



**THE STATE OF TEXAS
SUBPOENA FOR PRODUCTION OF DOCUMENTS**

FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

Case No. 160118

<i>In Re:</i>	§	
HomeTex Enterprises, LLC, F&S		Savings and Mortgage Lending
Capital LLC, The Lending Group	§	
LLC, Greenway Lending LLC, et al.,		Commissioner,
Respondents	§	
	§	Caroline C. Jones

To any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.

YOU ARE COMMANDED to summon **The Lending Group, LLC, in care of Jason Lippman, registered agent**, located at **1912 W. Anderson Lane, Suite 203A, Austin, Travis County, Texas, 78757-1211** at the instance and request of the Savings and Mortgage Lending Commissioner of the State of Texas under the authority of Texas Finance Code Sections 156.3011 and 157.022.

The Lending Group, LLC is hereby required to produce and permit inspection and copying of documents or tangible things for an active investigation being conducted by the Department of Savings and Mortgage Lending in connection with alleged violations of the Texas Finance Code and supplemental regulations, specifically Chapters 156, 158, and 180.

The Lending Group, LLC is hereby required to produce and permit inspection and copying of documents or tangible things (including papers, books, accounts, drawings, graphs, charts, photographs, electronic or videotape recordings, data, data compilations, including electronic or magnetic data) *as listed in Attachment A* within thirty (30) days of the date of service of this subpoena to:

María Pysor, Investigator
Department of Savings and Mortgage Lending
2601 North Lamar, Suite 201
Austin, TX 78705

Phone: (512) 475-1350
E-mail: mpysor@sml.texas.gov

A person must produce documents and tangible things as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged *but must comply with* Tex. R. Civ. P. 193.3.

A person commanded to produce and permit inspection or copying of designated documents and things, before the time specified for compliance, may serve upon the commissioner, written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by a court. The commissioner may move for such an order at any time after an objection is made.

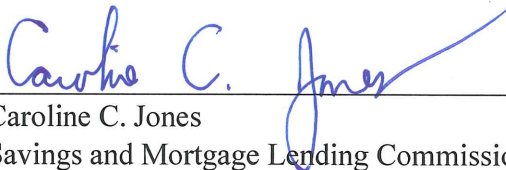
Regarding any documents or tangible things (including papers, books, accounts, drawings, graphs, charts, photographs, data and data compilations) kept in electronic form as part of the usual course of your business, you are to produce such electronic or magnetic data in the same electronic or magnetic format used by you to store and access same, and are to produce same on a copied hard drive, flash drives or other similar storage and retrievable device. The responding party must produce the electronic or magnetic data that is responsive to the request and is reasonably available to the responding party in its ordinary course of business. If the responding party cannot - through reasonable efforts - retrieve the data or information requested or produce it in the form requested, the responding party must state an objection complying with the Texas Rules of Civil Procedure.

Electronically stored information and electronic records shall be produced in electronic form and to the extent practicable shall be produced in a searchable electronic format. You are required to produce the documents or tangible things requested, that are within your possession, custody or control, this includes, but is not limited to all records held in your record retention system and/or your technology, data, or other service providers.

DO NOT FAIL to return this writ to the Department of Savings and Mortgage Lending with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

Issued this 7th day of March, 2016.

SUBPOENA ISSUED BY:



Caroline C. Jones
Savings and Mortgage Lending Commissioner

SUBPOENA / SUBPOENA DUCES TECUM OFFICER'S RETURN

This subpoena came to my hand on the _____ day of March, 2016, at _____ o'clock __.m.,
and executed on the _____ day of March, 2016, at _____ o'clock __.m., by delivering to the
within named, _____, in person at
_____, in Travis
County, Texas, a true copy of this subpoena.

By: _____ Deputy

Travis County, Texas Sheriff / Constable

ACCEPTANCE OF SERVICE OF SUBPOENA BY WITNESS

I, the undersigned witness named in this Subpoena acknowledge receipt of a copy thereof, and
hereby accept service of the attached subpoena

_____ [signature]	_____
_____ [printed name]	_____ [Date]

FEE FOR SERVICE OF SUBPOENA: \$ _____

Attachment A

- a) All documents pertaining to any open or closed checking, savings, escrow accounts, or other deposit or checking accounts in the name of The Lending Group, LLC from January 1, 2008 to March 1, 2016. Such documents include, but are not limited to:
1. Signature cards.
 2. Bank statements.
 3. Canceled checks.
 4. Money orders.
 5. Deposit tickets.
 6. Items deposited.
 7. Account pay history related to any and all escrow accounts.
 8. Transaction history log for wire transfers.
- b) All documents related to the corporate records of The Lending Group, LLC including, but not limited to:
1. Corporate board authorization minutes or partnership resolutions from January 1, 2008 to March 1, 2016.
 2. Articles of Incorporation.
 3. Certificate of Formation.
 4. All Operating Agreements, including all versions, from January 1, 2008 to March 1, 2016.
 5. All board resolutions from January 1, 2008 to March 1, 2016.
 6. Minutes of all board meetings from January 1, 2008 to March 1, 2016.
 7. All documents that identify any shareholders who own more than 10% of stock from January 1, 2008 to March 1, 2016.
- c) All real property documents indicating ownership of property by The Lending Group, LLC from January 1, 2008 to March 1, 2016 including, but not limited to:
1. Any and all mortgage documents.
 2. Any and all purchase-sale contracts.
 3. Any and all deeds for properties owned for any length of time. This includes, but is not limited to, recorded and unrecorded documents such as warranty deeds, quit-claim deeds, and deeds of trust.
 4. All ledgers, spreadsheets, or other documents reflecting addresses of properties owned by The Lending Group, LLC, for any length of time.
 5. Account transaction history for every property owned by The Lending Group, LLC including escrow history.

- d) All documents referencing management and or servicing¹ of real property by The Lending Group, LLC from January 1, 2008 to March 1, 2016 including, but not limited to:
1. Any and all lease agreements, including lease agreements for properties owned by third parties and for properties owned by The Lending Group, LLC.
 2. Any and all lease applications.
 3. Any and all applications for lease agreements with option to purchase.
 4. Written requests for repairs or maintenance submitted to The Lending Group, LLC.
 5. All general ledgers, including physical and electronic, reflecting history of rental payment made by lessees to The Lending Group, LLC.
 6. All general ledgers, including physical and electronic, reflecting financial transfers from The Lending Group, LLC to all owners of rented property.
 7. Any and all deeds for properties serviced by The Lending Group, LLC for any length of time.
 8. All ledgers, spreadsheets, or other documents reflecting addresses of properties managed or serviced by The Lending Group, LLC.
 9. Account transaction history for every property managed or serviced by The Lending Group, LLC including escrow history.
 10. Lease correspondence files, including but not limited to,
 - i. Any and all letters to the lessee.
 - ii. Notes, memorandum to the individual lessee.
- e) All mortgage transaction documents created, signed or co-signed by the registered agent, managing member or employee of The Lending Group, LLC from January 1, 2008 to March 1, 2016, including, but not limited to:
1. All executed and unexecuted mortgage documents, including, but not limited to, traditional, high-interest and wrap-around mortgages.
 2. All mortgage loan applications.
 3. Any and all loan ledger sheets.
 4. Any and all requests from any mortgagor for loan payoff statements.
 5. Any and all loan payoff statements provided to any mortgagor.
 6. Any and all documents (bank checks, credit memos, cash out tickets, wire transfers, etc) reflecting disbursement of loan proceeds.
 7. Loan correspondence files, including but not limited to,
 - i. Any and all letters to the mortgagor.
 - ii. Notes, memorandum to individual mortgagors.

¹ The definition of "servicing" includes, but is not limited to, any actions where F&S Capital, LLC accepted a down payment for a third party, accepted monthly payments for a third party, issued tax documents in relation to any mortgage loan for a third party, imposed late fees for a third party, issued letters requesting or imposing fees for late payments for a third party, issued letters notifying a mortgagor or lease holder of a late payment for a third party, and issued letters or other documents indicating impending foreclosure or eviction proceedings for a third party.

8. Collateral agreements and documents between The Lending Group, LLC and all mortgagors and potential mortgagors.
 9. Loan amortization statements.
 10. Notes or other instruments reflecting the obligation to pay.
 11. Copy of any and all documents such as, but not limited to, complete copies of the Settlement Statement HUD-1, Cure of Default, Notice of Foreclosure Sale, Substitute Trustee's Deed, and escrow statements.
 12. Any documents reflecting prior written consent and approval from any superior lien holders to convey interest in property to a third party.
- f) All loan modification documents created, signed or co-signed by the registered agent, managing member or employee of The Lending Group, LLC from January 1, 2008 to March 1, 2016, including, but not limited to:
1. All requests and/or applications for a loan modification for a property owned, serviced, or managed by The Lending Group, LLC.
 2. All executed loan modification documents.
 3. All correspondence pertaining to requested loan modifications from any consumer and all correspondence provided by The Lending Group, LLC to the consumer.
 4. All policies, procedures and guidelines referencing loan modifications and loan modification applications.
 5. All memorandum in reference to loan modifications.
- g) All documents pertaining to insurance policies for real property owned, managed, or serviced by The Lending Group, LLC from January 1, 2008 to March 1, 2016, including, but not limited to:
1. All insurance policies for each property address owned, managed, or serviced by The Lending Group, LLC.
 2. All written requests from any person to The Lending Group, LLC regarding repairs and/or insurance claims.
 3. All claims made to a home insurance provider.
 4. All repair estimates.
 5. All accounting ledgers, physical or electronic, reflecting disbursements from the insurance company.
 6. All copies of checks issued to any person for insurance disbursements.
 7. All memorandum referencing insurance claims, mortgagor requests and or questions, insurance policies, insurance denials, and insurance disbursements.
- h) Any and all documents relating to or supporting the *application of any mortgage loans* made to or processed by The Lending Group, LLC including without limitation, gift letter, verification of employment, W-2 forms, 1099-MISC forms, earnings records, federal and state income tax returns, employment records, bank or other

financial institution statements and records, appraisals, any documentation related to tax credits, and credit reports.

- i) Any and all documents relating to or supporting the *application of any mortgage loan modifications* made to or processed by The Lending Group, LLC including without limitation, gift letter, verification of employment, W-2 forms, 1099-MISC forms, earnings records, federal and state income tax returns, employment records, bank or other financial institution statements and records, appraisals, any documentation related to tax credits, and credit reports.
- j) Any and all W-2 forms issued by The Lending Group, LLC to any person from January 1, 2008 to March 1, 2016.
- k) Any and all 1099-MISC forms issued by The Lending Group, LLC to any person from January 1, 2008 to March 1, 2016.
- l) Any and all 1099-INT forms issued by The Lending Group, LLC to any person from January 1, 2008 to March 1, 2016.
- m) Any and all 1099-DIV forms issued by The Lending Group, LLC to any person from January 1, 2008 to March 1, 2016.
- n) Any and all 1099-B forms issued by The Lending Group, LLC to any person from January 1, 2008 to March 1, 2016.
- o) Any and all 1098 forms submitted to any past or present mortgagors by The Lending Group, LLC from January 1, 2008 to March 1, 2016.
- p) Copies of all tax returns and supplemental documents submitted to the Internal Revenue Service from 2008 through 2015 for The Lending Group, LLC. (Including, but not limited to, Forms 1098 and Forms 1099.)

End Attachment A