

93-020  
Collection

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS  
Civil Department

MAY 20 1 30 PM '94

STATE OF KANSAS, ex rel.  
ROBERT T. STEPHAN, Attorney General,

Plaintiff,

vs.

DANIEL M. LANDERS,

Defendant.

Case No. 93 C 2684

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this \_\_\_\_\_ day of \_\_\_\_\_ 1994, the plaintiff's motion 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 Martin J. Peck, Assistant Attorney General. Defendant Daniel M. Landers appears by and through Michael E. Baker.

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

1. In this judgment, "estate planning instruments" shall mean legal documents prepared or used for estate planning purposes and shall include, but not be limited to, any sort of wills, trusts, powers of attorney, or deeds.

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

3. Defendant has engaged in consumer transactions within the State of Kansas.

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

5. Defendant admits that he committed violations of the Kansas Consumer Protection Act in connection with the sale of revocable inter vivos trusts, commonly known as living trusts, as set out in plaintiff's petition.

6. Defendant agrees to be and is permanently enjoined from making door-to-door sales as defined by K.S.A. 1993 Supp. 50-640 without complying with the requirements of that section as it is time to time amended.

7. Defendant agrees to be and is permanently enjoined from the preparation, sale, or solicitation of sale of estate planning instruments.

8. Defendant agrees and is hereby ordered to refund all money paid by any consumer at any time to defendant in connection with the sale or preparation of any estate planning instrument if a refund is requested by the consumer.

9. Defendant agrees and is hereby ordered to pay any damages caused to consumers by any estate planning instrument that was sold by defendant. No damages shall be required to be paid except those that are agreed or shown by a preponderance of the evidence at a hearing before the court.

10. Defendant agrees and is hereby ordered to supply the Office of the Attorney General with the following information about Kansas residents to whom defendant has sold or participated

in the sale of estate planning instruments: all information the defendant has about the particular person, including name, address, telephone number, the product or service sold, the date of the transaction, and the amount paid.

11. If a purchaser of estate planning instruments divulged to the plaintiff by the defendant under paragraph 10 desires a refund or damages pursuant to paragraphs 8 and 9, and the estate planning instruments purchased by that consumer were prepared by a person or persons other than the defendant, the plaintiff agrees to make reasonable attempts to secure the refund from the preparers of the estate planning instruments before seeking a refund from the defendant.

12. Defendant consents to the issuance of a writ of quo warranto and is hereby enjoined from engaging in the unauthorized practice of law, as that is defined by the courts of Kansas, including conferring with consumers regarding matters requiring the knowledge and application of legal principles and techniques, and preparing documents by which legal rights are conferred.

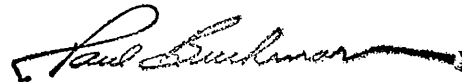
13. Defendant agrees to pay, and is hereby ordered to be liable for, \$1,000 in investigative fees to the Office of the Attorney General of Kansas.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the stipulation and agreement of the parties contained herein are adopted and approved as the findings and order of the court pursuant to K.S.A. 1993 Supp. 50-632(b).

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

The court retains continuing jurisdiction of this matter for the purposes of enforcing the prospective relief granted by this judgment.

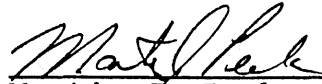
SO ORDERED.



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Paul Buchanan  
District Judge

Approved by:



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Martin J. Peck, #16273  
Assistant Attorney General  
Office of the Attorney General  
Kansas Judicial Center  
301 West 10th St.  
Topeka, Kansas 66612-1597  
(913) 296-3751

Attorney for plaintiff



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Michael E. Baker, #08182  
McDonald, Tinker, Skaer, Quinn & Herrington  
R.H. Garvey Building, Suite 500  
300 West Douglas  
Wichita, Kansas 67202  
(316) 263-5851

Attorney for defendant