

1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013-1105
4 (213) 576-6982

FILED
OCT 19 2010
DEPARTMENT OF REAL ESTATE

By *C. [Signature]*

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-36870 LA
12 AMERICAN HOME ALLIANCE;)
13 BARRY THAXTON; and) ORDER TO DESIST
14 NEOFITA S. THAXTON.) AND REFRAIN
15) (B&P Code Section 10086)
16)
17)

18 The Real Estate Commissioner of the State of California ("Commissioner") has
19 caused an investigation to be made of the activities of AMERICAN HOME ALLIANCE;
20 BARRY THAXTON and NEOFITA S. THAXTON. Based on that investigation, the
21 Commissioner has determined that AMERICAN HOME ALLIANCE; BARRY THAXTON and
22 NEOFITA S. THAXTON, have engaged in, are engaging in, or are attempting to engage in, acts
23 or practices constituting violations of the California Business and Professions Code ("Code").
24 Based on that investigation, the Commissioner hereby issues the following Findings of Fact,
25 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the
26 Code.

27 ///

///

1 Whenever acts referred to below are attributed to AMERICAN HOME ALLIANCE, those acts
2 are alleged to have been done by said party, and/or by its officers, directors, employees, agents,
3 affiliates and real estate licensees employed by or associated with that party who at all times
4 mentioned were engaged in the furtherance of its business or operations and were acting within
5 the course and scope of their authority and employment.

6 FINDINGS OF FACT

7 1. AMERICAN HOME ALLIANCE (“AHA”) is not now and has never been
8 licensed by the Department of Real Estate of the State of California (“Department”) as a real
9 estate broker.
10

11 2. NEOFITA S. THAXTON (“N. THAXTON”) is not now and has never been
12 licensed by the Department as a real estate broker. On or about November 6, 2008, N.
13 THAXTON filed a Fictitious Business Name Statement with the Orange County Recorder’s
14 office indicating that she was doing business under the Fictitious Business Name, “American
15 Home Alliance,” located at 1290 North Shoal Drive, Anaheim, CA 92601.
16

17 3. BARRY THAXTON, aka “Pastor Barry Thaxton” (“B. THAXTON”) is not
18 now and has never been licensed by the Department as a real estate broker.

19 4. All further references to the parties listed in Paragraphs 1 through 3 above,
20 include those parties and entities themselves, as well as the officers, agents and employees of
21 the parties listed in Paragraphs 1 through 3 above.

22 5. At all times relevant herein, the parties and entities listed in Paragraphs 1
23 through 3 above engaged in the business of, acted in the capacity of, advertised or assumed to act
24 as real estate brokers in the State of California within the meaning of Code Sections 10131(d)
25 and 10131.2. Their activities included soliciting borrowers or lenders for and/or negotiating
26 loans, collecting payments and/or performing services for borrowers or lenders in connection
27

1 with loans secured by liens on real property. Their activities also included claiming, demanding,
2 charging, receiving, collecting or contracting for the collection of an advance fee within the
3 meaning of Code Sections 10026 and 10085.

4 6. Beginning at a time no later than February 28, 2009, and continuing to the
5 present time, AHA, N. THAXTON and B. THAXTON solicited borrowers for loan modification
6 and related financial services. Those solicitations offered loan modification services in
7 exchange for payment of advance fees.

8
9 Unlicensed Activities

10 7. AHA, B. THAXTON and N. THAXTON were not licensed by the Department
11 in any capacity during the period between February 28, 2009 and the present.

12 8. Beginning at a time prior to February 28, 2009, and continuing through on or
13 after November 25, 2009, B. THAXTON and N. THAXTON, doing business as AHA, solicited
14 borrowers and entered into a loan modification agreement with borrowers Royce P. and
15 Rosemary M. AHA, acting through B. THAXTON and N. THAXTON, collected advance fees
16 totaling \$2,500.00 from Rosemary M., and agreed to negotiate with lenders on her behalf to
17 reduce or renegotiate the terms of her home loan. AHA, B. THAXTON and N. THAXTON did
18 not in fact perform the promised activities, and did not refund or provide an accounting for the
19 advance fees collected. AHA, B. THAXTON and N. THAXTON were not licensed by the
20 Department, and therefore were unlawfully engaging in activities requiring a real estate license.
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CONCLUSIONS OF LAW

The conduct, acts and/or omissions of AHA, N. THAXTON and B. THAXTON, in soliciting, and negotiating on behalf of borrowers when they were not licensed by the Department was in violation of Code Section 10130.

DESIST AND REFRAIN ORDER


Based on the Findings of Fact and Conclusions of Law stated herein, AHA, N. THAXTON and B. THAXTON, whether doing business under their own names, or any other names, or any fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, each of them is ORDERED TO DESIST AND REFRAIN from:

(i) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units; and

(ii) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by them to others.

DATED: 10/14, 2010

JEFF DAVI
Real Estate Commissioner


BY: Barbara J. Bigby
Chief Deputy Commissioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Notice: Business and Professions Code Section 10139 provides that “Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000).”

cc: American Home Alliance
1290 North Shoal Drive
Anaheim, CA 92801

Neofita S. Thaxton
1290 North Shoal Drive
Anaheim, CA 92801

Barry Thaxton
1290 North Shoal Drive
Anaheim, CA 92801