

92-003

Mark W. Stafford, #13233
Assistant Attorney General
Office of the Attorney General
Kansas Judicial Center - Lower Level
Topeka, Kansas 66612-1597
(913) 296-3751
SAMS1/TXTTERRI

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DISTRICT COURT
DICKINSON COUNTY, KS.

IN THE DISTRICT COURT OF DICKINSON COUNTY, KANSAS
Division _____

STATE OF KANSAS, ex rel.,)
ROBERT T. STEPHAN, Attorney General,)
)
Plaintiff,)
)
vs.)
)
GREGORY L. SAMS d/b/a SENIOR LIVING)
TRUST,)
Defendant.)
_____)

Case No. 92 C 21

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW on this 14th day of May, 1992, this matter comes before the court for hearing on plaintiff's Motion for Default Judgment. Plaintiff appears by and through Mark W. Stafford, Assistant Attorney General. Defendant does not appear either in person or through counsel.

Upon reviewing the record before it, and upon arguments of counsel, the court finds the following:

- 1) Defendant has been properly served with process.
- 2) This court has jurisdiction over the parties and over the subject matter in this case.
- 3) Defendant is in complete default by his non-appearance.

4) Each allegation in plaintiff's petition has been satisfactorily proven. By his default, defendant does not deny the allegations.

5) Defendant has engaged in a consumer transaction in this state by soliciting the sale of a living trust to Mrs. Delma Felbush, a consumer.

6) By failing to give the consumer notice that he could cancel the sale of the living trust as provided by K.S.A. 1991 Supp. 50-640, defendant has engaged in a deceptive act or practice in violation of the Kansas consumer protection act.

7) By failing to advise the consumer that he lacked the qualifications and authority to provide the advice, counsel and service he did provide to her, defendant has concealed, suppressed or omitted a material fact and engaged in a deceptive practice in violation of the Kansas consumer protection act.

8) By charging a price for the living trust which grossly exceeds the price at which the service is readily obtainable, defendant has engaged in an unconscionable act or practice in violation of the Kansas consumer protection act.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. Defendant's acts are declared to be violations of the Kansas consumer protection act.

B. Defendant is ordered to pay to Mrs. Delma Felbush \$1,890.00, plus interest at the highest rate allowed by law beginning on this date, as actual damages she sustained by reason of defendant's violations of the Kansas consumer protection act.

C. Defendant is ordered to pay the State of Kansas \$5,000.00 for each of the three violations of the Kansas consumer protection act, in a total amount of \$15,000.00, plus interest at the highest rate allowed by law beginning on this date, as a civil penalty for defendant's violations of the Kansas consumer protection act.

D. Defendant is ordered to pay to the Office of the Attorney General its reasonable investigation fees in the amount of \$275.00, plus interest at the highest rate allowed by law beginning on this date, as costs incurred to investigate defendant's violations of the Kansas consumer protection act.

E. Defendant is permanently enjoined and is ordered to immediately cease and desist from further acts declared herein to be violations of the Kansas consumer protection act.

IT IS SO ORDERED.

1st James C. Johnson
JAMES C. JOHNSON
JUDGE OF THE DISTRICT COURT

PREPARED AND APPROVED:


Mark W. Stafford, #13233
Assistant Attorney General
Office of the Attorney General
Kansas Judicial Center
Topeka, Kansas 66612-1597
(913) 296-3751

Attorney for plaintiff