

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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STATE OF IOWA ex rel.	)	
THOMAS J. MILLER,	)	No. CE54435
ATTORNEY GENERAL OF IOWA,	)	
99AG25112,	)	
	)	
Plaintiff,	)	<b>CONSENT JUDGMENT -</b>
v.	)	<b>JOHN DAVIS,</b>
	)	<b>PRIMO ACQUISITIONS I,</b>
	)	<b>L.L.C.,</b>
JOHN DAVIS,	)	<b>DATA INTERNATIONAL, INC.,</b>
CHRISTINE FRANK,	)	<b>TAX 216, partnership,</b>
PRIMO ACQUISITIONS I, L.L.C.,	)	<b>TAX ACQUISITIONS</b>
DATA INTERNATIONAL, INC.,	)	<b>XTRORDINAIRE, L.C., and</b>
TAX 216, partnership,	)	<b>3624 SOUTH UNION, L.L.C.</b>
TAX ACQUISITIONS XTRORDINAIRE, L.C.,	)	
and,	)	
3624 SOUTH UNION, L.L.C.,	)	
	)	
Defendants,	)	

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This Court, recognizing that the plaintiff, by C. Roderick Reynolds, Assistant Attorney General, and defendants John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International Inc. and Tax 216, by their counsel Michael Ensley, have consented to the entry of this judgment, finds as follows:

1. The Court has jurisdiction over the parties and the subject matter of this litigation.
2. Venue is proper in Polk County.
3. Plaintiff commenced this action by filing suit on October 5, 2006 in this Court alleging violations of the Iowa Consumer Fraud Act, Iowa Code § 714.16 (2005), and other statutory provisions.
4. Plaintiff is the State of Iowa, *ex rel.* Thomas J. Miller, the duly elected Attorney General of Iowa.
5. Defendant John Davis is a resident of the State of Iowa. Defendants Primo

Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., and 3624 South Union L.L.C. are Iowa limited liability companies. Data International Inc. is an Iowa corporation. Tax 216 is an Iowa partnership.

6. Plaintiff and Defendants John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International Inc. and Tax 216 have negotiated a resolution of the lawsuit, the terms of which are embodied in this Consent Judgment. Defendants waive personal service of the Consent Judgment and acknowledge receipt of a copy of this Consent Judgment.

7. John Davis, individually and on behalf of Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International Inc. and Tax 216, have denied the allegations in the State's Petition.

8. This Consent Judgment fully resolves the State's claims against the Defendants in the Petition filed October 5, 2006. This Consent Judgment may only be enforced by the Parties and this Court. This Consent Judgment is not intended to confer upon any person any rights or remedies, including rights as a third party beneficiary.

9. The causes of action against the remaining Defendant, Christine Frank, are dismissed with prejudice as acknowledged by Frank's agreement to cooperate with the terms of this Consent Judgment.

**IT IS THEREFORE ORDERED**, pursuant to Iowa R Civ. P 1.1501 *et seq* and Iowa Code § 714.16(7), that commencing from a date one year after the entry of this order, John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International, Inc. and Tax 216 acting individually, in concert with any other defendant in this action, or through any of their respective agents, employees, servants or any

other person or entity, are permanently enjoined from selling, renting or leasing real property in the state of Iowa (except for 520 43<sup>rd</sup> Street, Des Moines, Iowa and 431 28<sup>th</sup> Street, Des Moines, Iowa) and from investing in real property in the state of Iowa. The foregoing shall not be construed as enjoining any individual acting independent of John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International Inc. or Tax 216. John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International Inc. and Tax 216 are further enjoined and restrained from seeking or accepting appraisals of real property or engaging in any practice with regard to real estate or tax sales certificates which constitutes deception or an unfair practice under Iowa Code § 714.16(2)(a).

**IT IS FURTHER ORDERED THAT**

A. This Consent Judgment shall not be construed as, or be evidence of, admissions by John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtrordinaire, L.C., 3624 South Union L.L.C., Data International, Inc. or Tax 216 as to violations of the Iowa Consumer Fraud Act, the civil remedies of Ongoing Criminal Conduct statute or any other statute or regulation.

B. Each party shall pay its own costs and attorney fees and the costs incurred in this action. None of the parties shall make claims against another for costs or fees. The Defendants who are a party to this Consent Judgment shall pay the court costs associated with this action.

C. The Court reserves jurisdiction over this action in order to take any further action deemed necessary to enforce this Consent Judgment.

D. The State acknowledges having received \$ 30,000.00 from Defendants who are parties to this Consent Judgment, such funds to be used by the Office of the Attorney General of Iowa for any of the purposes set forth in Iowa Code § 714.16(7) or 2007 Iowa Code Supplement

§ 714.16(C), at the discretion of the Office of the Attorney General of Iowa.

E. John Davis shall divest himself of any real estate and all tax sale certificates owned by the following entities (identified in exhibit A, attached) within twelve months from the date of this Consent Judgment. All sales of real property with buildings or structures will be brokered through a licensed Iowa real estate agent. There shall be no price limitation on the divestiture of tax sale certificates.

**IT IS FURTHER ORDERED THAT** a violation of this Consent Judgment constitutes a violation of the Iowa Consumer Fraud Act, Iowa Code § 714.16 (2007), and each violation by Defendant of this Consent Judgment, in a Consumer Fraud Act action by the Attorney General that establishes such violation by a preponderance of the evidence, may give rise to a civil penalty in the highest amount provided by Iowa Code § 714.16(7), namely \$40,000. However, this provision shall not be construed to limit in any way the authority of the Attorney General to pursue violations of this Consent Judgment through contempt proceedings or as otherwise set forth in section 714.16 or via any other applicable legal remedies.

**IT IS FURTHER ORDERED THAT** the mailing of a copy of this signed and filed Consent Judgment to John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtordinaire, L.C., 3624 South Union L.L.C., Data International, Inc. and Tax 216, or to their attorney, shall constitute notice and acceptance by Defendants of all the terms of this Consent Judgment. **IT IS FURTHER ORDERED THAT** court costs shall be taxed against Defendants John Davis, Primo Acquisitions I, L.L.C., Tax Acquisitions Xtordinaire, L.C., 3624 South Union L.L.C., Data International, Inc. and Tax 216.

**IT IS FURTHER ORDERED THAT** Count I and II are dismissed with prejudice against Defendant Christine Frank.

IT IS SO ORDERED this 19 day of May, 2008.

Joel D. Naval

JUDGE, Fifth Judicial District  
of Iowa

FOR PLAINTIFF

Approved: C. Roderick Reynolds  
C. Roderick Reynolds

DEFENDANTS

Defendant John Davis individually and on behalf of Primo Acquisitions I, L.L.C., Tax Acquisitions Xtordinaire, L.C., 3624 South Union L.L.C., Data International, Inc. and Tax 216

John Davis  
John Davis

Approved: Michael Ensley  
Michael Ensley

ACKNOWLEDGMENT OF AGREEMENT BY CHRISTINE FRANK:

I, Christine Frank, hereby acknowledge receipt of this Agreement and agree to cooperate with its terms in return for my dismissal with prejudice from this matter.

Christine Frank  
Christine Frank

Copies to:  
For the Plaintiff

C. Roderick Reynolds  
Assistant Attorney General  
Hoover Building, 2nd Floor  
1305 E. Walnut Street  
Des Moines, IA 50319

For the Defendants

Michael Ensley  
405 6<sup>th</sup> Ave Suite 1300  
Des Moines IA 50309

1086 14th St, LLC	HF 43	Tax 215
3624 South Union, LLC	HF 44	Tax 216
4450 NE 27th St, LLC	HF 45	Tax 217
5914 Tonka, LLC	HF 46	Tax 218
610 40th St, LLC	HF 47	Tax 219
All Lots, LLC	HF 48	Tax 220
Bid Red South, LLC	HF 49	Tax 221
Data International, Inc.	HF 50	Tax 222
Good Lots, LLC	HF 51	Tax 223
H&F, LLC	HF 52	Tax 224
HF 1	HF 53	Tax 225
HF 2	HF 54	Tax 226
HF 3	HF 55	Tax 227
HF 4	HF 56	Tax 228
HF 5	HF 57	Tax 229
HF 6	HF 58	Tax 230
HF 7	HF 59	Tax 231
HF 8	HF 60	Tax 232
HF 9	HF	Tax 233
HF 10	HFO	Tax 234
HF 11	Iowa Hearthside Investors	Tax 235
HF 12	J&J Partnership	Tax 250
HF 13	John Kuchel, LLC	Tax 251
HF 14	Pacific Palina, LLC	Tax 252
HF 15	Pinnacle Partners, LLC	Tax 253
HF 16	Primo Acquisitions I, LLC	Tax 254
HF 17	Rising Homes, LLC	Tax Acquisitions Xtraordinaire, LC
HF 18	South Union House, LLC	Taxes
HF 19	Tanglewood Lots, LLC	
HF 20	Tanglewood Partners, LLC	
HF 21	Tax 2	Expanded Acquisitions, LLC
HF 22	Tax 9	
HF 23	Tax 11	
HF 24	Tax 24	
HF 25	Tax 55	
HF 26	Tax 64	
HF 27	Tax 201	
HF 28	Tax 202	
HF 29	Tax 203	
HF 30	Tax 204	
HF 31	Tax 205	
HF 32	Tax 206	
HF 33	Tax 207	
HF 34	Tax 208	
HF 35	Tax 209	
HF 36	Tax 210	
HF 37	Tax 211	
HF 38	Tax 212	
HF 39	Tax 213	
HF 40	Tax 213	
HF 41	Tax 213	
HF 42	Tax 214	

EXHIBIT A