

***Unless the person against whom this Order is issued files a signed, written notice of appeal that is received by the Department of Savings and Mortgage Lending within thirty (30) days after the date on which this Order is issued, this Order will become final and non-appealable. This Order is issued on March 7, 2016, and any such written notice of appeal must be received by the Commissioner no later than April 7, 2016.***

In the Matter of	§	BEFORE CAROLINE C. JONES,
	§	COMMISSIONER OF THE
HomeTex Enterprises d/b/a	§	
Eastside Homes, LLC	§	DEPARTMENT OF
	§	SAVINGS AND
	§	MORTGAGE LENDING
	§	
File No. 160118	§	AUSTIN, TEXAS

## **ORDER TO CEASE AND DESIST**

### **I. Jurisdiction and Notice**

- a) HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC, Respondent, is not and has never been licensed as a residential mortgage loan company in Texas. At the time of the actions described in this Order, Respondent was not licensed as a company.
- b) Respondent's business address of record with the Department is 1912 W. Anderson Lane, Austin, TX 78757.

### **II. Findings of Fact**

- a) As of February 26, 2016, the Department has received numerous complaints about the business practices of the following entity: HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC.
- b) Through the Department's investigation, the Department learned the following entities have connections to HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC: F&S CAPITAL, LLC, THE LENDING GROUP, and GREENWAY LENDING, LLC.
- c) The Department has also learned through the course of its investigation that Jeff Evans frequently met with consumers while representing HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC.
- d) Mr. Evans has engaged in the following activities since 2008: accepting checks, cash, and money orders for down payments, facilitating the payment of large down

payments in the form of tax credits to HOMETEX ENTERPRISES, instructing consumers to make scheduled payments in the form of checks, cash, money orders, and direct deposits for monthly mortgage payments, sending notices of intent to accelerate mortgages, sending notices to lienholders regarding late payments, sending annual 1098 tax forms, and imposing late fees.

- e) HOMETEX ENTERPRISES also accepts scheduled payments of monthly mortgage payments through check, cash, money orders, and direct deposits.
- f) HOMETEX ENTERPRISES, along with Jeff Evans, engaged in these servicing activities for the benefit of third-party owners.

### **III. Conclusions of Law**

- a) Respondent is made subject to the provisions of Chapter 158 of the Texas Finance Code by Section 158.051 which states that a person may not act as a residential mortgage loan servicer unless registered under Chapter 158.
- b) Section 158.105 authorizes the Commissioner to issue an order requiring the licensee to resolve the complaint or to cease and desist from actions found to be in violation of the Department's statutes or other applicable laws.
- c) Respondent's acts as described above constitute violations of Section 158.051 by engaging in the actions of a residential mortgage loan servicer, as defined in Sec. 158.002(6), without registering with the Department.
- d) In accordance with section 158.105 of the RMLSR Act, the Commissioner determined that the Respondent's violations of the RMLSR Act warrant the issuance of an order to Respondent to cease and desist.

### **IV. Order**


- a) It is hereby **ORDERED** that HomeTex Enterprises, LLC d/b/a as Eastside Homes, LLC immediately **CEASE AND DESIST** from engaging in the acts of a servicer as defined in Sec. 158.002(6).
- b) The issuance of this Order does not waive the right or authority of the Commissioner to take any additional measures with respect to the actions described herein or any other actions of the Respondent, known or unknown to the Department, including but not limited to the authority to seek penalties, reprimand, suspension or revocation of the Respondent's license.

## RIGHTS TO A HEARING AND FINALITY OF THIS ORDER

Respondent may request a hearing before the Administrative Law Judge for the Finance Commission by timely filing a signed, written request for a hearing with the Commissioner. **This Order is final unless the Commissioner receives a signed, written request for a hearing from Respondent within thirty (30) days after the date that this Order is issued. The date of issuance of this Order is March 7, 2016, and the deadline for filing a signed, written request for a hearing with the Commissioner is deemed to be April 7, 2016.** Upon receipt of such a request, the Commissioner shall set the time and place for any such hearing. If any such hearing is held, it shall be a proceeding subject to chapter 2001 of the Texas Government Code.

A violation of or failure to comply with this Order may serve as the basis for the further assessment of administrative penalties under the RMLSR Act.

ISSUED this 7<sup>th</sup> day of March, 2016, at Austin, Travis County, Texas.

  
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Caroline C. Jones, Commissioner  
Department of Savings  
and Mortgage Lending

**Certificate of Service**

I, Cora Peck, certify that a true and correct copy of this Order to Cease and Desist was mailed by first class mail, United States certified mail, return receipt requested, to HOMETEX ENTERPRISES, LLC at its business address at 1912 W. Anderson Lane, Austin, TX, 78757 on this the 7<sup>th</sup> day of March, 2016.

A handwritten signature in cursive script that reads "Cora Peck". The signature is written in dark ink and is positioned above a horizontal line.

Cora Peck