

93-023
Collection

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'94 FEB 14 P3:22

IN THE DISTRICT COURT OF LEAVENWORTH COUNTY, KANSAS

STATE OF KANSAS, ex rel.)
ROBERT T. STEPHAN, Attorney General,)
)
Plaintiff,)
)
vs.)
)
GREGORY L. SAMS)
Defendant.)

Case No. 9312 CV 578

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 14 day of ~~January~~ ^{FEBRUARY} 1994, the plaintiff's motion for approval of consent judgment comes before the court for consideration. The State of Kansas appears by and through Martin J. Peck, Assistant Attorney General. Defendant Gregory L. Sams appears by and through Carl Cornwell.

WHEREUPON, the parties advise the court that they have stipulated and agreed as follows:

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

2. Defendant admits the court has personal and subject matter jurisdiction over the parties.

3. Defendant is a supplier as defined by K.S.A. 1992 Supp. 50-624(i).

4. Charlotte Read is a consumer as defined by K.S.A. 1992 Supp. 50-624(b).

5. At various times during 1993, defendant engaged in consumer transactions, as defined by K.S.A. 1992 Supp. 50-624(c), in Kansas with Charlotte Read.

6. During these transactions, defendant made false statements of material fact about the nature of the transactions with actual knowledge of the falsity of the statements.

7. These statements were made with purpose and intent to deceive Ms. Read.

8. Ms. Read relied upon the false statements made by the defendant.

9. In this reliance, Ms. Read wrote ten checks to defendant totalling \$198,844.00.

10. Ms. Read has received nothing from defendant for her money.

11. The acts described in paragraphs 3 - 10 constitute deceptive acts in violation of K.S.A. 1992 Supp. 50-626.

12. The acts described in paragraphs 3 - 10 constitute unconscionable acts in violation of K.S.A. 1992 Supp. 50-627.

13. **Nonattribution:** The admissions made by defendant in this consent judgment apply only to the present proceeding and shall be applied to no other proceeding.

14. Defendant agrees to be liable for restitution.

15. Defendant agrees to pay all expenses of collection.

16. Defendant agrees to pay all court costs.

17. Defendant voluntarily agrees to this consent judgment.

IT IS THEREFORE ORDERED that the stipulation and agreement of the parties contained herein are adopted and approved as the findings of the court.

IT IS FURTHER ORDERED that pursuant to the Kansas Consumer Protection Act the court hereby approves the terms of the consent judgment and adopts the same as the order of the court.

IT IS FURTHER ORDERED that defendant shall pay \$198,844.00 to Charlotte Read and her heirs and assigns, and shall pay costs and attorney's fees of collecting same.

IT IS FURTHER ORDERED that the defendant will pay all court costs and filing fees.

IT IS SO ORDERED.

David J King

DAVID J. KING
DISTRICT COURT JUDGE

Approved by:

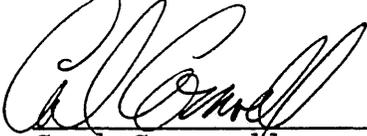


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