

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

STATE OF MAINE,)
)
 Plaintiff)
)
 v.)
)
 NATIONAL ASSETS RECOVERY)
 COMPANY, L.L.C., a Texas)
 company, not authorized to transact)
 business in Maine,)
)
 Defendant)

**COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF**

INTRODUCTION

1. This is an action brought pursuant to the Unfair Trade Practices Act, 5 M.R.S.A. §§ 205-A to 214, the Maine Private Investigators Act, 32 M.R.S.A. §§ 8101, et seq., the Maine Business Corporations Act, 13-A M.R.S.A. § 1201 et seq. and the Uniform Unclaimed Property Act, 33 M.R.S.A. § 1976, seeking to enjoin the Defendant National Assets Recovery Company, L.L.C., (“National Assets”) from soliciting business unlawfully in the State of Maine for the recovery of lost property, to require the Defendant to pay civil penalties, and to obtain from the Defendant restitution for persons injured as the result of the Defendant’s practices.

PARTIES

2. The Plaintiff State of Maine (“State”), a sovereign state, brings this action by and through the Attorney General pursuant to 5 M.R.S.A. §§ 205-A to 214, commonly known as the Unfair Trade Practices Act; to 32 M.R.S.A. §§ 8101, the Private Investigators Act administered by the Maine Commissioner of Public Safety (“Commissioner”); to 33 M.R.S.A. § 1976, the Uniform Unclaimed Property Act administered by the State Treasurer; to 13-A M.R.S.A. § 1211 of the Maine Business Corporations Act; and under 5 M.R.S.A. § 191, to protect the public by preventing and restraining the Defendants from engaging in unfair, deceptive and unlawful practices.

3. Defendant National Assets is a Texas limited liability company, not authorized to transact business in Maine, with an address of 5403 Everhart Road, Suite 276, Corpus Christi, TX 78411.

JURISDICTION

4. This Court has jurisdiction pursuant to 4 M.R.S.A. § 105, 5 M.R.S.A. § 209 and 17-A M.R.S.A. §§ 3(2) and 4-B(1).

5. Injunctive relief is authorized by 14 M.R.S.A. § 6051(13), 5 M.R.S.A. § 209, and 13-A M.R.S.A. § 1211. Declaratory relief is authorized by 14 M.R.S.A. § 5953.

STATUTORY BACKGROUND

6. Pursuant to 5 M.R.S.A. § 207, it is a violation of the Maine Unfair Trade Practices Act to engage in unfair or deceptive acts or practices in the conduct of any trade or commerce in the State of Maine.

7. Under 5 M.R.S.A. § 206(3) the terms “trade” and “commerce” are defined as follows.

“Trade” and “commerce” shall include the advertising, offering for sale, sale or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of this State.

8. Under 33 M.R.S.A. § 1976 (Supp. 1998) a finder’s agreement to locate unclaimed property must clearly set forth the nature of the property, the services to be rendered, the value of the property before and after any finder’s fee has been deducted, and must be signed by the apparent owner. Fees may not exceed 15% of the total amount of property at stake. Any claim for compensation other than as provided in § 1976 is declared to be an unfair trade practice under 5 M.R.S.A. § 207.

9. Pursuant to 32 M.R.S.A. §§ 8104 and 8111, it is a violation of the Private Investigators Act for any person, for any consideration whatsoever, to engage in or solicit business, or to agree to make or make any investigation to obtain information concerning the location, disposition or recovery of lost property without first obtaining a private investigator license from the Commissioner and posting a bond.

10. Under 13-A M.R.S.A. § 1201 et seq. a foreign corporation must apply for authority to conduct business in Maine. A foreign corporation that does business in Maine without authority is liable to the State for all fees, penalties and franchise taxes which would have been imposed under the Maine Business Corporation Act had the corporation applied for and received authority in accordance with the law. In addition such corporation is liable to the State for \$25 per day for each day that it fails to pay such fees, penalties and franchise taxes.

FACTS

11. For purposes of this Complaint for Injunctive and Other Relief, hereinafter referred to as the "Complaint," any references to the acts and practices of Defendant shall mean that such acts and practices are by and through the acts of the corporation's officers, directors, employees, or other agents.

12. Defendant was at all times relevant, engaged in trade and commerce in the State of Maine. It mailed directly to individually named Maine residents post cards soliciting the sale of its products and services involving unclaimed property.

13. Beginning at a time unknown to Plaintiff but no later than May 6, 1998, Defendant mailed an unknown number of these post card solicitations involving its products and services. A copy of a solicitation National Assets sent to a Maine consumer is attached as Exhibit A and incorporated by reference.

14. The solicitation is on a postcard with the heading "**IMPORTANT INFORMATION**" and states that "millions of dollars of Unclaimed Money has been turned over to the State of Maine for distribution." The solicitation goes on to say that "potentially \$50 to \$3,500" of the money "belongs to you," and that Maine law requires that property be returned to the rightful owner.

15. The consumer is told s/he can receive "instructions and your **Unclaimed Money Collection Documentation**" by simply writing a check for \$14.98 to "National Assets Recovery" and sending it with the card to the address on the postcard.

16. Defendant's solicitation represents expressly or by implication to Maine consumers that:

a. the State of Maine is holding property for the particular consumer, when in truth and in fact, the State of Maine may not be holding any property for the particular consumer;

b. for a fee Defendant will release information to the Maine consumer about money or property being held by the State of Maine, when in truth and in fact, consumers who send payment to Defendant receive at most a form letter, a list of mailing addresses for Maine's and all the other states' unclaimed property offices, and a generic pamphlet briefly describing the uniform abandoned property system. In order to find out whether the State of Maine is actually holding unclaimed property for a consumer and what the property is, the consumer must then copy or retype the form letter, fill in the correct address, provide all the needed information, and mail it to the proper address.

17. The solicitation fails to describe the specific nature of the property, the value of the property, or what services (if any) will be rendered.

18. The information provided by Defendant to Maine consumers who pay the fee can be obtained for free, 24 hours a day, by visiting the Maine Department of Treasury home page at www.state.me.us/treasurer/homepage.htm. Thus, Defendant itself knew, or should have known, that many, if not all of its solicitations were being sent to consumers who owned no property being held by the State of Maine.

19. National Assets is not licensed as a private investigator and has not posted any bond with the State.

FIRST CLAIM

20. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

21. Defendant National Assets, by soliciting many individual Maine consumers at their residences to purchase information pertaining to unclaimed property in the custody of

Maine for a fee of \$14.98, by receiving money from such consumers and by returning information to them is engaging in business in the State of Maine without authority.

SECOND CLAIM

22. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

23. Defendant National Assets, by soliciting Maine consumers to pay a fee of \$14.98 for otherwise free, public information, and by implying that the information to be provided would relate specifically to the consumer solicited, has engaged in unfair and deceptive acts or practices in the conduct of trade or commerce, in violation of 5 M.R.S.A. § 207 and 33 M.R.S.A. § 1976.

THIRD CLAIM

24. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

25. Defendant National Assets has violated the Private Investigators Act, 32 M.R.S.A. §§ 8101, et seq. by soliciting payment from Maine consumers for the purpose of providing information concerning the location and recovery of their lost property without first obtaining a private investigator license from the Commissioner and posting a \$50,000 bond.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendants have violated 5 M.R.S.A. § 207.
2. Declare that Defendants have violated 33 M.R.S.A. § 1976.
3. Declare that Defendants have violated 32 M.R.S.A. §§ 8104 and 8111.
4. Issue a permanent injunction restraining National Assets from doing business in

Maine without authority.

5. Order Defendant to pay Plaintiff for all fees, penalties and franchise taxes which would have been imposed under the Maine Business Corporation Act had Defendant applied for and received authority to conduct business in accordance with Maine law, and order Defendant to pay to Plaintiff \$25 per day for each day such obligations were not met.

6. Issue a permanent injunction enjoining Defendant from engaging in the business of soliciting, offering for sale, and selling to consumers in the State of Maine any information pertaining to unclaimed property held by the State.

7. Declare that any contracts entered into between the Defendant and Maine consumers by the use of unlawful methods and practices are rescinded and require Defendant to make full restitution to said consumers, pursuant to 5 M.R.S.A. § 209.

8. Assess a civil penalty against the Defendant for each violation under Plaintiff's second claim, pursuant to 5 M.R.S.A. § 209.

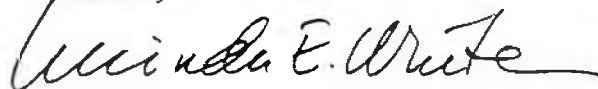
9. Order the Defendant to pay for costs and attorney fees pursuant to 5 M.R.S.A. § 209 and 14 M.R.S.A. § 1522.

10. Grant such other and further relief as this Court finds just and proper.

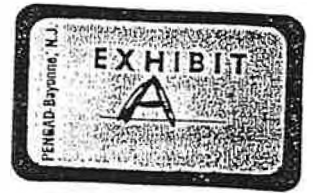
Dated at Augusta, Maine, this 13th day of January, 2000.

Respectfully submitted,

ANDREW KETTERER
Attorney General



LUCINDA E. WHITE, ESQ.
Assistant Attorney General
Maine Bar No. 1577
6 State House Station
Augusta, Maine 04333-0006
(207) 626-8800
Attorney for Plaintiff



[REDACTED] THIS IS YOUR
REFERENCE NUMBER: CAMA- 256947

IMPORTANT INFORMATION

Public Records indicate that millions of dollars of Unclaimed Money has been turned over to the State of Maine for distribution. Potentially \$50.00 to \$3500.00 of this fund belongs to you.

Under Maine State Law Unclaimed Money MUST be returned to the rightful owner upon presentation of proper document.

For instructions and your Unclaimed Money Collection Documentation return this form along with a \$14.98 check to:

National Assets Recovery
5403 Everhart Road Suite 276
Corpus Christi, TX 78411-4895

NATIONAL ASSETS RECOVERY
PERSONAL CLAIMS DIVISION
5403 EVERHART ROAD
SUITE 276
CORPUS CHRISTI, TX 78411-4895



[REDACTED]
SEE REVERSE SIDE
FOR FILING INSTRUCTIONS

[REDACTED]
[REDACTED]
Waterville, ME 04901-6336

22



STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-00-08

STATE OF MAINE,)
)
 Plaintiff)
)
 v.)
)
 NATIONAL ASSETS RECOVERY,)
 a Texas company, not authorized to)
 transact business in Maine,)
)
 Defendants)

CONSENT ORDER

WHEREAS Plaintiff, State of Maine (“the State”) filed the Complaint in this case on 1/14/08, (raising claims under the Unfair Trade Practices Act, 5 M.R.S.A. §§ 205-A to 214, the Maine Private Investigators Act, 32 M.R.S.A. §§ 8101, et seq., the Uniform Unclaimed Property Act, 33 M.R.S.A. § 1976, and the Maine Business Corporation Act, 13-A M.R.S.A. §§1201 et seq.); and

WHEREAS the State and the Defendant, National Assets Recovery Company, L.L.C. (“National Assets”) agree to the entry of a Consent Order without trial or adjudication of any issue of fact or law raised by the Complaint, and without any admission by National Assets with respect to such issues;

NOW THEREFORE, without the taking of any testimony and without trial of any issue of fact or law and upon consent of the parties hereto, it is hereby ORDERED AND ORDERD:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action and has jurisdiction over the parties consenting to this Order. The Complaint states a claim upon which injunctive relief may be granted against National Assets under 5 M.R.S.A. §§ 209 and 13-A M.R.S.A. § 1211.

II. DEFINITIONS

2. As used in this final judgment:

(a) “State” refers collectively to the State of Maine, a sovereign state, its Attorney General, its Commissioner of Public Safety (“Commissioner”), its Treasurer, and its Secretary of State;

(b) “National Assets” refers collectively to the Defendant National Assets Recovery Company, L.L.C., a Texas company, and any other affiliate or wholly-owned subsidiary of National Assets, now in existence or to be formed in the future, which does business as National Assets, or otherwise solicits payment from Maine residents in exchange for generic, non consumer-specific, information concerning unclaimed property; and

(c) “Court” means the Superior Court of Kennebec County.

III. PROHIBITED CONDUCT

3. National Assets is permanently enjoined from engaging in any of the following practices in connection with any solicitation, or offer of sale, regarding records, including, but not limited to, records pertaining to unclaimed assets, directed to any Maine consumers:

(a) soliciting individual Maine consumers for payment for receipt of information or services to be provided by National Assets without first becoming authorized to do business as

a foreign corporation in accordance with Maine's Business Corporation Act, 13-A M.R.S.A.

§§1201 et seq.;

(b) representing, expressly or by implication (such as through assigned reference or code numbers, or suggestion that some amount of publicly held money "belongs to you"), that the State is holding money or property for the particular consumer being solicited, unless National Assets has a reasonable basis for such a representation;

(c) offering to provide, for a fee, assistance with locating any unclaimed assets the State is or may be holding for a person:

- 1) and failing to disclose clearly and conspicuously the fact that the Maine Department of Treasury provides free of charge or for a nominal charge, information regarding any unclaimed assets the State is holding for a particular person; and
- 2) without first obtaining a private investigator license from the Maine Department of Public Safety;

(d) failing to provide on any written solicitation the following disclosure (in at least 10-point type): "MANY GOVERNMENT RECORDS ARE AVAILABLE FOR FREE OR AT A NOMINAL COST FROM GOVERNMENT AGENCIES."

IV. RESTITUTION AND COSTS

4. Pursuant to 5 M.R.S.A. § 209, National Assets is also ordered to return \$14.98 to each Maine consumer who has responded to its solicitations up to and through the date of this Consent Order. The restitution payments shall be made within 30 days following entry of this Consent Order. Within 60 days of entry of this Consent Order, National Assets shall account to the Attorney General in a sworn, notarized, written statement, documenting that restitution has been made to each such Maine consumer.

5. National Assets is also ordered to pay \$1,000 in order to defray the costs of this suit and the investigation of Unclaimed Assets by the Attorney General.

V. CIVIL PENALTIES

6. Within 60 days of entry of this Consent Order, National Assets shall pay TWO THOUSAND FIVE HUNDRED (\$2,500) to the State of Maine as civil penalties.

VI. RETENTION OF JURISDICTION

7. Jurisdiction is retained by this Court for the purpose of enabling either party to this Consent Order to apply to this Court at any time for such further orders as may be necessary or appropriate for the construction, modification, or enforcement of any provision of this Order, and for civil penalties pursuant to 5 M.R.S.A. § 209 for any violation of the provisions of this Order.

ORDER

IT IS HEREBY ORDERED AND ORDERD, as set forth above.

DATED: JANUARY 19, 2020

Kellie Delaney
JUSTICE, SUPERIOR COURT

For the Defendant:

Michael J. Zeto
MICHAEL J. ZETO, PRESIDENT
National Assets Recovery
Company, L.L.C.

For the Plaintiff:

Lucinda E. White
LUCINDA E. WHITE
Assistant Attorney General
Public Protection Division
6 State House Station
Augusta, ME 04333
(207) 626-8822

NATIONAL ASSETS RECOVERY

5403 Everhart Road • Suite 276
Corpus Christi, TX 78411

August 26, 1999

Ms. Lucinda E. White
Assistant Attorney General
State of Maine
6 State House Station
Augusta, ME 04333-0006

Dear Ms. White,

We are in receipt of your letter dated August 19, 1999 regarding an Unfair Trade Practice Complaint. As per our discussion on August 26, 1999, I am answering the letter of complaint and proposing a resolution.

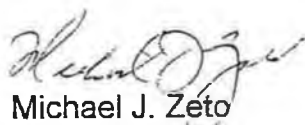
First, however, let me state that neither myself, nor Marketing Group, Ltd. , nor National Assets Recovery have any affiliation whatsoever with American Mail Depot, Inc. Also, National Assets Recovery is not a DBA nor is it affiliated with Marketing Group, Ltd. National Assets is a Texas corporation and Marketing Group, Ltd. is a Nevada corporation. I bring this to your attention so that you may pursue a settlement and/or further action with/against American Mail Depot, Inc. directly with them and to advise you, should you find it necessary to take action against them, that we are not responsible for their actions.

Although we feel our offer meets federal and state requirements, we understand interpretations can differ. It is our policy to fully comply with all state and federal regulations and we defer to your interpretation of the laws of the state of Maine. I would, therefore, propose the following offer to resolve this matter.

1. Effective the date of this letter, we will discontinue mailings of this offer to residents of the state of Maine.
2. For a period of one year from the date of this letter, we will issue a full refund to any resident of the state of Maine who has paid for our service and who requests a refund by submitting the request in writing, to us.

If this offer is acceptable to you, please advise in writing. Once again, thank you for giving us the opportunity to resolve this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Zeto".

Michael J. Zeto

MJZ/sf

MAILCOM, INC.
2851 W. EL CAMINO AVE. 2ND FLR
LAS VEGAS, NV 89102

April 6, 2000


Ms. Lucinda White
Assistant Attorney General
State of Maine
6 State House Station
Augusta, ME 04333-0006

Dear Ms. White,

Sorry for the delay in getting back to you. I have enclosed a printout of the checks sent to all paid respondents to our offer in the state of Maine. As you can see by the dates on the printout, all checks were mailed from our office between February 15th - 18th, 2000.

You may consider this letter my sworn statement that the refunds as shown on the attached printout were issued and mailed on the dates shown.

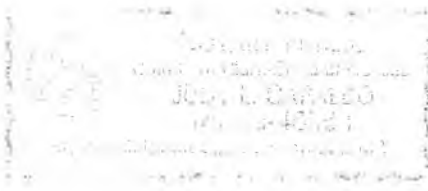
Sincerely,


Michael Zeto
National Assets Recovery

enclosures

STATE OF NEVADA
COUNTY OF CLARK

This instrument was acknowledged
before me on April 6, 2000 by
Michael Zeto


Judy L. Capalbo



ANDREW KETTERER
ATTORNEY GENERAL

Telephone: (207) 626-8800
FAX: (207) 287-3145
TDD: (207) 626-8865

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:

84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR
PORTLAND, MAINE 04101-3014
TEL: (207) 822-0260
FAX: (207) 822-0259
TDD: (877) 428-8800

January 13, 2000

Nancy Desjardin, Clerk
Kennebec County Superior Court
Kennebec County Courthouse
95 State Street
Augusta, Maine 04330-5680

Re: State of Maine v. National Assets Recovery

Dear Ms. Desjardin:

Enclosed please find a Complaint and Consent Order in the above-entitled Unfair Trade Practice Action. I also enclose the Complaint Summary sheet.

As the parties have agreed to the entry of this Consent Order, I request that you please bring the Order (and Complaint) to the Court's attention at your earliest convenience.

Should you have any questions, you may reach me at 626-8822. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Lucinda E. White".

Lucinda E. White
Assistant Attorney General

Enclosures (3)

cc: Michael J. Zeto, National Assets Recovery (w/enclosures)

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

STATE OF MAINE,)
)
 Plaintiff)
)
 v.)
)
 NATIONAL ASSETS RECOVERY)
 COMPANY, L.L.C., a Texas)
 company, not authorized to transact)
 business in Maine,)
)
 Defendant)

**COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF**

INTRODUCTION

1. This is an action brought pursuant to the Unfair Trade Practices Act, 5 M.R.S.A. §§ 205-A to 214, the Maine Private Investigators Act, 32 M.R.S.A. §§ 8101, et seq., the Maine Business Corporations Act, 13-A M.R.S.A. § 1201 et seq. and the Uniform Unclaimed Property Act, 33 M.R.S.A. § 1976, seeking to enjoin the Defendant National Assets Recovery Company, L.L.C., (“National Assets”) from soliciting business unlawfully in the State of Maine for the recovery of lost property, to require the Defendant to pay civil penalties, and to obtain from the Defendant restitution for persons injured as the result of the Defendant’s practices.

PARTIES

2. The Plaintiff State of Maine (“State”), a sovereign state, brings this action by and through the Attorney General pursuant to 5 M.R.S.A. §§ 205-A to 214, commonly known as the Unfair Trade Practices Act; to 32 M.R.S.A. §§ 8101, the Private Investigators Act administered by the Maine Commissioner of Public Safety (“Commissioner”); to 33 M.R.S.A. § 1976, the Uniform Unclaimed Property Act administered by the State Treasurer; to 13-A M.R.S.A. § 1211 of the Maine Business Corporations Act; and under 5 M.R.S.A. § 191, to protect the public by preventing and restraining the Defendants from engaging in unfair, deceptive and unlawful practices.

3. Defendant National Assets is a Texas limited liability company, not authorized to transact business in Maine, with an address of 5403 Everhart Road, Suite 276, Corpus Christi, TX 78411.

JURISDICTION

4. This Court has jurisdiction pursuant to 4 M.R.S.A. § 105, 5 M.R.S.A. § 209 and 17-A M.R.S.A. §§ 3(2) and 4-B(1).

5. Injunctive relief is authorized by 14 M.R.S.A. § 6051(13), 5 M.R.S.A. § 209, and 13-A M.R.S.A. § 1211. Declaratory relief is authorized by 14 M.R.S.A. § 5953.

STATUTORY BACKGROUND

6. Pursuant to 5 M.R.S.A. § 207, it is a violation of the Maine Unfair Trade Practices Act to engage in unfair or deceptive acts or practices in the conduct of any trade or commerce in the State of Maine.

7. Under 5 M.R.S.A. § 206(3) the terms “trade” and “commerce” are defined as follows.

“Trade” and “commerce” shall include the advertising, offering for sale, sale or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of this State.

8. Under 33 M.R.S.A. § 1976 (Supp. 1998) a finder’s agreement to locate unclaimed property must clearly set forth the nature of the property, the services to be rendered, the value of the property before and after any finder’s fee has been deducted, and must be signed by the apparent owner. Fees may not exceed 15% of the total amount of property at stake. Any claim for compensation other than as provided in § 1976 is declared to be an unfair trade practice under 5 M.R.S.A. § 207.

9. Pursuant to 32 M.R.S.A. §§ 8104 and 8111, it is a violation of the Private Investigators Act for any person, for any consideration whatsoever, to engage in or solicit business, or to agree to make or make any investigation to obtain information concerning the location, disposition or recovery of lost property without first obtaining a private investigator license from the Commissioner and posting a bond.

10. Under 13-A M.R.S.A. § 1201 et seq. a foreign corporation must apply for authority to conduct business in Maine. A foreign corporation that does business in Maine without authority is liable to the State for all fees, penalties and franchise taxes which would have been imposed under the Maine Business Corporation Act had the corporation applied for and received authority in accordance with the law. In addition such corporation is liable to the State for \$25 per day for each day that it fails to pay such fees, penalties and franchise taxes.

FACTS

11. For purposes of this Complaint for Injunctive and Other Relief, hereinafter referred to as the "Complaint," any references to the acts and practices of Defendant shall mean that such acts and practices are by and through the acts of the corporation's officers, directors, employees, or other agents.

12. Defendant was at all times relevant, engaged in trade and commerce in the State of Maine. It mailed directly to individually named Maine residents post cards soliciting the sale of its products and services involving unclaimed property.

13. Beginning at a time unknown to Plaintiff but no later than May 6, 1998, Defendant mailed an unknown number of these post card solicitations involving its products and services. A copy of a solicitation National Assets sent to a Maine consumer is attached as Exhibit A and incorporated by reference.

14. The solicitation is on a postcard with the heading "IMPORTANT INFORMATION" and states that "millions of dollars of Unclaimed Money has been turned over to the State of Maine for distribution." The solicitation goes on to say that "potentially \$50 to \$3,500" of the money "belongs to you," and that Maine law requires that property be returned to the rightful owner.

15. The consumer is told s/he can receive "instructions and your Unclaimed Money Collection Documentation" by simply writing a check for \$14.98 to "National Assets Recovery" and sending it with the card to the address on the postcard.

16. Defendant's solicitation represents expressly or by implication to Maine consumers that:

a. the State of Maine is holding property for the particular consumer, when in truth and in fact, the State of Maine may not be holding any property for the particular consumer;

b. for a fee Defendant will release information to the Maine consumer about money or property being held by the State of Maine, when in truth and in fact, consumers who send payment to Defendant receive at most a form letter, a list of mailing addresses for Maine's and all the other states' unclaimed property offices, and a generic pamphlet briefly describing the uniform abandoned property system. In order to find out whether the State of Maine is actually holding unclaimed property for a consumer and what the property is, the consumer must then copy or retype the form letter, fill in the correct address, provide all the needed information, and mail it to the proper address.

17. The solicitation fails to describe the specific nature of the property, the value of the property, or what services (if any) will be rendered.

18. The information provided by Defendant to Maine consumers who pay the fee can be obtained for free, 24 hours a day, by visiting the Maine Department of Treasury home page at www.state.me.us/treasurer/homepage.htm. Thus, Defendant itself knew, or should have known, that many, if not all of its solicitations were being sent to consumers who owned no property being held by the State of Maine.

19. National Assets is not licensed as a private investigator and has not posted any bond with the State.

FIRST CLAIM

20. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

21. Defendant National Assets, by soliciting many individual Maine consumers at their residences to purchase information pertaining to unclaimed property in the custody of

Maine for a fee of \$14.98, by receiving money from such consumers and by returning information to them is engaging in business in the State of Maine without authority.

SECOND CLAIM

22. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

23. Defendant National Assets, by soliciting Maine consumers to pay a fee of \$14.98 for otherwise free, public information, and by implying that the information to be provided would relate specifically to the consumer solicited, has engaged in unfair and deceptive acts or practices in the conduct of trade or commerce, in violation of 5 M.R.S.A. § 207 and 33 M.R.S.A. § 1976.

THIRD CLAIM

24. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

25. Defendant National Assets has violated the Private Investigators Act, 32 M.R.S.A. §§ 8101, et seq. by soliciting payment from Maine consumers for the purpose of providing information concerning the location and recovery of their lost property without first obtaining a private investigator license from the Commissioner and posting a \$50,000 bond.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendants have violated 5 M.R.S.A. § 207.
2. Declare that Defendants have violated 33 M.R.S.A. § 1976.
3. Declare that Defendants have violated 32 M.R.S.A. §§ 8104 and 8111.
4. Issue a permanent injunction restraining National Assets from doing business in

Maine without authority.

5. Order Defendant to pay Plaintiff for all fees, penalties and franchise taxes which would have been imposed under the Maine Business Corporation Act had Defendant applied for and received authority to conduct business in accordance with Maine law, and order Defendant to pay to Plaintiff \$25 per day for each day such obligations were not met.

6. Issue a permanent injunction enjoining Defendant from engaging in the business of soliciting, offering for sale, and selling to consumers in the State of Maine any information pertaining to unclaimed property held by the State.

7. Declare that any contracts entered into between the Defendant and Maine consumers by the use of unlawful methods and practices are rescinded and require Defendant to make full restitution to said consumers, pursuant to 5 M.R.S.A. § 209.

8. Assess a civil penalty against the Defendant for each violation under Plaintiff's second claim, pursuant to 5 M.R.S.A. § 209.

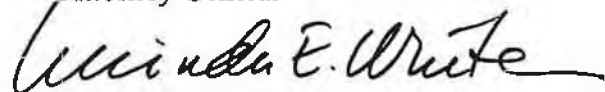
9. Order the Defendant to pay for costs and attorney fees pursuant to 5 M.R.S.A. § 209 and 14 M.R.S.A. § 1522.

10. Grant such other and further relief as this Court finds just and proper.

Dated at Augusta, Maine, this 13th day of January, 2000.

Respectfully submitted,

ANDREW KETTERER
Attorney General



LUCINDA E. WHITE, ESQ.
Assistant Attorney General
Maine Bar No. 1577
6 State House Station
Augusta, Maine 04333-0006
(207) 626-8800
Attorney for Plaintiff



██████████ THIS IS YOUR
REFERENCE NUMBER: CAMA- 256947

IMPORTANT INFORMATION

Public Records indicate that millions of dollars of Unclaimed Money has been turned over to the State of Maine for distribution. Potentially \$50.00 to \$3500.00 of this fund belongs to you.

Under Maine State Law Unclaimed Money MUST be returned to the rightful owner upon presentation of proper document.

For instructions and your Unclaimed Money Collection Documentation return this form along with a \$14.98 check to:

National Assets Recovery
5403 Everhart Road Suite 276
Corpus Christi, TX 78411-4895

NATIONAL ASSETS RECOVERY
PERSONAL CLAIMS DIVISION
5403 EVERHART ROAD
SUITE 276
CORPUS CHRISTI, TX 78411-4895



██████████
SEE REVERSE SIDE
FOR FILING INSTRUCTIONS

██████████ 22
██████████
Waterville, ME 04901-6336



STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

STATE OF MAINE,)
)
Plaintiff)
)
v.)
)
NATIONAL ASSETS RECOVERY,)
a Texas company, not authorized to)
transact business in Maine,)
)
Defendants)

CONSENT ORDER

WHEREAS Plaintiff, State of Maine (“the State”) filed the Complaint in this case on _____, (raising claims under the Unfair Trade Practices Act, 5 M.R.S.A. §§ 205-A to 214, the Maine Private Investigators Act, 32 M.R.S.A. §§ 8101, et seq., the Uniform Unclaimed Property Act, 33 M.R.S.A. § 1976, and the Maine Business Corporation Act, 13-A M.R.S.A. §§1201 et seq.); and

WHEREAS the State and the Defendant, National Assets Recovery Company, L.L.C. (“National Assets”) agree to the entry of a Consent Order without trial or adjudication of any issue of fact or law raised by the Complaint, and without any admission by National Assets with respect to such issues;

NOW THEREFORE, without the taking of any testimony and without trial of any issue of fact or law and upon consent of the parties hereto, it is hereby ORDERED AND ORDERD:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action and has jurisdiction over the parties consenting to this Order. The Complaint states a claim upon which injunctive relief may be granted against National Assets under 5 M.R.S.A. §§ 209 and 13-A M.R.S.A. § 1211.

II. DEFINITIONS

2. As used in this final judgment:

(a) "State" refers collectively to the State of Maine, a sovereign state, its Attorney General, its Commissioner of Public Safety ("Commissioner"), its Treasurer, and its Secretary of State;

(b) "National Assets" refers collectively to the Defendant National Assets Recovery Company, L.L.C., a Texas company, and any other affiliate or wholly-owned subsidiary of National Assets, now in existence or to be formed in the future, which does business as National Assets, or otherwise solicits payment from Maine residents in exchange for generic, non consumer-specific, information concerning unclaimed property; and

(c) "Court" means the Superior Court of Kennebec County.

III. PROHIBITED CONDUCT

3. National Assets is permanently enjoined from engaging in any of the following practices in connection with any solicitation, or offer of sale, regarding records, including, but not limited to, records pertaining to unclaimed assets, directed to any Maine consumers:

(a) soliciting individual Maine consumers for payment for receipt of information or services to be provided by National Assets without first becoming authorized to do business as

a foreign corporation in accordance with Maine's Business Corporation Act, 13-A M.R.S.A.

§§1201 et seq.;

(b) representing, expressly or by implication (such as through assigned reference or code numbers, or suggestion that some amount of publicly held money "belongs to you"), that the State is holding money or property for the particular consumer being solicited, unless National Assets has a reasonable basis for such a representation;

(c) offering to provide, for a fee, assistance with locating any unclaimed assets the State is or may be holding for a person:

- 1) and failing to disclose clearly and conspicuously the fact that the Maine Department of Treasury provides free of charge or for a nominal charge, information regarding any unclaimed assets the State is holding for a particular person; and
- 2) without first obtaining a private investigator license from the Maine Department of Public Safety;

(d) failing to provide on any written solicitation the following disclosure (in at least 10-point type): "MANY GOVERNMENT RECORDS ARE AVAILABLE FOR FREE OR AT A NOMINAL COST FROM GOVERNMENT AGENCIES."

IV. RESTITUTION AND COSTS

4. Pursuant to 5 M.R.S.A. § 209, National Assets is also ordered to return \$14.98 to each Maine consumer who has responded to its solicitations up to and through the date of this Consent Order. The restitution payments shall be made within 30 days following entry of this Consent Order. Within 60 days of entry of this Consent Order, National Assets shall account to the Attorney General in a sworn, notarized, written statement, documenting that restitution has been made to each such Maine consumer.

5. National Assets is also ordered to pay \$1,000 in order to defray the costs of this suit and the investigation of Unclaimed Assets by the Attorney General.

V. CIVIL PENALTIES

6. Within 60 days of entry of this Consent Order, National Assets shall pay TWO THOUSAND FIVE HUNDRED (\$2,500) to the State of Maine as civil penalties.

VI. RETENTION OF JURISDICTION

7. Jurisdiction is retained by this Court for the purpose of enabling either party to this Consent Order to apply to this Court at any time for such further orders as may be necessary or appropriate for the construction, modification, or enforcement of any provision of this Order, and for civil penalties pursuant to 5 M.R.S.A. § 209 for any violation of the provisions of this Order.

ORDER

IT IS HEREBY ORDERED AND ORDERD, as set forth above.

DATED: *JANUARY 12, 2000*

JUSTICE, SUPERIOR COURT

For the Defendant:

For the Plaintiff:

Michael J. Zeto

MICHAEL J. ZETO, PRESIDENT
National Assets Recovery
Company, L.L.C.

Lucinda E. White

LUCINDA E. WHITE
Assistant Attorney General
Public Protection Division
6 State House Station
Augusta, ME 04333
(207) 626-8822

COMPLAINT SUMMARY SHEET

Date Filed

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet and attaching the appropriate party to the appropriate count or counts.

(SEE INSTRUCTIONS ON REVERSE)

I. County of Filing / Jurisdiction: Kennebec		(Note to Clerk: If this is not your court, do not enter this case)	
II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) Pro se plaintiffs: If unsure, leave blank. 5 M.R.S.A. § 207; 32 M.R.S.A. §§ 8101, et seq.; 33 M.R.S.A. § 1976;			
III. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only.) Pro se plaintiffs: If unsure, leave blank.		13-A M.F.S.A. § 1201	
GENERAL CIVIL (CV)			
Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Prolitigation Screening <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence	<input type="checkbox"/> Other Non-Personal Injury Tort Contract <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input checked="" type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures <input type="checkbox"/> Other Forfeitures/Property Libels	<input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil	
FAMILY MATTERS (FM)			
Domestic Relations <input type="checkbox"/> Divorce <input type="checkbox"/> Judicial Separation <input type="checkbox"/> Register Foreign Judgment <input type="checkbox"/> Support <input type="checkbox"/> Parental Rights/Responsibilities <input type="checkbox"/> Non-DHS Term. Parental Rights <input type="checkbox"/> Grandparents Rights <input type="checkbox"/> Other Marriage Dissolution <input type="checkbox"/> Other Domestic Relations	Paternity <input type="checkbox"/> Paternity <input type="checkbox"/> DHS Administrative Paternity Mental Health Actions <input type="checkbox"/> Emergency Commitment <input type="checkbox"/> Involuntary Hospitalization <input type="checkbox"/> Judicial Certification <input type="checkbox"/> Petition for Modified Release <input type="checkbox"/> Petition for Release <input type="checkbox"/> Sterilization	URESA/UIFSA <input type="checkbox"/> URESA/UIFSA <input type="checkbox"/> Register Foreign Judgment Child Protective Custody <input type="checkbox"/> DHS Protective Custody <input type="checkbox"/> Non-DHS Protective Custody Miscellaneous Family Matters <input type="checkbox"/> Other Family Matters	
SPECIAL ACTIONS (SA)			
Money Judgments <input type="checkbox"/> Money Judgments Forcible Entry & Detainer <input type="checkbox"/> Forcible Entry & Detainer	Emancipation <input type="checkbox"/> Emancipation Protection Actions <input type="checkbox"/> Protection From Abuse <input type="checkbox"/> Protection From Harassment	Misc. Special Actions <input type="checkbox"/> Marriage Waiver <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Other Special Actions	
REAL ESTATE (RE)			
Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	Foreclosure <input type="checkbox"/> Foreclosure <input type="checkbox"/> Trespass <input type="checkbox"/> Trespass	Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Liens <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession	<input type="checkbox"/> Prescriptive Easement <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
SMALL CLAIMS (SC)			
<input type="checkbox"/> Original Action	<input type="checkbox"/> Disclosures		
APPEALS (AP) (to be filed in Superior Court)			
<input type="checkbox"/> Governmental Body (80C)	<input type="checkbox"/> Administrative Agency (80B)	<input type="checkbox"/> Other Appeals	