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JUDICIAL DISTRICT  
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DISTRICT COURT  
JUDICIAL DISTRICT

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 13

STATE OF KANSAS, ex rel.,  
CARLA J. STOVALL, Attorney General,  
  
Plaintiff,

vs.

OL' MAC MOTORS, INC., a Kansas  
Corporation and JOHN S. McNISH,  
  
Defendants.

Case No. 94 CV 528

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 12<sup>th</sup> day of October, 1995, the plaintiff's Motion for Approval of Consent Judgment comes before the Court for consideration under K.S.A. 50-632(b). The State of Kansas ex rel., Carla J. Stovall, Attorney General, appears by and through Roy T. Artman, Assistant Attorney General. The defendants appear by and through counsel, J. Richard Lake.

Whereupon, the parties advise the court that they have stipulated and agreed to the following matters:

1. Carla J. Stovall is the Attorney General of the State of Kansas.

2. Defendant Ol' Mac Motors, Inc., is a Kansas corporation with its primary place of business at 1201 S.W. 21st Street, Topeka, Kansas 66624. Defendant John S. McNish is the President of Ol' Mac Motors, Inc.

3. The Attorney General alleges that the defendants purchased a 1988 Honda automobile, with vehicle identification number 1HGCA5532JAO018538, from Diane Scheib on December 9, 1988. The Attorney General further alleges that the Honda was involved in an automobile accident on December 22, 1989 and then sold by defendants to Dale Sharp Honda on September 20, 1990. It is alleged that defendants had knowledge that the car had been severely damaged in the accident but failed to disclose this fact to Dale Sharp Honda. The Honda was sold to Michael J. and Margaret R. Heil (the Heils) on December 26, 1990.

4. The Attorney General alleges that the sale of the Honda to Dale Sharp Honda without disclosing the damage to the vehicle was a deceptive act in violation of K.S.A. 50-626(a).

5. The defendant denies the allegations of the plaintiff but to resolve this matter voluntarily agrees to this consent judgment without trial or adjudication of any issue of fact or law.

6. The provisions of this consent judgment will be applicable to the defendants and its employees, agents, representatives, assignees and successors-in-interest.

7. The defendants agree to refrain from and to be enjoined from all acts or practices alleged by the Attorney General to be deceptive and unconscionable, in paragraphs number three (3) and four (4), above.

8. The defendants agree to pay the sum of \$1,000.00 as damages to the Heils pursuant to K.S.A. 50-632(a)(3). Payment is due at the time of execution of this consent judgment and shall be by certified check.

9. The defendants agree to pay \$250.00 in investigation fees and expenses to the Attorney General of the State of Kansas and a \$250.00 penalty to the State of Kansas at the time of execution of this consent judgment. Payment will be by certified checks.

10. The defendants agree to maintain written records with respect to consumer complaints and allow the Attorney General to inspect relevant business records in the future.

11. The defendant agrees to pay all court costs and filing fees.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation and agreement 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 the Kansas Consumer Protection Act, and the provisions of K.S.A. 50-632(b), the Court hereby approves the terms of the Consent judgment and adopts the same as the order of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendants will pay all court cost and filing fees.

IT IS SO ORDERED.

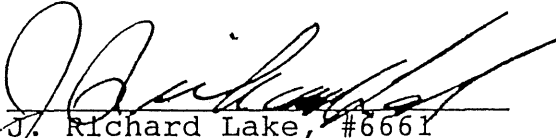
15/ Thomas R. Conkle  
DISTRICT COURT JUDGE

Approved by:  
STATE OF KANSAS

  
Roy T. Artman, #15092  
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Topeka, Kansas 66612-1597  
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Attorney for plaintiff

OL' MAC MOTORS, INC. & JOHN S. MCNISH

  
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Attorney for defendants