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Filed with the Court

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-BURLINGTON COUNTY
DOCKET NO. BUR-C-92-20

MATTHEW J. PLATKIN, Attorney General of the State
of New Jersey, CARI FAIS, Director of the New
Jersey Division of Consumer Affairs, and JUSTIN
ZIMMERMAN, Commissioner of the New Jersey
Department of Banking and Insurance,

Civil Action

Plaintiffs,

v.

FINANCIAL SERVICES FOR AMERICA, an NJ Nonprofit
Corporation, FINANCIAL PROCESSING SERVICES, LLC,
TRI-STATE FINANCIAL RELIEF, LLC, MORTGAGE HELP AND
LOAN AUDITS OF AMERICA, LLC, NEAL J. VANDERPOEL
II a/k/a Jimmy Vanderpoel a/k/a Neal Van a/k/a
Neal Vanderpoel, Sr., EILEEN P. VANDERPOEL, NEAL
J. VANDERPOEL IV a/k/a Neal Van a/k/a Neal
Vanderpoel, Jr., RYAN VANDERPOEL a/k/a Ryan Van,
JANE and JOHN DOES 1-10, individually and as
owners, officers, directors, founders, members,
managers, agents, employees, servants,
representatives, and/or independent contractors
of FINANCIAL SERVICES FOR AMERICA, an NJ Nonprofit
Corporation, FINANCIAL PROCESSING SERVICES, LLC,
TRI-STATE FINANCIAL RELIEF, LLC, and MORTGAGE HELP
AND LOAN AUDITS OF AMERICA, LLC, and XYZ
CORPORATIONS 1-10,

**FINAL ORDER
OF JUDGMENT**

Defendants.

WHEREAS this matter being brought before the Court by Matthew J. Platkin, Attorney General of the State of New Jersey ("Attorney General"), Cari Fais, Director of the New Jersey Division of Consumer Affairs ("Director"), and Justin Zimmerman, Commissioner of Banking and Insurance ("Commissioner") (collectively, "Plaintiffs"), (DAG Garen Gazaryan, DAG Nicholas Kant, and DAG Andrew Esoldi appearing), by way of Verified Complaint which was filed on December 30, 2020, against Financial Services For America, a NJ nonprofit corporation, Financial Processing Services, LLC, Tri-State Financial Relief, LLC, Mortgage Help and Loan Audits of America, LLC (collectively referred to as the "Corporate Defendants") and Neal J. Vanderpoel II, Eileen P. Vanderpoel, Neal J. Vanderpoel IV, and Ryan Vanderpoel (collectively referred to as the "Individual Defendants"; and the Corporate Defendants and Individual Defendants, together, referred to collectively as the "Defendants") (Kimberley Stuart, Esquire, appearing);

WHEREAS, on March 17, 2022, Plaintiffs moved for summary judgment, pursuant to R. 4:46-2, against Defendants seeking a finding that Defendants' acts constitute multiple violations of the Consumer Fraud Act, N.J.S.A. 56:8-1 to -229 ("CFA"), the Debt Adjustment and Credit Counseling Act, N.J.S.A. 17:16G-1 to -9 ("Debt Adjustment Act"), and the Non-Profit Corporation Act, N.J.S.A. 15A:1-1 to -16.2 ("Non-Profit Act"), and the regulations relating thereto, the issuance of permanent injunctive relief against future violations of the CFA, the Debt Adjustment Act, and the Non-Profit Corporation Act, the dissolution of the corporate entities, an award of consumer restitution, civil penalties, attorneys' fees, and investigative costs;

WHEREAS, on June 28, 2022, the court issued a Decision and Order granting in part the Plaintiffs' motion for summary judgment, ordering various equitable relief against Defendants, and entering judgment against Defendants and in favor of Plaintiffs in the amount of \$942,000.00 in civil penalties under the Debt Adjustment Act and \$942,000.00 in civil penalties under the CFA ("June 28, 2022 Order");

WHEREAS, the court reserved decision on consumer restitution, attorneys' fees and investigative costs until after a proof hearing, which took place on October 27, 2022, and November 3, 2022;

WHEREAS, on November 4, 2024, the court issued a decision and Order entering judgment of restitution against Defendants in the amount \$5,060,438.90, attorney's fees of \$307,650, and investigative costs of \$25,405.73 ("November 4, 2024 Order");

WHEREAS, Plaintiffs to date have fully complied with the June 28, 2022 Order and the November 4, 2024 Order;

WHEREAS, this Order is filed to consolidate the June 28, 2022 Order and the November 4, 2024 Order into one Final Order of Judgment and for good cause shown:

It is on this 24th day of February, 2024

ORDERED that all the findings of fact and conclusions of law and all forms of relief granted in the June 28, 2022 Order and the November 4, 2024 Order are made a part of this Judgment, do not merge with this Judgment, and will survive this Judgment.

AND IT IS FURTHER ORDERED THAT the June 28, 2022 Order and the November 4, 2024 Order are hereby consolidated into this Order, both Orders are quoted below, and this shall constitute the Final Judgment in this action:

June 28, 2022 Order

1. Plaintiffs' motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**, as set forth below.

2. Plaintiffs' request that the court find the acts and omissions of Defendants constitute multiple instances of unlawful practices in violation of the Consumer Fraud Act, N.J.S.A. 56:8-1 to -229, the Debt Adjustment Act, N.J.S.A. 17:16G-1 to -9, and the Non-Profit Corporation Act, N.J.S.A. 15A:1-1 to -16.2, is **GRANTED**.

3. Plaintiffs' request that the court find the acts and omissions of Defendants constitute multiple instances of unlawful practices in violation of the Advertising Regulations, N.J.A.C. 13:45A-9.1 to -9.8, is **WITHDRAWN**.

4. Plaintiffs' request that the court permanently enjoin and restrain Defendants from offering for sale and/or advertising any loan modification services, debt adjustment services, mortgage compliance analysis report product/service, and/or forensic audit service/product, whether through Internet websites, social media accounts, direct mailings, publications, unsolicited telephone calls and/or door to door solicitations as authorized by the Consumer Fraud Act, N.J.S.A. 56:8-8, is **GRANTED**.

5. Plaintiffs' request that the court permanently enjoin and restrain Defendants and their owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives, independent contractors and all other persons or entities directly under their control, from engaging in, continuing to engage in, or doing any acts or practices in violation of the Consumer Fraud Act, the Advertising Regulations, and the Debt Adjustment Act, is **GRANTED**.

6. Plaintiffs' request that the court vacate and annul Defendants' corporate charters and the certificates of formation for any limited liability company created by New Jersey laws, nunc pro tunc, to the day of formation as authorized by the Consumer Fraud Act, N.J.S.A. 56:8-8, and the Nonprofit Corporation Act, N.J.S.A. 15A:12-11, is **GRANTED**.

7. Plaintiffs' request that the court revoke any certificate of authority to do business in New Jersey of a foreign corporation or limited liability company and revoke any other licenses, permits or certificates issued pursuant to law to such person whenever such management, ownership, activity, charter, authority, license, permit or certificate have been or may be used to further such unlawful practices as authorized by the Consumer Fraud Act, N.J.S.A. 56:8-8, is **GRANTED**.

8. Plaintiffs' request that the court appoint a receiver as authorized by the Consumer Fraud Act, N.J.S.A. 56:8-8 and 56:8-9, and the Nonprofit Corporation Act, N.J.S.A. 15A:14-2, at Defendants' expense, to assume control over the assets of the Defendants, to render a full accounting, and to sell and/or convey such assets under the direction of the court so as to make restitution to any person who has suffered damages, whether named in the verified complaint or not, is **GRANTED**. Plaintiffs are **DIRECTED** to submit to the court within thirty (30) days of receipt of this order a list of three (3) individuals who are ready and willing to serve in said capacity.

9. Plaintiffs' request that the court order Defendants to disgorge all funds and property (real and personal) acquired and/or retained as a result of any acts or practices in violation of the Consumer Fraud Act and the Debt Adjustment Act is **GRANTED**.

10. Plaintiffs' request that the court direct Defendants, jointly and severally, to restore to any affected person, whether or not named in the verified complaint, any money or real or personal property acquired by means of any practice alleged herein to be unlawful and found to be unlawful, as authorized by the Consumer Fraud Act and the Debt Adjustment Act, is **GRANTED**. The receiver is authorized, under direction of the court, to make restitution to any person who has suffered damages, as reflected in paragraph 8, above.

11. Plaintiffs' request that the court direct Defendants, jointly and severally, to pay statutory civil penalties for violation of the Consumer Fraud Act, in accordance with N.J.S.A. 56:8-13, and the Debt Adjustment Act, in accordance with N.J.S.A. 56:8-14.3(a), is **GRANTED**.

a. For violations under the Consumer Fraud Act, the civil penalty is \$942,000.

b. For violations under the Debt Adjustment Act, the civil penalty is \$942,000.

12. Plaintiffs' request that the court assess enhanced penalties for each violation which caused a victim pecuniary injury when Defendants knew or should have known that the victim was a senior citizen over the age of sixty or was a person with a disability as authorized by the Consumer Fraud Act, N.J.S.A. 56:8-14.3(a), is **DENIED**.

13. Plaintiffs' request that the court direct Defendants, jointly and severally, to pay costs, attorney fees, and filing fees, as authorized by the Consumer Fraud Act, N.J.S.A. 56:8-11 and -19 is **GRANTED**.

a. Plaintiffs shall provide a breakdown of the work conducted by Deputy Attorney General Donna Dorgan, in accordance with R. 4:42-9 and Rules of Professional Conduct (RPC) 1.5(a), within thirty (30) days of receipt of this order.

b. Plaintiffs shall provide a breakdown of the work conducted by the Division of Consumer Affairs for its investigatory work within thirty (30) days of receipt of this order.

14. Plaintiffs' request that the court order the discharge to the Commissioner the full amount of Financial Services of America's bond under the Debt Adjustment Act, N.J.S.A. 17:16G-5, and the regulations promulgated thereunder, N.J.A.C. 3:25-2.4, is **GRANTED**.

15. Plaintiffs' request that funds currently held by T.D. Bank, N.A., in the amount of \$50,033.34 and belonging to Financial Services of America, LLC, be turned over to Plaintiffs to be used as partial payment for any monetary relief is **GRANTED**. The funds received shall be used for equitable relief including but not limited to consumer redress and any expenses for the administration of any redress fund. If Plaintiffs determine redress to consumers is wholly or practically impracticable, any funds not so used shall be retained by the Division in lieu of redress but only upon approval and order of the court.

November 4, 2024 Order

1. Judgment is entered against Defendants, jointly and severally, in favor of Plaintiffs for \$5,060,438.90 as restitution for the fees Defendants collected from consumers by means of their fraudulent activity and violations of the Consumer Fraud Act.

2. Judgment is entered against defendants, jointly and severally, in favor of Plaintiffs for \$307,650 in attorneys' fees to the Division of Consumer Affairs.

3. Judgment is entered against defendants, jointly and severally, in favor of Plaintiffs for \$25,405.73 in investigative costs incurred by the Division of Consumer Affairs.

AND IT IS FURTHER ORDERED that this Judgment shall be deemed effectuated upon all parties upon its upload to eCourts.

A handwritten signature in black ink, appearing to read "Paula T. Dow", is written over a horizontal line.

Honorable Paula T. Dow, P.J. Ch.