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Department of Real Estate 320 West Fourth Street, Ste. 350 Los Angeles, California 90013

(213) 576-6982

FILED

JUL 1 1 2012

DEPARTMENT OF REAL ESTATE
BY:

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

To:

No. H-38254 LA

AMERICAS FINANCIAL
SOLUTIONS; and EDWARD
BAUMANN, individually, and
doing business as Americas
Financial Solutions

ORDER TO DESIST
AND REFRAIN

(B&P Section 10086)

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The Commissioner ("Commissioner") of the California

Department of Real Estate ("Department") caused an investigation
to be made of the activities of AMERICAS FINANCIAL SOLUTIONS

("AFS") and EDWARD BAUMANN ("BAUMANN"), individually, and doing

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business as Americas Financial Solutions, and has determined that

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each has engaged in or are engaging in acts or practices

constituting violations of the California Business and

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Professions Code ("Code") including engaging in the business of,

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acting in the capacity of, advertising, or assuming to act, as real estate brokers in the State of California within the meaning

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of Section 10131(d) (soliciting borrowers or lenders or

negotiating loans) and Section 10131.2 (claiming advance fees in connection with a loan) of the Code. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

- 1. At no time herein mentioned has AFS or BAUMANN been licensed by the Department in any capacity.
- 2. Whenever acts referred to below are attributed to BAUMANN, those acts are alleged to have been done by BAUMANN, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators and using the name AFS, or any fictitious name unknown at this time.
- 3. AFS and BAUMANN engaged in the business of, acted in the capacity of, or advertised a loan solicitation, negotiation and modification service and advance fee brokerage offering to perform and performing loan solicitation, negotiation and modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction, including but not limited to the occasions set forth below:
- a. On or about November 30, 2009, Antonia Maria M. paid an advance fee of \$1,500 to BAUMANN and AFS. On or about December 28, 2009, Antonia Maria M. paid an additional advance fee of \$995 to BAUMANN and AFS. The foregoing advance fees were

collected pursuant to an agreement pertaining to loan solicitation, negotiation, and modification services to be provided with respect to a loan secured by the real property at 170 W. Vermont Avenue, No. 1, Escondido, California 92025.

CONCLUSIONS OF LAW

4. Based on the information contained in Paragraph 3, above, AFS and BAUMANN have performed and/or participated in advance fee handling and loan solicitation, negotiation and modification activities which require a license under the provision of Code Sections 10131(d) and 10131.2 during a period of time when neither of them were licensed by the Department in any capacity, in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that AMERICAS FINANCIAL SOLUTIONS and EDWARD BAUMANN, whether doing business under their own names, or any other names, or any fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular each of them is ORDERED TO DESIST AND REFRAIN from:

1. 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

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residential property containing four or fewer dwelling units

(Code Section 10085.6); and

2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by them to others.

DATED:

REAL ESTATE COMMISSIONER

By WAYNE S. BELL Chief Counsel

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

cc: Americas Financial Solutions 1823 E. 17th Street, Suite 302 Santa Ana, California 92025

> Americas Financial Solutions 921 Natalie Lane Anaheim, California 92808

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(\$60,000)."

Edward Baumann 1823 E. 17th Street, Suite 302 Santa Ana, California 92025

Edward Baumann 921 Natalie Lane Anaheim, California 92808