

*Collection*

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FILED BY CLERK  
KS. DISTRICT COURT  
3RD JUDICIAL DISTRICT  
APR 7 4 08 PM '97  
TOPEKA, KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 2

STATE OF KANSAS, *ex rel.* )  
CARLA J. STOVALL, Attorney General, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
EVERETT OLIAN LAWRENCE, III a/k/a )  
BUTCH LAWRENCE, Individually and )  
Personally, and MARVIN TAYLOR, )  
Individually and Personally, both d/b/a )  
HOMESAVERS OF JOHNSON COUNTY, )  
 )  
Defendants. )

Case No. 94 CV 1254

Pursuant to K.S.A. Chapter 60

**JOURNAL ENTRY**

NOW ON THIS 4 day of MARCH, 1997, the above-captioned matter comes for hearing on Plaintiff's Motion for Default Judgment. Plaintiff, State of Kansas, *ex rel.*, Carla J. Stovall, Attorney General, appears by and through counsel, James J. Welch and Terry A. Iles, Assistant Attorneys General. Defendant Butch Lawrence and Defendant's counsel failed to appear.

WHEREUPON, Plaintiff filed its Motion and Memorandum for Default Judgment on February 10, 1997, and Defendant has failed to respond to said motion within the time allowed nor

made an appearance for this scheduled hearing of March 4, 1997. The Court hereby finds and concludes the following:

1. On February 10, 1997, Plaintiff filed a Motion and Memorandum for Default Judgment pursuant to K.S.A. 60-237(b)(2)(C) when Defendant failed to comply with the rules of civil procedure governing discovery.

2. Defendant, Everett Olian Lawrence, III a/k/a Butch Lawrence was personally served with Notice of Hearing and Notice to Take Default Judgment by Special Agent Amy Elliott on the 12th day of February 1997. Defendant's attorney, Michael Peterson, was noticed by regular United States mail.

3. Defendant has failed to respond to said motion nor made an appearance for such hearing scheduled March 4, 1997. The Court personally advised the defendant on February 28, 1997 of the hearing scheduled March 4, 1997.

4. On March 3, 1997, Defendant filed Chapter 13 bankruptcy.

5. At the hearing of March 4, 1997, Special Agent Amy E. Elliott testified that she personally served Butch Lawrence on February 12, 1997, and offered Exhibit 1 into testimony which is adopted and incorporated by the Court as its controlling findings of facts as though fully set forth herein.

6. The uncontroverted facts set forth in the Plaintiff's Motion and Memorandum for Default Judgment are adopted and incorporated by the Court as its controlling findings of facts as though fully set forth herein.

7. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum for Default Judgment are adopted as the Court's conclusions of law as though fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff's Motion for Default Judgment should be and is hereby granted.
2. Judgment is hereby entered in favor of Plaintiff and against Defendant Everett Olian

Lawrence, III a/k/a Butch Lawrence as follows:

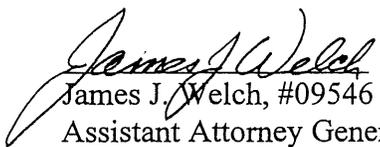
- a. Pursuant to K.S.A. 50-636, Defendant is hereby ordered to pay \$470,000.00 in civil penalties to the Office of the Attorney General of the State of Kansas for violations of the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*
- b. Pursuant to K.S.A. 50-632(a)(4), Defendant is hereby ordered to pay \$23,000.00 in investigative fees and expenses to the Office of the Attorney General of the State of Kansas.
- c. Pursuant to K.S.A. 50-632(a)(2), Defendant is hereby ordered to refrain from and to be permanently enjoined from owning, operating, or otherwise participating or engaging in any business within the State of Kansas.

3. This Journal Entry and grant of Default Judgment shall become effective upon the filling of a Journal Entry herein..

IT IS SO ORDERED.

FOR (S) Hon T. Bellock  
HONORABLE FRED S. JACKSON

Prepared and approved by:

  
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