

4-5-11 FILED 1010am
MICHAEL K. JEANES, Clerk
By W. Thompson
W. Thompson, Deputy

CERTIFIED COPY

1 Thomas C. Horne
Attorney General
2 Firm State Bar No. 14000
Dena Rosen Epstein
3 Assistant Attorney General
State Bar No. 015420
4 Office of the Attorney General
1275 West Washington Street
Phoenix, AZ 85007
5 Telephone: (602) 542-7717
6 Fax: (602) 542-4377
consumer@azag.gov
Attorneys for Plaintiff

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 STATE OF ARIZONA, *ex rel.* THOMAS C.
10 HORNE, Attorney General,

No.: CV2010-022486

11 Plaintiff,

DEFAULT JUDGMENT

12 vs.

(Assigned to the Honorable Sam Myers)

13 THE GUARDIAN GROUP, LLC, an Arizona
limited liability company; BRYAN PREHODA
14 and CHRISTY PREHODA, husband and wife;
and LUIS BELEVAN and JANE DOE
15 BELEVAN, husband and wife; and JOSE
CARREON and JANE DOE CARREON,
16 husband and wife,

(Default hearing assigned to the Honorable
Michael Barth)

17 Defendants.

18 This matter having come before the Court on the State's Motion for Default Judgment
19 and Request for Hearing, and the Court having reviewed the pleadings of record and having
20 conducted a hearing on April 5, 2011 on the issue of relief to be awarded to the State, and being
21 fully advised in the premises, finds that Defendants Bryan Prehoda, Luis Belevan and The
22 Guardian Group , LLC were regularly served with process and failed to appear and answer the
23 State's Complaint within the period prescribed by law, that the default of Defendants Bryan
24 Prehoda, Luis Belevan and The Guardian Group , LLC was duly entered by the Clerk of this
25 Court, that the above-named Defendants are neither an infant nor incompetent, and that the State
26 is entitled to affirmative relief against the above-named Defendants as specified herein.

1 Based on the foregoing findings, and good cause appearing therefore:

2 IT IS ORDERED, ADJUDGED AND DECREED:

3 1. Pursuant to A.R.S. § 44-1528(A), Defendants Bryan Prehoda, Luis Belevan and The
4 Guardian Group , LLC, and their agents, servants, employees, attorneys, successors and assigns,
5 are permanently enjoined from engaging in, directly or indirectly, any of the following
6 activities:

7 a. Engaging in any trade or occupation relating to mortgage loans in Arizona,
8 including engaging in the business of principal reduction or the mortgage loan refinancing
9 services, or engaging in any related activities regulated by the Arizona Department of
10 Financial Institutions and/or the Arizona Department of Real Estate, such as acting as a
11 mortgage broker, mortgage banker or loan originator, or as a real estate salesperson or
12 broker.

13 b. Soliciting or receiving any compensation from any Arizona consumer in
14 connection with mortgage loans activities prohibited above.

15 2. Bryan Prehoda, Luis Belevan and The Guardian Group , LLC and their agents,
16 servants, employees, attorneys, successors and assigns shall comply with the Arizona Consumer
17 Fraud Act, A.R.S. § 44-1521 et seq. as it is currently written, or as it is amended in the future.

18 3. Pursuant to A.R.S. § 44-1528(A)(2), the State is awarded judgment against The
19 Guardian Group LLC, Bryan Prehoda and Luis Belevan, jointly and severally, for Three
20 Million, Nine Hundred Seventy Nine Thousand and Five Hundred Twenty Five Dollars (\$
21 3,979,525), with interest thereon at ten percent (10%) per annum until paid, as and for
22 consumer restitution.

23 4. Pursuant to A.R.S. § 44-1531, the State is awarded judgment against Defendants The
24 Guardian Group LLC, Bryan Prehoda and Luis Belevan, jointly and severally, for Twenty Four
25 Million Nine Hundred and Fifty Thousand Dollars (\$24,950,000), with interest thereon at ten
26 percent (10%) per annum until paid, as and for civil penalties.

1 5. Pursuant to A.R.S. § 44-1534, the State is awarded judgment against Defendants The
2 Guardian Group LLC, Bryan Prehoda and Luis Belevan, jointly and severally, for \$ 4353.50
3 for the State's reasonable attorney's fees and costs. *i*

4 6. The State shall allocate payments received pursuant to this Judgment first to
5 restitution, then to attorney's fees and costs, and then to civil penalties.

6 7. Any amounts received for restitution that cannot be distributed to the consumers
7 identified by the State as clients of Defendants shall revert to the Consumer Protection -
8 Consumer Fraud Revolving Fund, established pursuant to A.R.S. § 44-1531.01.

9
10 DATED this 5 day of April, 2011.

11
12
13 
14 _____
15 JUDGE OF THE SUPERIOR COURT

16 COMMISSIONER MICHAEL BARTH

15 #1696895v2

17
18
19
20 The foregoing instrument is a full, true and
21 correct copy of the original document.

22 Attest April 5 2011

23 MICHAEL K. JEANES, Clerk of the Superior
24 Court of the State of Arizona, in and for the
25 County of Maricopa.

26 By W. Trump Deputy