

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: Kirkland Investors LLC
Case No. 14-325

CONSENT ORDER

WHEREAS, pursuant to RSA 397-B, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “engage in the business of servicing mortgage loans secured by real property located in the state of New Hampshire.”

WHEREAS, pursuant to RSA 397-B:9-a,I, the Department is authorized to examine the business affairs of any registrant or non-registrant mortgage servicer to determine compliance with the RSA 397-B.

WHEREAS, Kirkland Investors LLC (“Kirkland”) is a Tennessee limited liability company and an unregistered mortgage servicer.

WHEREAS, pursuant to its authority under RSA 397-B:9, I and RSA 397-B:9-a, I, the Department, through the Consumer Credit Division, conducted an investigation of Kirkland.

WHEREAS, through its investigation, the Department is prepared to introduce evidence that:

1. Kirkland is currently servicing six (6) New Hampshire residential mortgage loans without a New Hampshire Mortgage Servicer registration.

WHEREAS, Kirkland makes the following acknowledgements:

1. Kirkland hereby acknowledges that were an administrative hearing to be held in this matter, the Department will allege that Kirkland violated RSA 397-B.
2. Kirkland voluntarily enters into and signs this Consent Order without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and

without threats, force, intimidation or coercion of any kind.

3. The conduct described, if proven, would above constitute a violation of state law, that could result in penalties pursuant to RSA 397-B:6, IV.
4. Kirkland understands the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
5. Kirkland acknowledges, understands, and agrees that it has the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. Kirkland further acknowledges it waives the filing of any civil actions related to this matter.
6. Kirkland understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
7. Kirkland represents and warrants that it has all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
8. Kirkland acknowledges that the Department is relying upon Kirkland's representations and warranties stated herein in making its determinations in this matter.
9. Kirkland acknowledges that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against Kirkland if the Department later learns that Kirkland knowingly or willfully withheld information from the Department.
10. This Consent Order is binding on all assigns and successors in interest.

WHEREAS, Kirkland consents to the Department imposing the following sanctions:

1. Kirkland shall pay a penalty in the amount of \$2,500 for allegedly conducting

unregistered mortgage servicer activity, which Kirkland shall remit by bank check to the “State of New Hampshire.”

2. Failure by Kirkland to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, including additional monetary penalties.

NOW THEREFORE, the Commissioner of the New Hampshire Banking Department enters the following ORDER:

1. The sanctions set forth above are hereby entered;
2. Pursuant to RSA 397-B:3,VI, the Commissioner finds this action necessary or appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title;
3. This Order fully resolves this matter and the Commissioner will not take further action against Kirkland for the allegations presented herein, provided that the Department may take enforcement action against Kirkland for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by Kirkland and reflected herein is subsequently discovered to be untrue;
4. Nothing herein is intended to alter any future statutory or regulatory requirements of licensure and the allegations set forth above may be fully taken into account by the Department in connection with future examinations and enforcement actions; and
5. This Consent Order shall become final when issued.

