



Certified True Copy Of The Original
 Dated This 17th Day of Dec, 2009
 Trial Court Administrator
 By: LeAnn Hernandez

FILED

2009 DEC 17 AM 9:42
 COOS COUNTY COURT
 COQUILLE, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
 FOR THE COUNTY OF COOS

IN THE MATTER OF:

Case No. 09CV1009

LEGACY PLANS, INC., d/b/a THE ESTATE
 PLANNING SYSTEM; and DONALD J.
 DEASY,

ASSURANCE OF VOLUNTARY
 COMPLIANCE

Respondents.

1.

LEGACY PLANS, INC., d/b/a THE ESTATE PLANNING SYSTEM and DONALD J.
 DEASY its President have done business in Oregon selling living trusts and are respondents
 herein. This agreement is between respondents and the Oregon Department of Justice (DOJ)
 acting pursuant to ORS 646.632.

PROCEDURE

2.

This Assurance of Voluntary Compliance (AVC) is a settlement of a disputed matter. It
 shall not be considered an admission of a violation for any purpose. Respondents deny any
 wrongdoing.

3.

Respondents acknowledge a notice from the State of Oregon pursuant to ORS
 646.632(2) of the alleged unlawful trade practice and the relief to be sought.

4.

Respondents understand and agree this AVC applies to respondents, respondents'
 principals, officers, directors, agents, employees, representatives, successors and assigns, jointly

1 and severally, while acting personally, or through any corporation or other business entities,
2 whose acts, practices or policies are directed, formulated or controlled by respondents.

3 5.

4 Respondents agree and understand that following acceptance of the AVC by DOJ, DOJ
5 may communicate directly with respondents for the purpose of executing and enforcing the
6 terms of this agreement, resolving future complaints, and conducting undercover investigations
7 of respondents to the extent permitted by law.

8 6.

9 Respondents understand and agree that if this AVC is accepted by DOJ, it will be
10 submitted to the Circuit Court of the State of Oregon for Coos County for approval, and, if
11 approved, will be filed with the court pursuant to ORS 646.632(2).

12 7.

13 Respondents waive any further notice of submission to and filing with the court of this
14 AVC. Respondents agree to accept service of a conformed or court certified copy by prepaid
15 first class mail sent to the address following respondents' signatures.

16 8.

17 If monies which are ordered to be paid in this AVC are not paid timely, DOJ may
18 convert the AVC to a money judgment under ORS 646.632(2) without notice to respondents.
19 Respondents agree a copy of the money judgment may be sent to respondents, first class mail to
20 the address following respondents' signatures.

21 9.

22 Respondents understand that, in addition to any other sanctions which may be imposed
23 under this AVC or under the law, violation of any of the terms of this AVC may result in
24 contempt of court proceedings, civil penalties of up to \$25,000 for each violation, and such
25 further relief as the court may deem appropriate. ORS 646.632(4), ORS 646.642(1) and ORS
26 646.642(2).

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10.

The parties acknowledge that no other promises, representations or agreements of any nature have been made or entered into by the parties. The parties further acknowledge that this AVC constitutes a single and entire agreement that is not severable or divisible, except that if any provision herein is found to be legally insufficient or unenforceable, the remaining provisions shall continue in full force and effect.

REMEDIES

11.

Respondents shall obey Oregon's Unlawful Trade Practices Act, ORS 646.605 to ORS 646.656.

12.

Respondents shall not represent or imply that DOJ acquiesces or approves of respondents' past business practices, current efforts to reform their practices, or any future practices which respondents may adopt or consider adopting. DOJ's decision to settle this matter or to otherwise unilaterally limit current or future enforcement action does not constitute approval or imply authorization for any past, present, or future business practice.

13.

Respondents shall pay \$10,000.00 to DOJ for deposit to the Department of Justice Account established pursuant to ORS 180.095. Said sum shall be used by DOJ as provided by law. However, if respondents pay \$1250.00 of that amount and the restitution of \$3105.00 (total of \$4355.00) herein to DOJ before close of business January 15, 2010, the balance of the \$10,000.00 will not have to be paid to DOJ by respondents. If respondents do not pay the \$4355.00 to DOJ by close of business January 15, 2010, DOJ may take a judgment against respondents per paragraph 8 of this AVC in the amount of \$10,000.00 to DOJ for the Account under ORS 180.095 and the \$3105.00 restitution and \$3000.00 attorneys fees.

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Restitution shall be paid as provided in this paragraph:

A. Respondents will refund to DOJ by close of business January 15, 2010 via a Cashiers Check made out to DOJ the retail cost as set out below of the living trusts, wills, powers of attorney and any other estate planning document (also collectively known to respondents as a "portfolio") sold to Oregonians less amounts already refunded by respondents, by David V. Feodsky and his company Consolidated Financial, LLC and by James G. Knollmiller. The following consumers are at issue:

- Mr. and Mrs. Donald Proffitt Cost of Portfolio \$1594

Refunded \$430 by Consolidated and \$1165 by respondents.

Respondents owe nothing further under this AVC.

- Wayne and Velma Foster Cost of Portfolio \$2140

Refunded \$595 by Consolidated and \$700 by Mr. Knollmiller

Respondents to pay \$845

- Mr. and Mrs. Steve Bell Cost of Portfolio \$1710

Refunded \$545 by Consolidated and \$400 by Mr. Knollmiller

Respondents to pay \$765

- Leslie and Sara Hunter Cost of Portfolio \$1500

Refunded \$335 by Consolidated and \$400 by Mr. Knollmiller

Respondents to pay \$765

- Marjorie Russell Cost of Portfolio \$1705

Refunded \$550 by Consolidated and \$425 by Mr. Knollmiller

Respondents to pay \$730

Total for respondents to pay DOJ for restitution to Fosters, Bells, Hunters and Russell is \$3105.00. DOJ does not represent these consumers but will pass on respondents' requirement

1 to pay them under the AVC to them once received from respondents. Consumers do not need to
2 do anything to receive this restitution.

3 15.

4 Effective immediately upon execution by respondents of this AVC, respondents agree to
5 adhere to each of the following requirements:

6 A. Respondents will not practice law without a license in Oregon;

7 B. Respondents will not sell trusts of any kind in Oregon, or accept payment of
8 anything of value in exchange for the preparation of any trust in Oregon unless licensed to do
9 so; and

10 C. Respondents will not represent that they are a trust company or that they are
11 qualified to prepare trusts in Oregon in exchange for anything of value.

12

13 **APPROVAL BY COURT**

14 APPROVED FOR FILING and SO ORDERED this 16th day of
15 Dec, 2009.

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Circuit Court Judge Richard L. Barron

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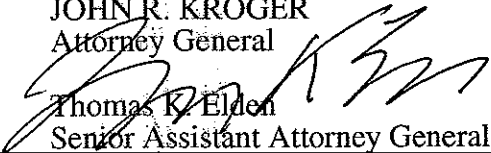
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ACCEPTANCE OF DOJ

Accepted this 11 day of December 2009.

JOHN R. KROGER
Attorney General



Thomas K. Elden
Senior Assistant Attorney General

Department of Justice
Of Attorneys for Plaintiff
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DEC 21 2009

CIVIL ENFORCEMENT DIVISION