

ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
CASE No. ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
Atlanta

OCT 03 2007

JAMES N. HOTTEN, CLERK  
By: *[Signature]* Deputy Clerk

Commodity Futures Trading  
Commission,

Plaintiff,

v.

Saxon Financial Services, Inc.

Defendant.

1 07 - CV - 2436

ATTEST: A TRUE COPY  
CERTIFIED THIS

OCT 03 2007

James N. Hotten, Clerk  
By: *[Signature]* Deputy Clerk

**ORDER GRANTING PLAINTIFF'S MOTION FOR AN  
EX PARTE STATUTORY RESTRAINING ORDER  
CONCERNING ASSETS AND DOCUMENTS**

Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a Complaint for permanent injunction and other relief, and moved pursuant to Section 6c of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. § 13a-1 (2002), for an *Ex Parte* Statutory Restraining Order prohibiting the defendant, Saxon Financial Services, Inc, from, , transferring, or otherwise disposing of any assets, as set forth below; and an *Ex Parte* Statutory Restraining Order prohibiting all the defendants, from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect and

copy, when and as requested, any books, records, electronically stored data, including computers and computer data, or other documents wherever they may be; and authorizing and directing the U.S. Marshall's Office to accompany and to assist Commission representatives in the service and execution of this order and to undertake such efforts as are reasonably necessary to ensure that the Commission representatives have an unimpeded right to inspect and to copy as established by this Order.

As it appears to the Court that the Court has jurisdiction over the subject matter of this case, that Section 6c of the Act, 7 U.S.C. § 13a-1, authorizes *ex parte* relief, that there is good cause to believe that the defendant has engaged in, is engaging in, or is about to engage in violations of the Act, and that this is a proper case for granting an *Ex Parte* Statutory Restraining Order to preserve the status quo, protect public customers from loss and damage, and enable the Commission to fulfill its statutory duties, the Court orders as follows:

### **DEFINITIONS**

For the purposes of this Order, the following definitions apply:

1. The term "document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes, but is

not limited to, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records (including, but not limited to, floppy diskettes, hard disks, ZIP disks, CD-ROMs, optical discs, backup tapes, printer buffers, smart cards, memory calculators, pagers, personal digital assistants such as Palm Pilot computers, as well as printouts or readouts from any magnetic storage device), and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

2. "Saxon Financial" means Saxon Financial Services, Inc., a Georgia corporation with an address according to Georgia corporate records of 6078 Farmwood Way, Mabelton, GA 30126, and an office located at 3475 Lenox Road, N.E., Suite 980, Atlanta Georgia 30326, and any person insofar as he or she is acting in the capacity of its officer, agent, servant, employee or attorney, and any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with Saxon Financial.

**I.**

**MAINTENANCE OF DOCUMENTS**

**IT IS FURTHER ORDERED** that Defendant Saxon Financial is restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing, or disposing of, in any manner, directly or indirectly, any books, records or documents in the possession or control of Saxon Financial, its agents, attorneys, partners, servants, representatives, employees, attorneys, any person (s) acting or purporting to act for or on their behalf, and/or acting for or on behalf of any corporation, partnership or any other type of entity in which the Defendants have an interest.

**II.**

**INSPECTION AND COPYING OF DOCUMENTS**

**IT IS FURTHER ORDERED** that representatives of the Commission be immediately allowed to inspect the books, records, and other documents of Saxon Financial, its agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and /or any corporate, partnership or any other entity in which Saxon Financial has an interest, wherever situated, including, but not limited to, electronically stored data, tape recordings,

computer files and computer discs, wherever they may be situated, whether they are in the possession or control of the Defendant, or the possession or control of others, and to copy said documents, data and records, either on or off the premises; and that the U.S. Marshall's Office is authorized and directed to accompany and to assist Commission representatives in the service and execution of this order and to undertake such efforts as are reasonably necessary to ensure that the Commission representatives have an unimpeded right to inspect and to copy as set forth above.

### **III.**

#### **SERVICE OF ORDER**

**IT IS FURTHER ORDERED** that copies of this Order may be served by any means, including facsimile transmission, upon any entity or person that may have possession, custody, or control of any documents of the Defendant Saxon Financial or that may be subject to any provision of this Order, and, additionally, that representatives of the Commission, are specially appointed by the Court to effect service. Service of the summons, Complaint or other process shall be affected by U.S. Marshal or deputy U.S. Marshal, or in accordance with Federal Rule of Civil Procedure 4.

**IV.**

**SERVICE ON THE COMMISSION**

**IT IS FURTHER ORDERED** that the Defendant shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Peter M. Haas, Chief Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington, D.C. 20581.

**V.**

**BOND NOT REQUIRED OF PLAINTIFF**

**IT IS FURTHER ORDERED** that Plaintiff Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

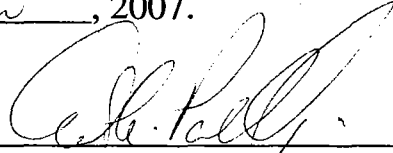
**VI.**

**FORCE AND EFFECT**

**IT IS FURTHER ORDERED** that this Order shall remain in full force and effect until further order of this Court, and that this Court shall retain jurisdiction of this matter for all purposes.

**SO ORDERED**, at Atlanta, Georgia,

This 3<sup>rd</sup> day of October, 2007.



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**Charles A. Pannell, Jr.**  
**UNITED STATES DISTRICT JUDGE**