

FILED

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DEPARTMENT OF REAL ESTATE

By R. Honey

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 TO:

12 TL VILLEMONT, L.P. and
13 TIM LEWIS COMMUNITIES.
14

No. H- 5311 SAC

ORDER TO DESIST AND REFRAIN
(B&P Code Section 11019)

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16 The Real Estate Commissioner (herein "Commissioner") of the State of
17 California, has caused an investigation to be made of your activities related to offering interests
18 in a subdivision which is subject to the legal requirement that a subdivision public report be
19 obtained. Based upon the findings of that investigation, as set forth below, the Commissioner
20 has determined and is of the opinion that TL VILLEMONT, L.P. and TIM LEWIS
21 COMMUNITIES (hereinafter "TLC") (collectively referred to as "Respondents") violated
22 Sections 11012 (notice of change in setup of offering) and 11018.2 (no offering to sell or selling
23 without a public report) of the Business and Professions Code of the State of California
24 (hereinafter "the Code").

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FINDINGS OF FACT

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2 1. Respondents were the owners or subdividers, or agents of the owners or
3 subdividers of subdivided lands as defined in Sections 11000, 11003, and 11004.5 of the Code.

4 2. Said subdivision is known as or commonly called "Villemont
5 Condominium", and is located in or near the County of Placer, State of California (hereinafter
6 "Subdivision").

7 3. From approximately January 2006 through June 2007, the Department
8 issued the following five separate Final Subdivision Public Reports to TL Villemont, L.P.:

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10 Report Number	Phase	Lots Covered by Report	Date Report Issued
11 117763SA-F00	1	1-55	January 12, 2006
12 127272SA-F00	2	68-99	March 23, 2007
13 130209SA-F00	3	136-163 and 211-230	March 23, 2007
14 130604SA-F00	4	100-135	June 26, 2007
15 130605SA-F00	5	164-210	June 26, 2007

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17 4. The public reports identified in paragraph 3, above, authorized T.L.
18 Villemont, L.P. to offer for sale, negotiate the sale and sell the lots covered by the public reports
19 as identified in paragraph 3, above.

20 5. In approximately December 2006, TL Investments, L.P. acquired title to
21 lots 239 and 245 in the Subdivision. By acquiring title of some of the subdivision interests in the
22 Subdivision, T.L. Villemont, L.P. made a material change in the setup of the offering described
23 in the public reports identified above in paragraph 3, without first notifying the Department in
24 writing of such intended change.

25 6. On December 1, 2006, without obtaining a public report authorizing such
26 offering, negotiation, or sale, Respondents solicited prospective purchasers and offered for sale
27

1 lots 239 and 245 in the Subdivision including but not limited to entering into a sales agreement
2 with TL Investments, L.P. Escrow closed for both lots on approximately December 29, 2006.
3 Lots 239 and 245 were not covered by a final public report identified in Paragraph 3, above.

4 7. From approximately May 14, 2009 through June 21, 2009, without
5 obtaining a public report authorizing such offering, negotiation, or sale, Respondents solicited
6 prospective purchasers and offered for sale lots in the Subdivision including but not limited to
7 entering into a sales agreement with Boris Feldman and Lyundmila Kirilkina (lot 240, located in
8 Villemont Phase 6), Josephine Nethery (lot 242, located in Villemont Phase 6), Terry and
9 Sharon Gardner (lot 243, located in Villemont Phase 6) and Melinda King (lot 245, located in
10 Villemont Phase 6). Lots 240, 242, 243 and 245 were not covered by a final public report
11 identified in Paragraph 3, above.

12 CONCLUSIONS OF LAW

13 8. Based on the Findings of Fact contained in Paragraphs 1 through 7,
14 Respondents sold and offered for sale lots in said Subdivision, as described in Paragraph 3,
15 above, without obtaining any conditional public report or final public report authorizing such
16 offering, negotiation, or sale, all in violation of Sections 11012 (notice of change in setup of
17 offering) and 11018.2 (no offering to sell or selling without a public report) of the Code.

18 DESIST AND REFRAIN ORDER

19 Based on the Findings of Fact and Conclusions of Law stated herein, you, TL
20 VILLEMONT, L.P. and TIM LEWIS COMMUNITIES ARE ORDERED TO DESIST AND
21 REFRAIN from selling, leasing, offering for sale or lease, soliciting purchasers, or negotiating
22 for the sale or lease of lots, units or parcels in said Subdivision until such time as you have:

23 1. Complied with Sections 11012 (notice of change in setup of offering) and
24 11018.2 (no offering for sale or selling without a public report) of the Code;

25 2. Obtained a public report authorizing you to contract to sell or sell the
26 subject lots in the Subdivision; and,

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3. Submitted proof acceptable to the Commissioner demonstrating you have provided a copy of the public report and a reasonable opportunity for rescission to each person who purchased or contracted to purchase a lot in the Subdivision.

DATED: 11/24/09

JEFF DAVI
Real Estate Commissioner

