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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON, ex rel. ELLEN F. ROSENBLUM, Attorney General for the State of Oregon, and CAMERON C. SMITH, Director of the Department of Consumer and Business Services,

Plaintiff,

v.

FUTURE INCOME PAYMENTS, LLC f/k/a Pensions, Annuities and Settlements, LLC, a Delaware limited liability company; FIP, LLC, a Nevada limited liability company; and SCOTT A. KOHN,

Defendants.

Case No. 18CV18811

~~CORRECTED~~ LIMITED JUDGMENT ON DEFAULT
PERMANENT INJUNCTION
MONEY AWARD

(Honorable Katharine von ter Stegge)

ORS 20.140 - State fees deferred at filing

This matter came before the Honorable Katharine von ter Stegge on the State’s MOTION FOR LIMITED JUDGMENT ON DEFAULT, by and through its attorney ELLEN F. ROSENBLUM, the Attorney General for the State of Oregon, represented by Jermaine F. Brown, Assistant Attorney General. The Court, having reviewed the record, and being otherwise fully advised in the premises finds that there is no just reason for delay. The Court further finds that:

- 1. Since February 21, 2012, Defendants FUTURE INCOME PAYMENTS, LLC f/k/a Pensions, Annuities and Settlements LLC, and FIP, LLC (collectively “defendants”) have entered into 239 loans with Oregon consumers;
- 2. Each of the loans that defendants entered into with an Oregon consumer was either unsecured or secured by personal or real property, and had a term that exceeded 60 days;
- 3. Each of the loans was a consumer finance loan as defined in ORS 725.010;

1 4. Each consumer finance loan was for an amount of \$50,000 or less;
2 5. Defendants have never held a license issued by the Director of the Department of
3 Consumer and Business Services (DCBS) to make consumer finance loans; and,
4 6. Defendants violated Oregon’s consumer protection laws when making consumer
5 finance loans to Oregon consumers.

6 IT IS HEREBY ADJUDGED and AWARDED as follows:

7 Plaintiff, the STATE OF OREGON *ex rel* ELLEN F. ROSENBLUM, the Attorney
8 General for the State of Oregon, and CAMERON C. SMITH, Director of the Department of
9 Consumer and Business Services, shall have LIMITED JUDGMENT, PERMANENT
10 INJUNCTION, MONEY AWARD against Defendants FUTURE INCOME PAYMENTS, LLC
11 f/k/a Pensions, Annuities and Settlements LLC, and FIP, LLC. This judgment disposes of
12 Plaintiff’s requests for relief as to defendants FUTURE INCOME PAYMENTS, LLC and FIP,
13 LLC only. Plaintiff shall have judgment as follows.

14 **DECLARATION**

15 1.

16 It is adjudged and declared that, under ORS 725.045(1)(b) and 725.355(2), each
17 consumer finance loan made to an Oregon consumer by defendants is void and unenforceable by
18 defendants and defendants’ successors, assigns, and affiliates.

19 **PERMANENT INJUNCTION**

20 2.

21 Pursuant to ORS 646.632 and 646.636, Plaintiff is awarded a PERMANENT
22 INJUNCTION permanently enjoining defendants, their officers, agents, servants, and those in
23 active concert with Defendants who receive actual notice by personal service or otherwise, from:

24 a) Violating any provision of the Oregon Consumer Finance Act or the
25 administrative rules promulgated thereunder, including, but not limited to, making consumer
26 loans or acting as an agent, broker, or facilitator for makers of consumer finance loans;

Page 2 - CORRECTED LIMITED JUDGMENT ON DEFAULT; PERMANENT INJUNCTION; MONEY
AWARD

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- 1 b) Engaging in any business in Oregon in which defendants loan money, or
2 otherwise extend credit, to Oregon consumers;
- 3 c) Advertising to, soliciting, or entering into any agreement with an Oregon
4 consumer in which defendants agree to advance money to an Oregon consumer in exchange for
5 the consumer's promise to assign, transfer, or otherwise convey any portion of the consumer's
6 unpaid earnings, including wages, pension, or any other guaranteed future income, to
7 defendants;
- 8 d) Withdrawing moneys from any Oregon borrower's or consumer's account or
9 otherwise collecting, receiving or retaining any principal, interest, fees, or charges related to or
10 in connection with the consumer finance loans defendants made to Oregon consumers; and,
- 11 e) Selling or assigning any debt declared void and unenforceable by this Court to a
12 debt buyer, debt collector, or other person for collection.

13 **MONEY AWARD**

14 3.

15 Judgment, in the form of a Money Award, as presented by the MONEY AWARD
16 SUMMARY set forth herein below, shall be entered for the plaintiff and against defendants
17 FUTURE INCOME PAYMENTS, LLC f/k/a Pensions, Annuities and Settlements LLC, and
18 FIP, LLC in the amount of five-million eight-hundred and ninety-five thousand dollars
19 [\$5,895,000], jointly and severally, for civil penalties pursuant to ORS 646.642. Simple interest
20 shall accrue on any unpaid portions of the MONEY AWARD as set forth in this Paragraph 4
21 herein at the statutory rate of nine percent [9%] per annum from the date of this judgment until
22 paid in full.

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1 **MONEY AWARD SUMMARY**

2 4.

- 3
- 4 1) Judgment Creditor: State of Oregon, *ex rel* Ellen F.
5 Rosenblum, Attorney General for the
6 State of Oregon
- 7 a) Address of Judgment Creditor: 1162 Court Street NE
8 Salem, OR 97301
- 9 b) Judgment Creditor's Attorney: Jermaine F. Brown, OSB#073415
- 10 c) Judgment Creditor's Attorney's Address: Oregon Department of Justice
11 100 SW Market Street
12 Portland, OR 97201
- 13 d) Judgment Creditor's Attorney's Phone No.: (971) 673-1880

14 2) **Judgment Debtor #1:** **Future Income Payments, LLC**

- 15 a) Address: 2505 Anthem Village Drive #E-578
16 Henderson, NV 89052
- 17 b) Date of Birth: N/A
- 18 c) Tax Identification Number: Unknown
- 19 d) Driver License No.: N/A
- 20 State of Issuance: N/A
- 21 e) Judgment Debtor's Attorney: N/A
- 22 f) Judgment Debtor's Attorney's Address: N/A
- 23 g) Judgment Debtor's Attorney's Phone No.: N/A

24 3) **Judgment Debtor #2:** **FIP, LLC**

- 25 a) Address: 2505 Anthem Village Drive #E-578
26 Henderson, NV 89052
- 27 b) Date of Birth: N/A
- 28 c) Tax Identification Number: Unknown
- 29 d) Driver License No.: N/A
- 30 State of Issuance: N/A
- 31 e) Judgment Debtor's Attorney: N/A
- 32 f) Judgment Debtor's Attorney's Address: N/A
- 33 g) Judgment Debtor's Attorney's Phone No.: N/A

- 34 4) Name of any person or public body
35 that is entitled to a portion of this award: None.

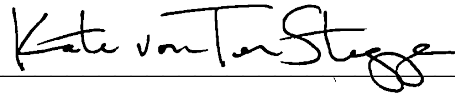
1
2 5) Principal Amount of Judgment: \$5,895,000 [five-million eight-hundred and
ninety-five thousand dollars]

3 Civil penalties: \$5,895,000

4
5 6) Interest: Post-judgment simple interest at the rate of
6 nine percent [9%] per annum on the total
judgment from the date judgment is entered
7 until fully paid.

8 It is so ADJUDGED and AWARDED.

Signed: 11/27/2018 03:32 PM

11 

12 Circuit Court Judge Katharine von Ter Stegge

13
14 Respectfully submitted by:
15 Jermaine F. Brown #073415
Assistant Attorney General
16 Of Attorneys for Plaintiff
Oregon Department of Justice
17 100 SW Market Street
Portland, OR 97201
jermaine.f.brown@doj.state.or.us
18 Tel: (971) 673-1880
Fax: (971) 673-1884

1 **CERTIFICATE OF READINESS**

2 This proposed LIMITED JUDGMENT ON DEFAULT PERMANENT INJUNCTION
3 MONEY AWARD is ready for judicial signature because:

4 1. [] Each opposing party affected by this *order* has stipulated to the *order*, as shown
5 by each opposing party's signature on the document being submitted.

6 2. [] Each opposing party affected by this *order* has approved the *order* as shown by
7 signature on the document being submitted or by written confirmation of approval
8 sent to me.

9 3. [] I have served a copy of this *order* on all parties entitled to service and provided
10 written notice of the objection period, and:

11 a. [] No objection has been served on me within that time frame.

12 b. [] I received objections that I could not resolve with the opposing party
13 despite reasonable efforts to do so. I have filed with the court a copy of the
14 objections I received and indicated which objections remain unresolved.

15 c. [] After conferring about objections, counsel for plaintiff agreed to file any
16 remaining objection with the court by _____, which predated my
17 submission.

18 4. [X] The relief sought is against an opposing party who has been found in default.

19 5. [] An order of default is being requested with this proposed judgment.

20 6. [] Service is not required by statute, rule, or otherwise.

21 DATED this 15th day of November, 2018.

22
23 s/Jermaine F. Brown
24 JERMAINE F. BROWN, OSB #073415
25 Assistant Attorney General
26 Tel (971) 673-1880
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Jermaine.f.brown@doj.state.or.us
Of Attorneys for Plaintiff