

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 12-025
)
 3 State of New Hampshire Banking Department,)
)
 4 Petitioner,)
)
 5 and) Consent Order
)
 6 PNL SV, LLC (holder of loan to be serviced)
)
 7 by PNL Newco II, LLC),)
)
 8 Respondent)
)

9 CONSENT ORDER

10 The State of New Hampshire Banking Department (the "Department") finds and
11 Orders as follows:

12 Respondent

- 13 1. PNL SV, LLC ("PNL SV") is a limited liability company duly formed in
 14 the State of Delaware on December 8, 2011 with a principal office
 15 location in Dallas, Texas. PNL Newco II, LLC ("PNL Newco") is a
 16 limited liability company duly formed in the State of Delaware on
 17 February 22, 2011 with a principal office location in Dallas, Texas.
 18 PNL Newco registered with the New Hampshire Secretary of State on
 19 February 9, 2012 and with the State of Texas on March 12, 2012. PNL
 20 Newco is a signatory to this Consent Order solely to acknowledge and
 21 affirm its prospective role in servicing New Hampshire consumer
 22 residential mortgage loans on behalf of PNL SV.
- 23 2. In New Hampshire, neither PNL SV nor PNL Newco had been previously
 24 registered as Mortgage Servicers by the Department. This Consent Order
 25 covers PNL SV's unregistered mortgage servicer activity and PNL

1 Newco's future servicing of New Hampshire consumer residential
2 mortgage loans held by PNL SV. PNL Newco's New Hampshire Mortgage
3 Servicer registration with the Department is pending execution of this
4 Consent Order regarding unregistered mortgage servicer activity by PNL
5 SV.

6 **Jurisdiction**

7 3. The Department is authorized to regulate mortgage servicers pursuant
8 to RSA Chapter 397-B. *RSA 397-B:2 and RSA 397-B:4.*

9 4. The Commissioner has jurisdiction to issue orders to cease and desist
10 from violations under RSA Chapter 397-B and to deny a registration of
11 a registrant and/or assess penalties pursuant to RSA Chapter 397-B.
12 *RSA 397-B:3.*

13 **Facts**

14 5. PNL SV conducted mortgage servicer activity for at least one (1) New
15 Hampshire consumer without a valid New Hampshire Mortgage Servicer
16 registration issued by the Department. The Department's investigation
17 determined that the failure to be properly registered with the
18 Department did not result in financial harm to this New Hampshire
19 consumer.

20 6. During the request for information, PNL SV and PNL Newco cooperated
21 and provided the information to show PNL SV did conduct business in
22 New Hampshire without proper registration or licensure.

23 **Violation(s) of Law and Penalties**

24 7. PNL SV is a "Person" as defined by RSA 397-B:1, III.

25 8. A Person may be assessed an administrative fine not to exceed

1 \$2,500.00 for each violation of RSA Chapter 397-B. RSA 397-B:6,IV and
2 V.

3 **Respondent's Consent**

4 9. PNL SV does not deny the facts, statements, or violations contained
5 herein and PNL SV hereby agrees to the entry of this Consent Order.

6 10. PNL SV has voluntarily entered into this Consent Order
7 without reliance upon any discussions between the Department and PNL
8 SV or PNL Newco, without promise of a benefit of any kind (other than
9 concessions contained in this Consent Order), and without threats,
10 force, intimidation, or coercion of any kind. PNL SV further
11 acknowledges its understanding of the nature of the allegations set
12 forth in this action, including the potential penalties provided by
13 law.

14 11. PNL SV hereby acknowledges, understands, and agrees that it has the
15 right to notice, hearing, and/or a civil action and hereby waives said
16 rights.

17 **Order**

18 12. **Whereas pursuant to RSA 397-B:3,VI,** finding this Consent Order
19 necessary, appropriate and in the public interest and consistent with
20 the intent and purposes of New Hampshire banking laws, the Department
21 Orders as follows:

22 a. PNL SV shall pay to the Department \$1,500.00 in administrative
23 penalties, payable contemporaneously with PNL SV's and PNL
24 Newco's signing of this Consent Order. The check shall be bank
25 check or guaranteed funds and made payable to "State of New

1 Hampshire;"

2 b. To resolve the New Hampshire consumer residential mortgage loan
3 servicing matter, PNL SV has entered into a servicing agreement
4 with its affiliate, PNL Newco (which PNL Newco hereby
5 acknowledges), to handle any and all servicing of New Hampshire
6 consumer residential mortgage loans. PNL Newco's New Hampshire
7 Mortgage Servicer registration with the Department will become
8 effective upon the execution of this Consent Order, which is
9 upon the Commissioner's signature;

10 c. PNL Newco has licensed a New Hampshire mortgage loan originator
11 should PNL Newco need to negotiate the terms or modify any New
12 Hampshire consumer residential mortgage loan in its servicing
13 portfolio; and

14 d. PNL SV and PNL Newco agree that they cannot refinance any New
15 Hampshire consumer residential mortgage loans without a New
16 Hampshire Mortgage Banker license or broker such loans without a
17 New Hampshire Mortgage Broker license; and

18 e. PNL SV further understands and agrees that it will not provide
19 servicing on any New Hampshire consumer residential mortgage
20 loans.

21 13. This Consent Order may be revoked and the Department may pursue any
22 and all remedies available under law, if the Department later finds
23 that PNL SV or PNL Newco knowingly or willfully withheld information
24 used and relied upon in this Consent Order.

25 14. This Consent Order is binding on all heirs, assigns, and/or successors

1 in interest.

2 15. This Consent Order shall become effective upon the date the
3 Commissioner signs this Consent Order, providing the Department has
4 confirmed the receipt of payment referenced in Paragraph 12.a. herein.

5 16. Once this Consent Order is effective, the Department agrees not to
6 seek further reimbursement, refunds, penalties, fines, costs, or fees
7 regarding the facts, allegations, or findings of violations contained
8 herein.

9 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
10 Order, which shall be effective upon its execution by Ronald A. Wilbur, Bank
11 Commissioner.

12 Recommended this 5th day of September, 2012 by

13 _____
/s/

14 Maryam Torben Desfosses, Hearings Examiner, Banking Department

15
16 Executed this 10th day of September, 2012 by

17 _____
/s/

18 David MacDonald Porter, as Managing Member of PNL SV, LLC and of PNL Newco
19 II, LLC

20
21 **SO ORDERED.**

22 _____
/s/

Dated: 9/13/12

23 Ronald A. Wilbur
24 Bank Commissioner