

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

APR 29 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 TO:) NO. H- 5206 SAC
13)
14 JOSEPH DWAYNE BROWNING, and) ORDER TO
MORTGAGE TREE FUNDING.) DESIST AND REFRAIN
15) (B&P Code Section 10086)

16 The Real Estate Commissioner of the State of California (hereinafter
17 "Commissioner") has caused an investigation to be made of your activities, and based upon the
18 findings herein below set forth, is of the opinion that you, JOSEPH DWAYNE BROWNING,
19 and you, MORTGAGE TREE FUNDING, have violated Section 10130 of the California
20 Business and Professions Code (hereinafter the "Code") by engaging in the business of or acting
21 as a real estate salesperson or broker, within the meaning of Sections 10130 and 10131(d) of the
22 Code without first having obtained a real estate license from the California Department of Real
23 Estate (hereinafter the "Department").

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25 At no time herein mentioned were you, JOSEPH DWAYNE BROWNING, and
26 you, MORTGAGE TREE FUNDING, licensed by the Department as a real estate broker or
27 salesperson, as appropriate.

At all times herein mentioned you, JOSEPH DWAYNE BROWNING, acting in your own name or in the dba name MORTGAGE TREE FUNDING, were compensated for performing acts pursuant to said employment in furtherance of the activities discussed in Paragraph 3 below.

During the period beginning in or about June 2006 and continuing, you, JOSEPH DWAYNE BROWNING, acting in your own name or in the dba name MORTGAGE TREE FUNDING, among other things, solicited and/or performed services for borrowers in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of a compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services, including but not limited to acting as described above in the provision of the following mortgage loans:

- A) On or about August 31, 2006, a loan for Keith Crowell secured by real property commonly known as 1323 Hillwood Loop in Lincoln, California.
- B) On or about October 2, 2006, a loan for Keith Crowell secured by real property commonly known as 1329 Hillwood Loop in Lincoln, California.

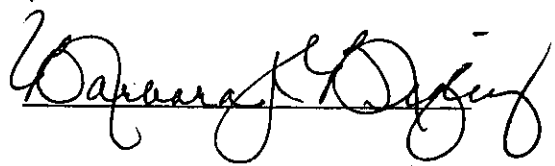
The acts you, JOSEPH DWAYNE BROWNING, and you, MORTGAGE TREE FUNDING, performed, for or in expectation of compensation, described in Paragraph 3 above, are acts requiring a real estate salesperson or broker license under the provisions of Sections 10130 and 10131(d) of the Code.

You, JOSEPH DWAYNE BROWNING, and you, MORTGAGE TREE FUNDING, have violated Section 10130 of the Code by engaging in the activities described above in Paragraph 3 without first obtaining a real estate salesperson or broker license from the Department.

1 NOW THEREFORE, YOU, JOSEPH DWAYNE BROWNING, AND YOU,
2 MORTGAGE TREE FUNDING, YOUR EMPLOYEES, AGENTS, OFFICIAL SUCCESSORS
3 AND ASSIGNS, ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing
4 any and all acts for which a real estate license is required until such time as you obtain the
5 required license from the Department.

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7 DATED: 4/3, 2009

8 JEFF DAVI
9 Real Estate Commissioner

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14 cc: JOSEPH DWAYNE BROWNING
15 MORTGAGE TREE FUNDING
16 10400 Danichris Way
Elk Grove, CA 95757

17 JOSEPH DWAYNE BROWNING
18 MORTGAGE TREE FUNDING
19 4290 Canada Road
Gilroy, CA 95020

20 MORTGAGE TREE FUNDING
21 Attn: Joseph Dwayne Browning
10400 Danichris Way
Elk Grove, CA 95757

22 MORTGAGE TREE FUNDING
23 JOSEPH DWAYNE BROWNING
24 4290 Canada Road
Gilroy, CA 95020