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FOSS.CJ/TXTTERRI

DISTRICT COURT  
SHAWNEE COUNTY, KANSAS  
JUN 8 1 52 PM '92

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 7

STATE OF KANSAS, ex rel. )  
ROBERT T. STEPHAN, Attorney General, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
FOSS MOTOR COMPANY, INC. )  
 )  
Defendant. )

Case No. 92 CV 743

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 5<sup>th</sup> day of June, 1992, the plaintiff's petition for approval of consent judgment comes before the court for consideration. The State of Kansas ex rel. Robert T. Stephan Attorney General, appears by and through Mark W. Stafford, Assistant Attorney General. Defendant appears by and through Daniel H. Diepenbrock, Attorney at Law.

Whereupon, the parties advise the court that they stipulate and agree to the following matters:

1. Robert T. Stephan is the duly elected Attorney General of the State of Kansas.

2. This court has personal and subject matter jurisdiction over this action.

3. Defendant consents to venue in the District Court for Shawnee County.

4. Defendant is a Kansas corporation doing business in Liberal, Kansas. Defendant's resident agent is Gene H. Sharp, 419 North Kansas Avenue, P. O. Drawer I, Liberal, Kansas.

5. In the ordinary course of its business, defendant engages in sales of used motor vehicles.

6. On or about April 3, 1991, defendant sold a 1988 Lincoln Continental, VIN 1LNBM9844JY701454 to Country Club Motors, a car dealership located in Liberal, Kansas. Defendant knew or had reason to know that the vehicle was purchased by Country Club Motors as inventory, and would be offered for sale to consumers.

7. The odometer on the Lincoln Continental did not accurately reflect the true mileage on the vehicle. Although prior to the sale to Country Club Motors certain employees in defendant's service department knew that such odometer reading was not correct, defendant's employees involved in the sale of the vehicle to Country Club Motors did not know that such odometer reading was not correct.

8. An employee in defendant's sales department signed an odometer disclosure statement at the time of the sale. The statement did not disclose the odometer's inaccuracy.

9. On or about June 22, 1991, Country Club Motors sold the above-described Lincoln Continental to Larry R. And Bonnie S.

Loveless. Mr. and Mrs. Loveless purchased the vehicle for personal use.

10. Knowledge of the actual mileage on the vehicle was a material fact in the consumer transaction.

11. Mr. and Mrs. Loveless were not aware of the odometer discrepancy.

12. Defendant agrees to pay Mr. and Mrs. Loveless \$16,000 in actual costs they allege were incurred by reason of defendant's failure to disclose the odometer discrepancy. Mr. and Mrs. Loveless agree to return the vehicle to defendant, free of lien or encumbrance, and in the same condition as at the time of purchase taking into consideration reasonable mileage and wear.

13. Defendant agrees to pay to the Office of the Attorney General its investigation costs in the amount of \$250.00.

14. Defendant agrees to be enjoined from failing to truthfully and accurately disclose odometer discrepancies on vehicles.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulations and agreements of the parties contained herein are adopted and approved as the findings of the court.

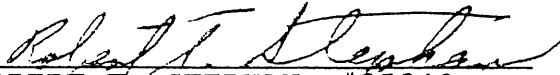
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to K.S.A. 50-632(b), the court hereby approves the terms of this consent judgment and adopts the same as the order of the court.

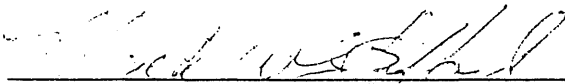
IT IS SO ORDERED.

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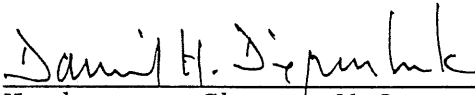
JUDGE OF THE DISTRICT COURT

Approved by:

  
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