

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

EGP INVESTMENTS, LLC, a
Washington limited liability company;
JPRD INVESTMENTS, LLC, a
Washington limited liability company;
FAIR RESOLUTIONS, INC., a
Washington corporation; and
BRIAN FAIR, an individual,

Defendants.

NO. 18-2-23698-3 SEA

FIRST AMENDED COMPLAINT
FOR INJUNCTIVE AND OTHER
RELIEF UNDER THE
CONSUMER PROTECTION ACT,
RCW 19.86, AND THE
COLLECTION AGENCY ACT,
RCW 19.16

COMES NOW PLAINTIFF, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Assistant Attorneys General Matthew Geyman and Amy C. Teng, and brings this action against Defendants EGP Investments, LLC ("EGP"), JPRD Investments, LLC ("JPRD"), Fair Resolutions, Inc. ("Fair Resolutions") and Brian Fair (collectively, "Defendants"), alleging as follows on information and belief:

I. INTRODUCTION

1.1 Defendants EGP and JPRD are debt buying companies owned and managed by Defendant Brian Fair. Each company bought large portfolios of charged-off debt accounts for pennies on the dollar, then sued Washington consumers to collect the full face amount of the accounts, plus pre-judgment interest, attorneys' fees, court filing fees, and other collection costs.

1 1.2 However, EGP and JPRD missed a key requirement for any company that solicits,
2 purchases and sues to collect on consumer debt accounts in the State of Washington: obtaining
3 a license to operate as a collection agency.

4 1.3 Under the Washington Collection Agency Act, RCW 19.16, operating as a
5 collection agency in Washington without being licensed is prohibited. RCW 19.16.110. Aiding
6 or abetting the operation of an unlicensed collection agency is also prohibited. RCW
7 19.16.250(1). Operating as a collection agency without a license, or aiding or abetting such an
8 operation, is also a *per se* unfair act or practice in the conduct of trade or commerce under the
9 Washington Consumer Protection Act, RCW 19.86 (“CPA”). RCW 19.16.440.

10 1.4 EGP and JPRD were not licensed collection agencies prior to August 2013. Prior
11 to licensure, they obtained thousands of debt collection judgments against Washington
12 consumers unlawfully.

13 1.5 Since obtaining these unlawful judgments, EGP and JPRD, aided by Defendants
14 Brian Fair and Fair Resolutions, have collected and continue to collect on the unlawful
15 judgments by garnishing consumers’ wages, seizing funds from consumers’ bank accounts, and
16 foreclosing or threatening to foreclose on consumers’ homes.

17 1.6 By identifying and bidding on debt portfolios, negotiating and entering into
18 contracts to purchase charged-off debt accounts, then suing Washington consumers to collect on
19 the accounts without being licensed as required by Washington law, EGP and JPRD, along with
20 Brian Fair and Fair Resolutions, violated both the CPA and the Collection Agency Act.

21 1.7 Defendants’ continuing efforts to collect on these unlawful judgments are unfair,
22 deceptive and unlawful under the CPA and the Collection Agency Act and contrary to the public
23 interest.

24 1.8 The State, therefore, brings this action and asks the Court to enjoin Defendants
25 from engaging in the unlawful conduct complained of herein; assess civil penalties under RCW
26 19.86.140 of up to \$2,000 per violation for each violation of RCW 19.86.020; order Defendants

1 to provide restitution to consumers of the money acquired through their unlawful conduct
2 pursuant to RCW 19.86.080; reimburse the State for the costs of this action, including reasonable
3 attorneys' fees, pursuant to RCW 19.86.080; and order such other and further relief as the Court
4 deems just and proper.

5 II. PARTIES

6 2.1 The Plaintiff is the State of Washington.

7 2.2 Authority of the Attorney General to commence this action is conferred by
8 RCW 19.86.080, RCW 19.86.140, RCW 19.16.440 and RCW 19.16.460. The Attorney General
9 may seek restitution, injunctive relief, civil fines and penalties, and its costs and reasonable
10 attorneys' fees in this action under RCW 19.86.080, RCW 19.86.140 and RCW 19.16.460.

11 2.3 Defendant EGP Investments, LLC is a Washington limited liability company
12 with its principal place of business located at 1697 N. Western Avenue, Wenatchee, Washington
13 98801. EGP was formed on December 15, 2009. Defendant Brian Fair is a managing member
14 of EGP and has been at all times material hereto. At all times material hereto, EGP regularly
15 conducted business through its agents, employees, and/or representatives throughout the State
16 of Washington, including King County.

17 2.4 Defendant JPRD Investments, LLC is a Washington limited liability company
18 with its principal place of business located at 1697 N. Western Avenue, Wenatchee, Washington
19 98801. JPRD was formed on June 27, 2007. Defendant Brian Fair is a managing member of
20 JPRD and has been at all times material hereto. At all times material hereto, JPRD regularly
21 conducted business through its agents, employees, and/or representatives throughout the State
22 of Washington, including King County.

23 2.5 Defendant Fair Resolutions, Inc. is a Washington corporation with its principal
24 place of business located at 1697 N. Western Avenue, Wenatchee, Washington 98801. It was
25 formed on June 27, 2007 and was licensed as a Washington collection agency on August 14,
26 2007. Defendant Brian Fair owns Fair Resolutions, in whole or in part, and is President of the

1 company and has been at all times material hereto. At all times material hereto, Fair Resolutions
2 regularly conducted business through its agents, employees, and/or representatives throughout
3 the State of Washington, including King County.

4 2.6 Defendant Brian Fair is a resident of Wenatchee, Chelan County, Washington. At
5 all times material hereto, he was an owner, manager, agent, employee, and/or representative of
6 Defendants EGP, JPRD, and Fair Resolutions.

7 2.7 At all times material hereto, Defendants, and each of them, have been engaged in
8 trade or commerce within the meaning of the CPA, RCW 19.86.020.

9 2.8 Defendants, and each of them, knowingly assisted, directed, controlled,
10 participated in, carried out, and/or approved of the acts, practices, and activities that are the
11 subject of this Complaint. Because Defendants operated as a common enterprise, each of them
12 is jointly and severally liable for the unfair or deceptive acts and practices described herein.

13 III. JURISDICTION AND VENUE

14 3.1 This Court has subject matter jurisdiction over this Complaint under the provisions
15 of the CPA, RCW 19.86, and the Collection Agency Act, RCW 19.16.

16 3.2 This Court has personal jurisdiction over Defendants because each engaged in the
17 conduct set forth in this Complaint in King County and elsewhere in the State of Washington.

18 3.3 Venue is proper in King County because many of the events giving rise to this action
19 occurred in King County, and because one or more of the Defendants has done and continues to do
20 business in King County. RCW 4.12.020(3); RCW 4.12.025(1).

21 IV. FACTS

22 A. EGP and JPRD Took Affirmative Steps as Debt Buyers to Acquire Thousands 23 of Charged-Off Debt Accounts and Then Collect on the Accounts

24 4.1 The high rate of consumer indebtedness has created a market for companies such
25 as EGP and JPRD, which purchase charged-off debt accounts (*i.e.*, accounts written off by the
26

1 creditor) for pennies on the dollar and then attempt to collect on the charged-off accounts. This
2 practice is known as debt buying.

3 4.2 On average, debt buyers pay four cents on the dollar for charged-off debt
4 accounts. Federal Trade Commission, *The Structure and Practices of the Debt Buying Industry*
5 (“FTC Report”) 22-23 (2013), available at [https://www.ftc.gov/reports/structure-practices-debt-](https://www.ftc.gov/reports/structure-practices-debt-buying-industry)
6 [buying-industry](https://www.ftc.gov/reports/structure-practices-debt-buying-industry). Thus, for example, if a debt buyer paid the average of four cents on the dollar
7 for an account, it would have paid \$80 for the right to sue on an alleged \$2,000 debt.

8 4.3 The debt buyer’s business model is simple: “If debt buyers can acquire debts
9 cheaply enough, and develop efficient, low-cost methods of pursuing debtors, they can realize
10 substantial profits by collecting even a small percentage of the debts they purchase.” Human
11 Rights Watch, *Rubber Stamp Justice: U.S. Courts, Debt Buying Corporations, and the Poor* 11
12 (2016), available at https://www.hrw.org/sites/default/files/report_pdf/us0116_web.pdf.

13 4.4 In this case, the affirmative steps EGP and JPRD took as debt buyers included
14 identifying debt sellers, bidding on debt portfolios, and/or negotiating and entering into contracts
15 to buy debt accounts, and then suing Washington consumers to collect on the purchased debt.
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17 4.5 In 2009, Brian Fair stated in a sworn declaration filed in King County Superior
18 Court that JPRD was “in the business of buying consumer debt” and that “[a]s of May 14, 2009,
19 [JPRD] owned approximately \$20,000,000 in consumer debt.” See Exhibit A, ¶ 2.¹

20 4.6 Similarly, EGP, like JPRD, was also in the business of buying consumer debt
21 accounts, and it also purchased and owned millions of dollars in consumer debt accounts.
22

23 4.7 In 2010, EGP and Fair Resolutions entered into a services agreement under which
24 Fair Resolutions agreed to provide, and did provide, the following services to EGP, among

25 ¹ The State has redacted consumers’ names and other personal information from the Exhibits
26 to this Complaint to protect consumers’ privacy.

1 others: locating sellers of debt; researching portfolios of debt for purchase consideration;
2 negotiating with sellers of debt; and executing purchase and sale agreements with sellers of debt.

3 4.8 EGP, both directly and with the assistance of Fair Resolutions and/or others, took
4 these and other affirmative steps to locate debt sellers, research debt portfolios for consideration,
5 negotiate with debt sellers, and/or enter into purchase and sale agreements with debt sellers.

6 4.9 JPRD entered into one or more similar agreements with Fair Resolutions and/or
7 others and, both directly and with the assistance of others, undertook affirmative steps to locate
8 debt sellers, research portfolios of debt for consideration, negotiate with debt sellers, and/or enter
9 into purchase and sale agreements with debt sellers.

10 **B. EGP and JPRD Acted as Collection Agencies Without Being Licensed**

11 4.10 EGP and JPRD, directly and through their agents, including Brian Fair and Fair
12 Resolutions, took these and other affirmative steps to identify sellers, bid on debt portfolios,
13 negotiate and enter into contracts to purchase the subject debt accounts, and collect on the
14 accounts—thus constituting and acting as collection agencies—without being licensed
15 Washington collection agencies as required by law.

16 4.11 Under the Collection Agency Act, a collection agency includes any person or
17 entity that directly or indirectly engages in soliciting claims for collection, or collecting or
18 attempting to collect claims owed or due or asserted to be owed or due another person.
19 RCW 19.16.100(4)(a).

20 4.12 The Washington Supreme Court has noted that the business of debt collection
21 affects the public interest, and under the Collection Agency Act, collection agencies are subject
22 to strict regulation to ensure they deal fairly and honestly with alleged debtors. *Panag v. Farmers*
23 *Ins. Co. of Washington*, 166 Wn.2d 27, 54, 204 P.3d 885 (2009).
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1 4.13 Among other prohibited collection practices, the Collection Agency Act prohibits
2 any licensed collection agency or its employees from making false representations as to the legal
3 status of a debt, threatening alleged debtors with impairment of their credit rating, attempting to
4 collect amounts not actually owed, or implying legal liability for costs not actually recoverable.
5 RCW 19.16.250.

6 4.14 In order to protect alleged debtors from these and other prohibited collection
7 practices and achieve the purposes of the Collection Agency Act, it is essential that all persons
8 or entities acting, assuming to act, or advertising as a collection agency in Washington must be
9 licensed. RCW 19.16.110.

10 4.15 Under Washington law, a debt buyer is a collection agency under the Collection
11 Agency Act and must be licensed as a collection agency if it enters into contracts with sellers of
12 debt accounts or takes other affirmative steps to acquire accounts for collection, either directly
13 or through an agent. *Gray v. Suttell & Associates*, 181 Wn.2d 329, 340-42, 334 P.3d 14 (2014).
14

15 4.16 Because EGP and JPRD identified sellers of debt accounts, bid on debt portfolios,
16 negotiated and entered into contracts to buy debt accounts, then sued Washington consumers to
17 collect on the debt accounts purchased, each one was a collection agency under the Collection
18 Agency Act. Each one was required to be licensed when it solicited and acquired the debt
19 accounts and sued to collect on the accounts.

20 4.17 EGP was not licensed as a Washington collection agency until August 21, 2013,
21 *after* it solicited and acquired the debt accounts at issue and *after* it sued Washington consumers
22 to collect on the accounts.

23 4.18 EGP's filings in Washington superior courts show that between December 15,
24 2009 and August 20, 2013, the day before EGP was licensed, EGP had sued to collect on over
25 1,200 debt accounts of Washington consumers.
26

1 4.19 In addition to the 1,200 collection actions reflected in EGP's Washington superior
2 court filings, EGP filed numerous additional lawsuits in state district courts before it was licensed
3 that are not reflected in the superior court filings. The number of the additional collection
4 lawsuits EGP filed in state district courts before being licensed is believed to be considerable but
5 is presently unknown.

6 4.20 Similarly, JPRD was not licensed as a Washington collection agency until
7 September 17, 2013, *after* it solicited and acquired the debt accounts at issue and *after* it sued
8 Washington consumers to collect on the accounts.

9 4.21 JPRD's filings in Washington superior courts show that between June 27, 2007
10 and September 16, 2013, the day before JPRD was licensed, JPRD had sued to collect on over
11 1,600 debt accounts of Washington consumers.

12 4.22 In addition to the 1,600 collection actions reflected in JPRD's Washington
13 superior court filings, JPRD filed numerous additional lawsuits in state district courts before it
14 was licensed that are not reflected in the superior court filings. The number of the additional
15 collection lawsuits JPRD filed in state district courts before being licensed is believed to be
16 considerable but is presently unknown.

17 4.23 In these collection lawsuits that EGP and JPRD filed as unlicensed collection
18 agencies, they sought to collect not only the face amount of the debts accounts, but also interest,
19 attorneys' fees, court filing fees, and other collection costs.

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21 **C. Brian Fair and Fair Resolution Provided Substantial Assistance to EGP and**
22 **JPRD in Their Actions as Unlicensed Collection Agencies and in Obtaining**
23 **and Collecting on these Unlawful Judgments**

24 4.24 Brian Fair's knowledge that EGP and JPRD were not licensed collection agencies
25 is evidenced by the fact that he was a managing member of each company and personally
26 involved in obtaining their collection licenses on August 21, 2013 and September 17, 2013,

1 respectively, *after* EGP and JPRD solicited and acquired the debt accounts at issue and *after* they
2 sued Washington consumers to collect on the debt accounts as described above.

3 4.25 Fair Resolution's knowledge that EGP and JPRD were not licensed collection
4 agencies is established by the fact that Fair Resolutions was and is owned and operated by Brian
5 Fair as its President.

6 4.26 Brian Fair and Fair Resolutions provided substantial assistance to EGP in the
7 actions it took as an unlicensed collection agency prior to August 21, 2013. Brian Fair and Fair
8 Resolutions did so with knowledge that EGP was unlicensed prior to that date.

9 4.27 The substantial assistance Brian Fair and Fair Resolutions provided to EGP in its
10 solicitation, acquisition and collection of consumer debt accounts as an unlicensed collection
11 agency prior to August 21, 2013 included, but was not limited to, sending collection letters to
12 Washington consumers through Fair Resolutions. Many of the letters were signed by Brian Fair
13 and intended to collect on the accounts purchased by EGP.

14 4.28 Brian Fair and Fair Resolutions also provided substantial assistance to JPRD in
15 the actions it took as an unlicensed collection agency prior to September 17, 2013. Brian Fair
16 and Fair Resolutions did so with knowledge that JPRD was unlicensed prior to that date.

17 4.29 The substantial assistance Brian Fair and Fair Resolutions provided to JPRD in
18 its solicitation, acquisition and collection of consumer debt accounts as an unlicensed collection
19 agency prior to September 17, 2013 included, but was not limited to, sending collection letters
20 to Washington consumers through Fair Resolutions. Many of the letters were signed by Brian
21 Fair and intended to collect on the accounts purchased by JPRD.

22 4.30 The substantial assistance Brian Fair and his company, Fair Resolutions, provided
23 to EGP and JPRD in the solicitation, acquisition and collection of these consumer debt accounts
24 is also evidenced by Fair Resolutions' statement on its website that "Fair Resolutions *handles*
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1 | *all of the affairs* of . . . JPRD Investments, LLC . . . [;] [and] EGP Investments, LLC.” Fair
2 | Resolutions website, “Clients,” <http://fairresolutionsinc.com/clients.php> (emphasis added).

3 | 4.31 In handling the affairs of EGP and JPRD, Fair Resolutions, under the direction of
4 | Brian Fair, assisted EGP and JPRD in soliciting, acquiring and collecting debt accounts as
5 | unlicensed collection agencies, including identification of sellers, bidding on debt portfolios,
6 | negotiation and entry into contracts to purchase debt accounts, and collecting on the accounts.

7 | 4.32 In many cases, Fair Resolutions, under the direction of Brian Fair, would send
8 | one or more collection letters to a consumer, stating that JPRD had purchased a debt account
9 | allegedly owed by consumer and seeking payment on behalf of JPRD, even though JPRD was
10 | operating as an unlicensed debt collection agency.

11 | 4.33 These letters would serve as the first written communication the consumer
12 | received that JPRD had purchased the alleged debt. Attached as Exhibit B is a representative
13 | sample of these letters.

14 | 4.34 At the time of these written communications, JPRD was operating as an
15 | unlicensed debt collection agency. Fair Resolutions did not notify consumers of this fact.

16 | 4.35 In these initial communications with consumers, Fair Resolutions and JPRD did
17 | not itemize the interest added to the debt accounts after they were acquired by JPRD or received
18 | by Fair Resolutions for collection. Fair Resolutions and JPRD similarly failed to provide a
19 | separate itemization of interest added to the accounts before they were purchased by JPRD.

20 | **D. Since Obtaining the Unlawful Collection Judgments, EGP and JPRD Have**
21 | **Continued to Enforce the Judgments**

22 | 4.36 Through their actions, EGP and JPRD obtained thousands of collection
23 | judgments against Washington consumers on debt accounts they solicited, purchased, and sued
24 | on as unlicensed collection agencies.
25 |
26 |

1 4.37 Since obtaining these unlawful collection judgments, EGP and JPRD have sought
2 to enforce the judgments by garnishing consumers' wages, seizing funds from consumers' bank
3 accounts, and foreclosing or threatening to foreclose on consumers' homes.

4 4.38 EGP and JPRD have filed writs of garnishment to garnish up to 25 percent of the
5 paychecks of consumers named in the unlawfully obtained collection judgments.

6 4.39 EGP and JPRD have filed writs of attachment to seize funds from bank accounts
7 of consumers named in the unlawfully obtained collection judgments.

8 4.40 EGP and JPRD have recorded thousands of judgment liens in the counties where
9 these judgments were unlawfully obtained, allowing EGP and JPRD to foreclose, or threaten to
10 foreclose, on the homes of consumers named in the unlawfully obtained collection judgments.

11 4.41 In King County alone, the county auditor's records show that EGP and JPRD
12 currently have more than 230 and 160 recorded judgment liens, respectively, based on collection
13 judgments they unlawfully obtained.

14 4.42 EGP and JPRD have used and continue to use these judgment liens to force
15 consumers to pay the unlawful collection judgments by threatening to foreclose and filing
16 foreclosure actions to foreclose on consumers' homes.

17 4.43 In early 2018, Brian Fair, EGP and Fair Resolutions wrote to a consumer in
18 Lynnwood and told her EGP was prepared to file a writ of execution with the county sheriff and
19 would foreclose on her home unless she contacted them immediately to pay off a collection
20 judgment EGP had unlawfully obtained as an unlicensed collection agency. In the letter, Brian
21 Fair described Fair Resolutions as the "Managing Company" of EGP, and said they were
22 "prepared to file a Writ of Execution with the Snohomish County Sheriff to begin the foreclosure
23 process" and to contact them "if you wish to make arrangements to avoid this process." See
24 Exhibit C.
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1 4.44 In response, the consumer sent them a handwritten letter explaining that she was
2 living on a monthly SSI check and that her only functioning vehicle was a 2004 Honda Civic
3 that needed new tires and a clutch replacement. *See* Exhibit D.

4 4.45 Despite her precarious financial situation, Brian Fair responded that “Interest
5 continues to accrue at 12%,” and he advised her to “begin the process of applying for a ‘reverse’
6 mortgage” to pay off the unlawful collection judgment. *See* Exhibit E.

7 4.46 At no time did Brian Fair, EGP or Fair Resolutions tell the Lynnwood consumer
8 that EGP was not licensed as a collection agency when it solicited and acquired her debt account,
9 sued to collect on the account, and obtained the unlawful collection judgment it sought to enforce
10 by targeting her home.

11 **V. VIOLATION OF COLLECTION AGENCY ACT**
12 **UNLICENSED COLLECTION AGENCY—RCW 19.16.110**
13 (Defendants EGP, JPRD, Brian Fair, and Fair Resolutions)

14 5.1 Plaintiff re-alleges Paragraphs 1.1 through 4.46 and incorporates them as if set
15 forth fully herein.

16 5.2 Under the Collection Agency Act, it is prohibited for any person or entity to act
17 as a collection agency in Washington without having a collection agency license. RCW
18 19.16.110.

19 5.3 The Collection Agency Act defines a “collection agency” as “[a]ny person or
20 entity that directly or indirectly engages in soliciting claims for collection, or collecting or
21 attempting to collect claims owed or due or asserted to be owed or due another person.” RCW
22 19.16.100(4)(a).

23 5.4 Under this definition, a debt buyer is a collection agency and must be licensed if
24 it enters into contracts with sellers of claims or takes other affirmative steps to obtain claims for
25 collection, either directly or through an agent. *Gray v. Suttell*, 181 Wn.2d at 340-42.

1 5.5 Thus, when a debt buyer enters into contracts with sellers to purchase debt
2 accounts or takes other affirmative steps to purchase such accounts, it is a collection agency and
3 is prohibited from filing lawsuits in Washington to collect on the debt accounts without being
4 licensed. *Id.* at 344.

5 5.6 EGP and JPRD were required to be licensed as Washington collection agencies
6 when they located sellers of debt accounts, bid on debt portfolios, negotiated and entered into
7 contracts to buy the debt accounts, and then sued Washington consumers and obtained collection
8 judgments on the debt accounts purchased, as outlined above.

9 5.7 Yet EGP and JPRD were not licensed as Washington collection agencies until
10 August 21, 2013 and September 17, 2013, respectively, *after* they solicited and contracted to
11 purchase the debt accounts for collection and *after* they filed the collection lawsuits to obtain
12 judgments against Washington consumers.

13 5.8 By purchasing these thousands of debt accounts as described above and then
14 suing consumers to collect on the purchased accounts without being licensed collection agencies
15 as required by law, EGP and JPRD violated the Collection Agency Act. RCW 19.86.110.

16 5.9 Fair Resolutions, which Brian Fair owns, and directs as its President, knowingly
17 assisted, directed, controlled, participated in, carried out, and/or with knowledge approved of the
18 actions of EGP and JPRD as unlicensed collection agencies in violation of RCW 19.86.110. As
19 such, Fair Resolutions is liable for its role in these violations of the Collection Agency Act by
20 EGP and JPRD.

21 5.10 As an owner and managing member of EGP and JPRD, Brian Fair knowingly
22 assisted, directed, controlled, participated in, carried out, and/or with knowledge approved of
23 their actions as unlicensed collection agencies. As such, Brian Fair is also personally liable for
24 these violations of the Collection Agency Act by EGP and JPRD.

1 **VI. VIOLATION OF COLLECTION AGENCY ACT**
2 **PROHIBITED COLLECTION PRACTICES—RCW 19.16.250(1) & (8)(c)(ii)-(iii)**
3 (Defendants Fair Resolutions and Brian Fair)

4 6.1 Plaintiff re-alleges Paragraphs 1.1 through 5.10 and incorporates them as if set
5 forth fully herein.

6 6.2 Under the Collection Agency Act, it is prohibited for any licensee or employee
7 of a licensee, directly or indirectly, to aid or abet any unlicensed person to engage in business as
8 a collection agency in Washington or to receive compensation from an unlicensed collection
9 agency. RCW 19.16.250(1).

10 6.3 Fair Resolutions was and is a licensee for purposes of RCW 19.16.250, which
11 states that “No licensee or employee shall” take any of the prohibited practices listed therein,
12 including RCW 19.16.250(1)’s prohibition against aiding or abetting an unlicensed person to
13 engage in business as a collection agency.

14 6.4 Fair Resolutions, under the direction of Brian Fair, aided or abetted EGP and
15 JPRD in operating as unlicensed collection agencies in violation of the Collection Agency Act.
16 RCW 19.16.250(1).

17 6.5 As an owner and President of Fair Resolutions, Brian Fair is also personally liable
18 for Fair Resolution’s actions in aiding or abetting EGP and JPRD in their conduct as unlicensed
19 collection agencies in violation of the Collection Agency Act. RCW 19.16.250(1).

20 6.6 The Collection Agency Act also requires that a licensed Washington collection
21 agency must include in its first written communication with the alleged debtor an itemization of
22 the claim asserted, including an itemization of any interest added to the original obligation by
23 the original creditor, customer or assignor before it was received for collection, and also
24 including a separate itemization of any interest added by the collection agency, customer or
25 assignor after the obligation was received for collection. RCW 19.16.250(8)(c)(ii) & (iii).
26

1 6.7 By collecting or attempting to collect on these accounts without first providing to
2 consumers, in the first written notices they received regarding the alleged debts, any itemization
3 of interest added to the accounts before the accounts were purchased by JPRD, or any separate
4 itemization of interest added by JPRD or Fair Resolutions after the accounts were received for
5 collection, Fair Resolutions violated RCW 19.16.250(8)(c)(ii) & (iii).

6 6.8 As an owner and President of Fair Resolutions, Brian Fair is also personally liable
7 for these violations of RCW 19.16.250(8)(c)(ii) & (iii) by Fair Resolution.

8 **VII. VIOLATION OF CONSUMER PROTECTION ACT**
9 ***PER SE* VIOLATIONS OF RCW 19.86.020—BASED ON RCW 19.16.110**
10 (Defendants EGP, JPRD, Brian Fair and Fair Resolutions)

11 7.1 Plaintiff re-alleges Paragraphs 1.1 through 6.8 and incorporates them as if set
12 forth fully herein.

13 7.2 Pursuant to the CPA, “[u]nfair methods of competition and unfair or deceptive
14 acts or practices in the conduct of any trade or commerce are . . . unlawful.” RCW 19.86.020.

15 7.3 Violations of RCW 19.16.110 of the Collection Agency Act are *per se* unfair or
16 deceptive practices in trade or commerce under the CPA. RCW 19.16.440.

17 7.4 Violations of the Collection Agency Act also satisfy the “public interest impact”
18 element required to establish a CPA claim. *Panag*, 166 Wn.2d at 54.

19 7.5 Under the Collection Agency Act, it is prohibited for any person or entity to act
20 as a collection agency in Washington without a collection agency license. RCW 19.16.110.

21 7.6 EGP and JPRD violated the Collection Agency Act, RCW 19.16.110, by
22 engaging in business as collection agencies in Washington without first obtaining licenses.

23 7.7 These violations of RCW 19.16.110 are *per se* unfair or deceptive practices in
24 trade or commerce that violate the CPA. RCW 19.16.440.
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26

1 7.8 By acting as collection agencies in Washington without a collection agency
2 license, EGP and JPRD each committed unfair or deceptive acts or practices in trade or
3 commerce in violation of the CPA. RCW 19.86.020; RCW 19.16.440.

4 7.9 Because Brian Fair and Fair Resolutions knowingly assisted, directed, controlled,
5 participated in, carried out, and/or approved of the acts, practices, and activities of EGP and
6 JPRD in acting as collection agencies without a license, Brian Fair and Fair Resolutions also
7 committed unfair or deceptive acts or practices in trade or commerce in violation of the CPA
8 and they are also liable for these violations of the CPA. RCW 19.86.020; RCW 19.16.440.

9 7.10 Each *per se* violation of RCW 19.86.020 by Defendants, based on their violations
10 of RCW 19.16.110, constitutes a separate violation of the CPA under RCW 19.86.140.

11 **VIII. VIOLATION OF CONSUMER PROTECTION ACT**
12 ***PER SE* VIOLATIONS OF RCW 19.86.020—BASED ON RCW 19.16.250(1) & (8)(c)(ii)-(iii)**
13 (Defendants Fair Resolutions and Brian Fair)

14 8.1 Plaintiff re-alleges Paragraphs 1.1 through 7.10 and incorporates them as if set
15 forth fully herein.

16 8.2 Violations of RCW 19.16.250(1) of the Collection Agency Act are *per se* unfair
17 or deceptive practices in trade or commerce under the CPA. RCW 19.16.440.

18 8.3 Violations of RCW 19.16.250(1) of the Collection Agency Act satisfy the “public
19 interest impact” element of a CPA claim. *Panag*, 166 Wn.2d at 54.

20 8.4 Under RCW 19.16.250(1), it is prohibited for any person or entity, directly or
21 indirectly, to aid or abet any unlicensed person to engage in business as a collection agency in
22 Washington or to receive compensation from an unlicensed collection agency. RCW
23 19.16.250(1).

24 8.5 Fair Resolutions and Brian Fair violated RCW 19.16.250(1) by aiding or abetting
25 EGP and JPRD in acting as collection agencies in Washington without first obtaining collection
26

1 agency licenses, as set forth above.

2 8.6 Fair Resolutions' and Brian Fair's violations of RCW 19.16.250(1) are *per se*
3 unfair or deceptive practices in trade or commerce that affect the public interest and violate the
4 CPA. RCW 19.86.020; RCW 19.16.440.

5 8.7 In addition, Fair Resolutions violated the Collection Agency Act, RCW
6 19.16.250(8)(c)(ii)-(iii), by collecting or attempting to collect on these accounts without first
7 providing to consumers, in the first written notices they received regarding the alleged debts,
8 any itemization of interest added to the accounts before the accounts were purchased by JPRD,
9 or any separate itemization of interest added by JPRD or Fair Resolutions after the accounts were
10 received for collection.

11 8.8 These violations of RCW 19.16.250(8)(c)(ii)-(iii) by Fair Resolutions are *per se*
12 unfair or deceptive practices in trade or commerce that violate the CPA. RCW 19.16.440.
13

14 8.9 By collecting or attempting to collect on these accounts without first providing to
15 consumers, in the first written notices they received regarding the alleged debts, any itemization
16 of interest added to the accounts before the accounts were purchased by JPRD, or any separate
17 itemization of interest added by JPRD or Fair Resolutions after the accounts were received for
18 collection, Fair Resolutions committed unfair or deceptive acts or practices in trade or commerce
19 in violation of the CPA. RCW 19.86.020; RCW 19.16.440.

20 8.10 Because Brian Fair knowingly assisted, directed, controlled, participated in,
21 carried out, and/or approved of these acts, practices, and activities of Fair Resolutions in
22 violation of RCW 19.16.250(8)(c)(ii)-(iii), he is also personally liable for these violations of the
23 CPA. RCW 19.86.020; RCW 19.16.440.

24 8.11 As a result of the above unlawful actions and practices in violation of RCW
25 19.16.250(1) and RCW 19.16.250(8)(c)(ii)-(iii), Fair Resolutions and Brian Fair were and are
26

1 prohibited from recovering any interest, service charges, attorneys' fees, collection costs,
2 delinquency charges, or any other fees or charges on any of these claims. RCW 19.16.450.

3 8.12 Each *per se* violation of RCW 19.86.020 by Fair Resolutions and Brian Fair,
4 based on their violations of RCW 19.16.250(1) and RCW 19.16.250(8)(c)(ii)-(iii), constitutes a
5 separate violation of the CPA under RCW 19.86.140.

6 **IX. PRAYER FOR RELIEF**

7 Wherefore, the State prays for the following relief:

8 9.1 That the Court adjudge and decree that Defendants have engaged in the conduct
9 complained herein;

10 9.2 That the Court adjudge and decree that the conduct complained of violates the
11 Collection Agency Act, RCW 19.16.110, RCW 19.16.250(1), and RCW 19.16.250(8)(c)(ii)-
12 (iii);

13 9.3 That the Court adjudge and decree that the conduct complained of constitutes
14 unfair or deceptive acts or practices in trade or commerce that affects the public interest, in
15 violation of the CPA, RCW 19.86.020;

16 9.4 That the Court issue a permanent injunction, pursuant to the Collection Agency
17 Act, RCW 19.16.460, the CPA, RCW 19.86.080, and other authority, enjoining and restraining
18 Defendants and their representatives, successors, assigns, offices, agents, servants, employees,
19 and all other persons acting or claiming to act for, on behalf of, or in concert or participation
20 with Defendants, from continuing or engaging in the unlawful conduct complained of herein;

21 9.5 That the Court assess civil penalties against Defendants pursuant to the CPA,
22 RCW 19.86.140, of up to \$2,000 per violation for each violation of RCW 19.86.020;

23 9.6 That the Court make such orders pursuant to the CPA, RCW 19.86.080, as it
24 deems appropriate to require Defendants to provide restitution to Washington consumers for the
25
26

1 money or property Defendants acquired as a result of their violations of RCW 19.86.020;

2 9.7 That the Court order Defendants Fair Resolutions and Brian Fair pursuant to the
3 Collection Agency Act, RCW 19.16.450, to disgorge, and forever discharge the right to recover,
4 any interest, service charges, attorneys' fees, collection costs, delinquency charges or other fees
5 applied to affected debt accounts of Washington consumers as a result of their violations of RCW
6 19.16.250(1) and RCW 19.16.250(8)(c)(ii)-(iii);

7 9.8 That the Court order Defendants to file satisfactions of judgment, release
8 judgment liens, and correct or update the credit reports of Washington consumers as necessary
9 to remedy the harms caused by the conduct complained of herein;

10 9.9 That the Plaintiff, State of Washington, recover from Defendants the costs of this
11 action, including reasonable attorneys' fees, pursuant to RCW 19.86.080; and

12 9.10 That the Court order such other and further relief as it deems just and proper to
13 remedy the effects of the conduct complained of herein.
14

15 DATED this 8th day of October, 2018.

16 Presented by:

17 ROBERT W. FERGUSON
18 Attorney General

19
20 /s/ Matthew Geyman

21 MATTHEW GEYMAN, WSBA #17544

22 AMY C. TENG, WSBA #50003

23 Assistant Attorneys General

24 Attorneys for Plaintiff State of Washington

25 800 Fifth Avenue, Suite 2000

26 Seattle, WA 98104

(206) 464-7745

matthewg@atg.wa.gov

amyt2@atg.wa.gov

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CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing on the following party/parties via the following methods:

Brad Fisher Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101 <u>bradfisher@dwt.com</u> Counsel for Defendants	<input type="checkbox"/> Legal Messenger <input checked="" type="checkbox"/> First-Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Receipt Requested <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> King County E-Service <input checked="" type="checkbox"/> Email
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I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 8th day of October, 2018, at Seattle, Washington.

/s/ Joshua Bennett
JOSHUA BENNETT
Legal Assistant

EXHIBIT A

FILED
09 JUN 17 PM 1:27
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JPRD INVESTMENTS, LLC, a Washington
Limited Liability Company,

Plaintiff,

vs.

[REDACTED], wife and
husband,

Defendants.

The Honorable Hollis R. Hill

NO. 09-2-11802-7 KNT

DECLARATION OF BRIAN FAIR IN
SUPPORT OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

I, BRIAN FAIR, state and declare as follows:

1. I am the member manager of JPRD Investments, LLC, Plaintiff herein, over the age of eighteen, and competent to be a witness herein. I make this declaration in support of Plaintiff's Motion for Summary Judgment after reviewing Plaintiff's records and files concerning this lawsuit.

2. Plaintiff is in the business of buying consumer debt receivables. As of May 14, 2009, Plaintiff owned approximately \$20,000,000.00 in consumer debt receivables. The majority of these receivables consist of revolving charge accounts or credit cards issued by large national banks. As the member manager of Plaintiff, I have extensive firsthand knowledge of

DECLARATION OF BRIAN FAIR IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT - 1

00414449.DOC

ORIGINAL

EISENHOWER
EISENHOWER & CARLSON, PLLC

1200 Wells Fargo Plaza
1201 Pacific Avenue
Tacoma, WA 98402
Tel 253.572.4500
Fax 253.272.5732

1 such revolving charge accounts and the policies and practices implemented by the national banks
2 that issue these accounts and their assignees, and I consider myself to be an expert in this regard.

3 3. Bank of America ("B of A") is a national bank organized under the federal
4 National Bank Act ("NBA"). Defendant [REDACTED], previously opened a
5 revolving charge account through B of A under Account Number [REDACTED] on
6 February 17, 2000 ("Account"). Public records reflect the fact that [REDACTED] was married to her
7 current husband, [REDACTED], when she opened the Account. Defendants borrowed money
8 and/or obtained goods and services from the Account.

9 4. B of A assigned the Account to CACH, LLC ("CACH"). CACH later sold the
10 Account to Plaintiff. Plaintiff has received a complete assignment of the Account, and is now
11 the owner and holder thereof and successor in interest to B of A and CACH insofar as the
12 Account is concerned. A true and correct copy of the B of A Affidavit of Claim and
13 Certification of Debt and the Affidavit of Kristin E. Dougherty of CACH, which reflect
14 Plaintiff's ownership of the Account, is attached as Exhibit A. A true and correct copy of the
15 Assignment and Bill of Sale reflecting Plaintiff's purchase of the Account from CACH is
16 attached as Exhibit B.

17 5. By borrowing money and/or purchasing goods and services using the Account,
18 Defendants became bound to the duties and obligations as set forth in the written terms and
19 conditions issued in connection with the Account ("Agreement"). A true and correct copy of the
20 Agreement, which Plaintiff received in connection with its purchase of the Account, is attached
21 as Exhibit C.

22 6. I believe Defendants were provided with a copy of the Agreement. Plaintiff
23 regularly receives copies of agreements issued in connection with the revolving charge accounts
24 Plaintiff purchases. Plaintiff relies on the accuracy and validity of the information contained in
25 said agreements in conducting its business and affairs, and I believe the attached Agreement to
26

DECLARATION OF BRIAN FAIR IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT - 2

00414449.DOC

EISENHOWER
EISENHOWER & CARLSON, PLLC

1200 Wells Fargo Plaza
1201 Pacific Avenue
Tacoma, WA 98402
Tel: 253.572.4500
Fax: 253.272.5732

1 be a true and correct copy of the Agreement that was provided to Defendants concerning the
2 Account.

3 7. The Account is in default. All monies owing thereunder are now due and owing
4 to Plaintiff.

5 8. Attached as Exhibit D is a true and correct copy of [REDACTED] TransUnion Credit
6 report. Plaintiff is legally entitled to obtain this credit report. Plaintiff regularly obtains credit
7 reports like this in conducting Plaintiff's business and affairs. Plaintiff relies on the accuracy and
8 validity of information contained in such reports in conducting its business and affairs, and
9 Plaintiff pays a respectable sum of money to obtain such credit reports. I believe the contents of
10 this credit report are true, correct, and accurate.

11 9. Said credit report reflects the existence on the Account on page 1 under the
12 subname "BK OF AMER." This credit report lists the last four digits of the Account's account
13 number and reflects that the Account was opened in February 2000. This credit report does not
14 list the Account as being disputed by [REDACTED], nor does it state that said Defendant has been the
15 victim of fraud or identity theft.

16 10. The first address listed for [REDACTED] on her TransUnion credit report under the
17 "former address" heading on Page 1 of the credit report is the same address where [REDACTED] was
18 served with Plaintiff's Summons and Complaint.

19 11. Attached as Exhibit E is a true and correct copy of two letters [REDACTED] sent to
20 Plaintiff, which are dated December 11, 2008 and March 6, 2009. In her December 11, 2008
21 letter to Plaintiff, [REDACTED] states she disputes the subject debt and argues the statute of
22 limitations on Plaintiff's claims has run. In her March 6, 2009 letter to Plaintiff, [REDACTED]
23 admits the Account is hers. [REDACTED] also claims in her March 6, 2009 letter "that the last
24 activity on this account occurred January 2003." Plaintiff is treating this correspondence as [REDACTED]

25 [REDACTED] Answer to Plaintiff's Complaint.
26

DECLARATION OF BRIAN FAIR IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT - 3

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EISENHOWER & CARLSON, PLLC

1200 Wells Fargo Plaza
1201 Pacific Avenue
Tacoma, WA 98402
Tel: 253.577.4800
Fax: 253.272.5732

12. Attached as Exhibit F is a true and correct copy of the federal case entitled Munoz v. Pipestone Financial, LLC, 513 F. Supp. 2d 1076 (D. Minn. 2007). This case discusses, among other things, credit cards, the NBA, interest rates on credit cards in the context of the NBA, and an assignee's right to collect interest on credit cards issued by national banks.

13. Plaintiff's Account documents reflect that the interest rate on the Account is 23.990% per annum. Given that Plaintiff is the successor in interest to B of A and CACH regarding the Account, Plaintiff is entitled to recover from Defendants pre-judgment and post-judgment interest on the Account at the parties' contract rate of 23.990% per annum pursuant to the NBA and RCW 4.56.110(1).

14. By way of the Account documents and the use of a calculator, Plaintiff has determined Defendants owe Plaintiff \$40,857.77 in principal and interest on the Account as of May 14, 2009. This sum is comprised of a principal balance of \$20,054.66 as of January 18, 2005 and interest that has accrued on said balance at the rate of 23.990% per annum or \$13.18 per day from January 18, 2005 to date. As of this date, no less than \$20,803.11 in interest has accrued on the Account since January 18, 2005. Plaintiff can properly recover this interest pursuant to the NBA and applicable state law. The aforementioned sum does not include Plaintiff's costs and attorney's fees, which are recoverable from Defendants under the Agreement.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Wenatchee, Washington, this 15th day of May, 2009.


BRIAN FAIR

DECLARATION OF BRIAN FAIR IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT - 4

00414449.DOC

EISENHOWER
EISENHOWER & CARLSON, PLLC

1200 Wells Fargo Plaza
1201 Pacific Avenue
Tacoma, WA 98402
Tel: 252/572-4500
Fax: 252/572-5722

EXHIBIT B

Fair Resolutions, Inc.

618 N. Mission St., Suite 200
Wenatchee, WA 98801
Tel (509) 662-1799 • Fax (509) 662-4150
Toll Free (866) 530-5651

September 23, 2008

[REDACTED]
KIRKLAND, WA [REDACTED]

Original Issuer:	BANK OF AMERICA, N.A.
Account Number:	[REDACTED]
Charge off Date:	3/15/2005
Charge off Balance:	\$2,265.16
Accrued Interest through today:	\$2,332.51
Total Balance Due:	\$4,597.67

IFRD Investments, LLC has purchased your above listed account balance originated with the above named bank. IFRD Investments, LLC, has assigned your account to Fair Resolutions, Inc., to collect the balance owed by you.

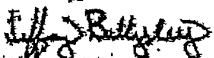
The records of BANK OF AMERICA, N.A. indicate that your balance is now seriously past due and that you owe the balance indicated above. If you wish to make payment now, please remit to the above address.

If payment has already been made, or if you desire to arrange alternate payment arrangements, please contact us immediately by phone, fax, or regular mail, as listed above.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Sincerely,


Tiffany Billingsley, Operations Manager
Fair Resolutions, Inc.

TB/asp

Fair Resolutions, Inc.

610 N. Mission St., Suite 200
Wenatchee, WA 98801
Tel (509) 662-1790 • Fax (509) 662-4150
Toll Free (866) 530-5888

April 21, 2008

[REDACTED]
PUYALLUP, WA [REDACTED]

Original Issuer:	Bank of America, N.A.
Account Number:	[REDACTED]
Date Sagres Company acquired account:	3/1/2007
Balance as of date acquired by Sagres:	\$10,185.64
Additional Accrued Interest through today:	\$ 1,790.91
Total Balance Due:	\$11,976.55

JPRD Investments, LLC has purchased your above listed account balance from Sagres Company which originated with the above named bank. JPRD Investments, LLC, has assigned your account to Fair Resolutions, Inc., to collect the balance owed by you.

The records of Bank of America, N.A. and Sagres Company indicate that your balance is now considerably past due and that you owe the balance indicated above. If you wish to make payment now, please remit to the above address.

If payment has already been made, or if you desire to arrange alternate payment arrangements, please contact us immediately by phone, fax, or regular mail, as listed above.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Sincerely,

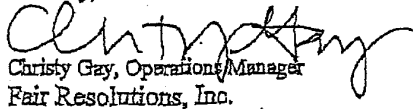

Christy Gay, Operations Manager
Fair Resolutions, Inc.

EXHIBIT C

Fair Resolutions, Inc.

PO BOX 2868
Wenatchee, WA 98807
Tel (509) 662-1790 • Fax (509) 662-4150
Toll Free (866) 530-5888

January 11, 2018

Ms. [REDACTED]

Lynnwood, WA [REDACTED]

Total Judgment/Current Amount Due:

Balance of Judgment entered 4/19/11:	\$33,458.11
Interest accrued through 1/11/18:	\$27,048.82
Prior Costs:	
Attorney:	\$0.00
Court Cost:	\$0.00
Less: Prior payments/credits:	\$0.00
Total Balance due:	\$60,506.93

Re: BGP INVESTMENTS, LLC vs [REDACTED]
Snohomish County Superior Court Cause No: 11-2-06325-7

Dear Ms. [REDACTED]

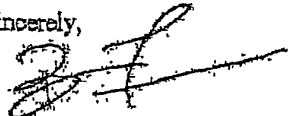
On July 12, 2011, our client, EGP Investments, LLC recorded a judgment against your property in Snohomish County. A copy of the recorded judgment is enclosed. With accrued interest, the balance as of today is \$60,506.93.

The estimated fair market value of the property per Zillow is now \$578,363.

We are prepared to file a Writ of Execution with the Snohomish County Sheriff to begin the foreclosure process. Please contact us by January 19, 2018, if you wish to make arrangements to avoid this process. Alternatives other than payment in full are possible.

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

Sincerely,



Brian Fair, President
Fair Resolutions, Inc.
Managing Company of BGP INVESTMENTS, LLC

BF/crf

EXHIBIT D

May 10, 2018

Fair Resolutions, Inc.

P.O. Box 2868

Wenatchee, WA 98807

Fax 509-662-4150

Re: EGP Investments, LLC vs. [REDACTED]

Snohomish County Superior Court Case No. 11-2-06325-7

To whom it may concern:

This letter is in response to your office's request for source of income and assets information per our phone conversation today, May 10, 2018.

I do solemnly declare that my only source of income is my monthly SSI payments. My only assets are my home valued at \$358,800 and my primary vehicle, a Honda Civic 2004 I purchased for \$1,038 that needs new tires & a clutch replacement work done, and my previous vehicle a 1993 Mercury Topaz salvaged vehicle that I retained at a cost of \$119. (I estimate the value of the Mercury Topaz at \$250. The Honda Civic's value is close to \$2,000 in its current state.) I swear under penalty of perjury this is a true statement.

Sincerely,

[REDACTED]

EXHIBIT E

Fair Resolutions, Inc.

PO BOX 2868
Wenatchee, WA 98807
Tel (509) 662-1790 • Fax (509) 662-4150
Toll Free (866) 530-5888

May 14, 2018

[REDACTED]
Lynnwood, WA [REDACTED]

Total Judgment/Current Amount Due:

Balance of Judgment entered 4/19/11:	\$33,458.11
Interest accrued through 5/14/18:	\$28,401.81
Prior Costs:	
Attorney:	\$0.00
Court Cost:	\$0.00
Less: Prior payments/credits:	\$0.00
Total Balance due:	\$61,859.92

Re: BGP INVESTMENTS, LLC vs [REDACTED]
Snohomish County Superior Court Cause No: 11-2-06325-7

Dear [REDACTED]

Thank you for communicating with us last week regarding your current financial position. The hearing dated for May 15, 2018 has been stricken. As of today, you owe our client BGP Investments, LLC, \$61,859.92. Interest continues to accrue at 12%.

Based on the information you provided it appears that the only asset you possess that could potentially be sold to pay this debt is your home. The Washington State "Homestead Exemption" protects up to \$125,000 of a consumer's equity in their home from a creditor's foreclosure. Your home has significantly more than \$125,000 of equity, which means potentially we could initiate a foreclosure process.

We don't want to do that. At this time, we advise you to research and begin the process of applying for a "reverse" mortgage that could possibly pay our debt and a monthly payment to you as well.

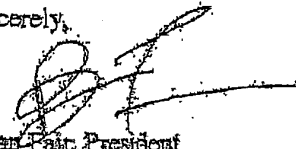
You may want to start your research with the Federal Trade Commission. The following is a link to an article you may want to review:

<https://www.consumer.ftc.gov/articles/0192-reverse-mortgages>

Please call us once you receive this letter so that we know you are addressing the issue.

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

Sincerely,



Brian Fair, President
Fair Resolutions, Inc.
Managing Company of EGP INVESTMENTS, LLC

BF/crf