10159.2 of the Code and is a basis for the suspension or
9 revocation of Respondents' license and license rights as a
10 violation of the Real Estate Law pursuant to Section 10177(h) of
11 the Code

12 ORDER

13 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT
14 TO THE WRITTEN STIPULATION OF THE PARTIES:

15 I

16 All licenses and licensed rights of COASTLAND MORTGAGE
17 CORPORATION under the Real Estate Law are revoked.

18 II

19 The restricted real estate broker license and license
20 rights OF RENEE BIBAL LOTERINA, under the Real Estate Law are
21 revoked. However, a restricted real estate salesperson license
22 shall be issued to said Respondent pursuant to Section 10156.5 of
23 the Code if Respondent makes application therefor and pays to the
24 Department of Real Estate the appropriate fee for the restricted
25 license within 90 days from the effective date of this Decision.

26 1. The restricted license issued to Respondent shall
27 be subject to all of the provisions of Section 10156.7 of the



1 Code and the following limitations, conditions and restrictions
2 imposed under authority of Section 10156.6 of the Code

3 2. The restricted license issued to Respondent may be
4 suspended prior to hearing by Order of the Real Estate
5 Commissioner in the event of a conviction or plea of nolo
6 contendere to a crime which is substantially related to a
7 Respondent's fitness or capacity as a real estate licensee.

8 3. The restricted license issued to Respondent may be
9 suspended prior to hearing by Order of the Real Estate
10 Commissioner on evidence satisfactory to the Commissioner that
11 Respondent has violated provisions of the California Real Estate
12 Law, the Subdivided Lands Law, Regulations of the Real Estate
13 Commissioner or conditions attaching to the restricted license.

14 4. Respondent RENEE BIBAL LOTERINA shall not be
15 eligible to petition for the issuance of an unrestricted real
16 estate license nor for the removal of any of the conditions,
17 limitations or restrictions of a restricted license until one
18 year has elapsed from the effective date of this Decision.

19 5. Respondent RENEE BIBAL LOTERINA shall, within six
20 months from the effective date of this Decision, present evidence
21 satisfactory to the Real Estate Commissioner that Respondent has,
22 since the most recent issuance of an original or renewal real
23 estate license, taken and successfully completed the continuing
24 education requirements of Article 2.5 of Chapter 3 of the Real
25 Estate Law for renewal of a real estate license. If she fails to
26 satisfy this condition, the Commissioner may order the suspension
27 of the restricted license until she presents such evidence. The



1 Commissioner shall afford her the opportunity for a hearing
2 pursuant to the Administrative Procedure Act to present such
3 evidence.

4 6. Respondent RENEE BIBAL LOTERINA shall within six
5 months from the effective date of this Decision, take and pass
6 the Professional Responsibility Examination administered by the
7 Department including the payment of the appropriate examination
8 fee. If she fails to satisfy this condition, the Commissioner
9 may order suspension of her license until she passes the
10 examination.

11 III

12 Any restricted salesperson license issued to RENEE
13 BIBAL LOTERINA under the Real Estate Law shall be suspended for a
14 period of ninety (90) days from the date any such license is
15 issued; provided, however, that all ninety (90) days of said
16 suspension shall be stayed for one (1) year upon the following
17 terms and conditions:

18
19 1. Respondent shall obey all laws, rules and
20 regulations governing the rights, duties and responsibilities of
21 a real estate licensee in the State of California.

22 2. That no final subsequent determination be made,
23 after hearing or upon stipulation, that cause for disciplinary
24 action occurred within one (1) year of the effective date of this
25 Decision. Should such a determination be made, the Commissioner
26 may, in her discretion, vacate and set aside the stay order and
27 reimpose all or a portion of the stayed suspension. Should no



1 such determination be made, the stay imposed herein shall become
2 permanent.

3 * * * *

4 We have read the Stipulation and Agreement and its
5 terms are understood by us and are agreeable and acceptable to
6 us. We understand that we are waiving rights given to us by the
7 California Administrative Procedure Act (including but not
8 limited to Sections 11506, 11508, 11509 and 11513 of the
9 Government Code), and we willingly, intelligently and voluntarily
10 waive those rights, including the right of requiring the
11 Commissioner to prove the allegations in the Accusation at a
12 hearing at which we would have the right to cross-examine
13 witnesses against us and to present evidence in defense and
14 mitigation of the charges.

15
16 DATED: 5/18/00

Renee B. Loterina
COASTLAND MORTGAGE CORPORATION
BY: RENEE BIBAL LOTERINA,
President

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18
19 DATED: 5/18/00

Renee B. Loterina
RENEE BIBAL LOTERINA, individually
and as designated officer of
Coastland Mortgage Corporation,
Respondent

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22
23 DATED: 5/18/00

Paul Samarín
PAUL SAMARIN, ESQ.
Counsel for Respondents

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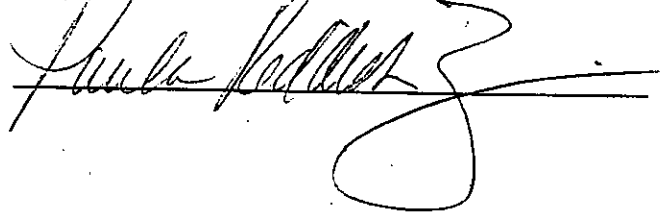
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order and shall become effective at 12
o' clock noon on August 2, 2000.

IT IS SO ORDERED July 6, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 22 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

RENEE B. LOTERINA, et al.,

By K. Niederholz

Case No. H-28229 LA

OAH No. L-1999110022

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 W. Fourth St., Ste. 630, Los Angeles, CA on December 28, 1999, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 22, 1999

By [Signature]

Counsel

RE 501 (Rev. 8/97) cc: Renee Bibal Loterina
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FILED
OCT - 1 1999
DEPARTMENT OF REAL ESTATE

By *K. J. ...*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
COASTLAND MORTGAGE CORPORATION)
and RENEE BIBAL LOTERINA,)
individually and as)
designated officer of)
Coastland Mortgage Corporation,)
Respondents.)

No. H-28229 LA

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: RENEE BIBAL LOTERINA:

On December 17, 1998, a restricted real estate broker license, was issued and made effective January 12, 1999, by the Department of Real Estate (Department) to RENEE BIBAL LOTERINA on the terms, conditions and restrictions set forth in the Decision After Rejection dated December 17, 1998, in Case No. H-27669 LA and subject to the provisions of Section 10156.7 of the Business and Professions Code (Code) and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

1 On September 14, 1999, in Case No. H-28229 LA, an
2 Accusation was filed against the captioned persons including RENEE
3 BIBAL LOTERINA charging her with violating Sections 10137,
4 10159.2, 10160, 10161.8, 10177(d) and 10177(g) of the Code and
5 Sections 2715, 2726, 2731, 2752 and 2753 of the Regulations.

6 NOW THEREFORE, IT IS ORDERED under authority of Section
7 10156.7 of the Code that the restricted real estate broker license
8 heretofore issued to Respondent RENEE BIBAL LOTERINA and the
9 exercise of any privileges thereunder are hereby suspended pending
10 final determination made after the hearing on the aforesaid
11 Accusation.

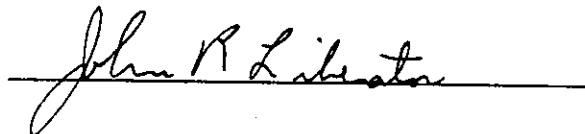
12 IT IS FURTHER ORDERED that all license certificates and
13 identification cards issued by the Department which are in the
14 possession of Respondent RENEE BIBAL LOTERINA be immediately
15 surrendered by personal delivery or by mailing in the enclosed
16 self-addressed envelope to:

17 DEPARTMENT OF REAL ESTATE
18 ATTN: Elliott Mac Lennan, Esq.
19 320 West 4th Street, Suite 350
20 Los Angeles, California 90013-1105
21 (213) 576-6911

22 This Order shall be effective immediately.

23 DATED: September 30, 1999.

24 John R. Liberator
25 Acting Real Estate Commissioner

26 
27



facts file

FILED
SEP 14 1999
DEPARTMENT OF REAL ESTATE

ELLIOTT MAC LENNAN SBN 66674
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

(213) 576-6911

By *K. Kuehnelt*

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
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COASTLAND MORTGAGE CORPORATION)
and RENEE BIBAL LOTERINA,)
individually and as)
designated officer of)
Coastland Mortgage Corporation,))
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Respondents.)

No. H-28229 LA

A C C U S A T I O N

The Complainant, Thomas McCrady, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against COASTLAND MORTGAGE CORPORATION and RENEE BIBAL LOTERINA,
individually and as designated officer of Coastland Mortgage
Corporation, is informed and alleges in his official capacity as
follows:

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COASTLAND MORTGAGE CORPORATION (CMC) and RENEE BIBAL LOTERINA (LOTTERINA), individually and as designated officer of Coastland Mortgage Corporation, sometimes collectively referred to as Respondents, are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

2

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations, unless indicated otherwise.

3

Since July 6, 1995, CMC was licensed by the Department of Real Estate of the State of California (Department) as a corporate real estate broker by and through LOTERINA as designated officer. CMC was originally licensed by the Department on the aforesaid date by LOTERINA.

4

Since July 6, 1995, LOTERINA was licensed by the Department as designated officer of CMC to qualify CMC and to act for CMC as a real estate broker and, as provided by Section 10159.2 of the Code, was responsible for the supervision and control of the activities conducted on behalf of CMC by its officers, managers and employees as necessary to secure full compliance with the provisions of the Real Estate Law including



1 the supervision of the salespersons licensed to the corporation in
2 the performance of acts for which a real estate license is
3 required. LOTERINA is also the designated officer for the Winczar
4 Corporation. In her individual license capacity she operates
5 under the fictitious business names of CMC Mortgage, Executive
6 Mortgage, Royal Financial and RBL Investments. LOTERINA maintains
7 four branch officers as well as eighteen employees under her
8 individual broker's license. LOTERINA was originally licensed as
9 a real estate broker on January 20, 1988. On December 17, 1998, a
10 restricted broker's license was issued, effective January 12,
11 1999, pursuant to the discipline imposed in H-27669 LA, as more
12 fully set forth in Paragraph 17 below.

13 5

14 Whenever reference is made in an allegation in the
15 Accusation to an act or omission of CMC such allegation shall be
16 deemed to mean that the officers, directors, managers, employees,
17 agents and real estate licensees employed by or associated with
18 CMC, including LOTERINA, committed such act or omission while
19 engaged in the furtherance of its business or operation and while
20 acting within the course and scope of its corporate authority,
21 agency and employment.

22 6

23 At all times mentioned, in the City of Carson, Los
24 Angeles County, CMC acted as a real estate broker in the State of
25 California within this meaning of Section 10131(d) of the Code,
26 including the operation of a mortgage and loan brokerage with the
27 public.



1
2 On March 16, 1997, the Department completed an audit
3 examination of the books and records of CMC pertaining to its
4 mortgage and loan activities described in Paragraph 6. The audit
5 examination covered a period of time beginning on January 1, 1997
6 and ending on December 31, 1997. The audit examination revealed
7 violations of the Code and the Regulations as set forth in the
8 following paragraphs.

8

9
10 At all times mentioned, in connection with the
11 activities described in Paragraph 6, above, CMC accepted or
12 received funds in trust (trust funds) from or on behalf of actual
13 or prospective buyers and sellers and borrowers and lenders.
14 Thereafter CMC made disposition of such funds. CMC maintained the
15 following trust account during the audit period:

16 "Coastland Mortgage Trust Account
17 Account Number 001-110241"
18 Merchants Bank of California (Rancho Dominguez Bank)
19 One Civic Plaza
20 Carson, CA 90745

9

21 In course of the mortgage loan brokerage activities
22 described in Paragraph 6, CMC and LOTERINA, in spite of the
23 knowledge that Jackson Helton's and Jaime Punsalan's salesperson
24 licenses had expired they employed and compensated them to perform
25 acts for which a real estate license is required including
26 originating loans, soliciting borrowers and lenders, and
27 negotiating loans secured by liens on real property, for the



1 following borrowers Shelby, Warnar, Glass, Moore Montanez and Perez
2 (Helton), and Thueson (Punsalan), in violation of Section 10137 of
3 the Code. This conduct and violation are cause to suspend or
4 revoke the licenses and license rights of Respondents CMC and
5 LOTERINA under the provisions of Section 10137 of the Code.

6 10

7 In course of the mortgage loan brokerage activities
8 described in Paragraph 6, CMC and LOTERINA, employed and
9 compensated salesperson Freestone Standard to perform acts for
10 which a real estate license is required including originating
11 loans, soliciting borrowers and lenders, and negotiating loans
12 secured by liens on real property, while he was employed by
13 another broker, Emma Wilson, and no longer employed by CMC in
14 violation of Section 10137 of the Code. This conduct and
15 violation are cause to suspend or revoke the licenses and license
16 rights of Respondents CMC and LOTERINA under the provisions of
17 Section 10137 of the Code.

18 11

19 The audit examination revealed that CMC and LOTERINA
20 employed and compensated salesperson Claudia Zurkinden as their
21 agent and loan officer without notifying the Department of her
22 employment, and terminated the employment of Gail Hirsch without
23 notifying the Department of her termination as required by Section
24 10161.8 of the Code and Section 2752 of the Regulations.

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2 The audit examination also revealed that CMC and
3 LOTERINA failed to retain the original license certificate of
4 licensees Claudia Zurkinden, Loretta Kelly and Maude Washington,
5 as required by Section 10160 of the Code and Section 2753 of the
6 Regulations. This conduct is cause to suspend or revoke the
7 license and license rights of CMC and LOTERINA under the
8 provisions of Section 10177(d) of the Code.

9
10 The audit examination revealed that CMC and LOTERINA
11 failed to initiate and maintain written Broker-Salesperson
12 agreements with CMC's salespeople, including Claudia Zurkinden and
13 Maude Washington, in violation of Regulation 2726. This conduct
14 and violation are also cause to suspend or revoke CMC's licenses
15 and license rights under Section 10177(d) of the Code.

16
17 The audit examination also revealed that CMC and
18 LOTERINA used the fictitious name of "Coastland Mortgage Company"
19 to conduct licensed activities on behalf of CMC without holding a
20 license bearing said fictitious business name. The conduct of
21 CMC, in failing to obtain licenses for use of the aforesaid name,
22 is in violation of Section 2731 of the Regulations and is cause to
23 suspend or revoke Respondents' real estate license and license
24 rights under Section 10177(d) of the Code.

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1
2 A departmental investigation following up on the
3 Complaint of borrower Alberto A. Perezalonso revealed that
4 Respondents CMC abandoned its official main office address at of 1
5 Civic Plaza Drive, Suite 300, Carson, California, as of January 4,
6 1999 without notifying the Department. Said official main office
7 was vacant and the telephone lines were disconnected. This
8 conduct constitutes a violation of Section 10162 of the Code and
9 Section 2715 of the Regulations and is cause to suspend or revoke
10 the real estate license and license rights of CMC under Sections
11 10165 and 10177(d) of the Code.

12
13 The overall conduct of LOTERINA, constitutes a failure
14 on her part, as officer designated by a corporate broker licensee,
15 responsible for the supervision and control over the activities
16 conducted on behalf of CMC by its officers, managers and employees
17 as necessary to secure full compliance with the provisions of the
18 Real Estate Law. This conduct is cause for the suspension or
19 revocation of the real estate license and license rights of
20 LOTERINA under to Sections 10159.2, 10177(d) and 10177(k) of the
21 Code.

22
23 The overall conduct of CMC and LOTERINA constitutes
24 negligence and/or incompetence. This conduct and violations
25 described above are cause to suspend or revoke their real estate
26 license and license rights pursuant to Section 10177(g) of the
27 Code.



1
2 The conduct of LOTERINA in violating Section 10130 as
3 set forth in H-27669 LA is cause for the suspension or revocation
4 of the real estate license and license rights of CMC under to
5 Section 10177(d) of the Code.

6 PRIOR DISCIPLINE

8 On April 30, 1998, in Case No. H-27669 LA, an Accusation
9 was filed against Respondent RENEE BIBAL LOTERINA that resulted in
10 discipline for said respondent for violations of Sections 10130
11 and 10137 of the Code.

12 PRIOR DISCIPLINE

14 In Case No. H-28178 LA, a Statement of Issues was filed
15 against Executive World Corporation who unsuccessfully sought
16 licensure as a real estate corporation with Respondent RENEE BIBAL
17 LOTERINA listed as the officer designee.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations made by the Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of COASTLAND MORTGAGE CORPORATION and RENEE BIBAL LOTERINA, individually and as designated officer of Coastland Mortgage Corporation under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 14th day of September, 1999.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Coastland Mortgage Corporation
c/o Renee Bibal Loterina, D.O.
Sacto
MA