

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTEENTH DIVISION

FILED 08/06/2009 13:47:00
Pat O'Brien Pulaski Circuit Clerk
CR2 By _____ PLAINTIFF

A. HEATH ABSHURE,
ARKANSAS SECURITIES COMMISSIONER

v. No. CV-2008-008624

TERRY MITCHELL, d/b/a
ADVANTAGE FINANCIAL SERVICES

DEFENDANT

PERMANENT INJUNCTION AND
ORDER FOR DISGORGEMENT

On August 6, 2009, the Court heard the plaintiff's motion for default judgment and held a hearing on damages in accordance with Ark.R.Civ.P. 55(b). The parties stipulated to vidence of damages was by written stipulation filed with the Court on June 25, 2009. Upon consideration of the facts and the law relating to the plaintiff's action for a permanent injunction and ancillary relief, the Court HEREBY ORDERS:

1. Default judgment is hereby granted.
2. Terry Mitchell is permanently enjoined from offering or selling any security in Arkansas until the security is properly registered or is offered or sold pursuant to an exemption from registration under the Arkansas Securities Act.
3. Terry Mitchell is permanently enjoined from engaging in any fraudulent activity in connection with the offer or sale of any security in Arkansas.
4. Terry Mitchell shall, within 30 days of the entry of this Order, file with the court and serve on the plaintiff an accounting, under oath, (1) detailing all monies and other benefits received, directly or indirectly, as a result of the activities alleged herein (including the date on which the monies or other benefit was received and the name, address, and telephone number of the

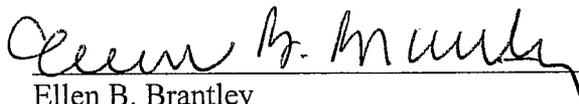
person paying the money or providing the benefit), (2) listing all current assets wherever they may be located and in whoever's name they are being held (including the name and address of the holder and the amount or value of the holdings), and (3) listing all accounts with any financial or brokerage institution maintained in the name of, on behalf of or for the benefit of Mitchell (including the name and address of the account holder and the account number) and the amount held in each account at any point during the period from inception through the date of the accounting

5. Terry Mitchell shall, within 30 days of the entry of this Order, pay disgorgement in the total amount of \$74,500.00 plus 6% interest from the date of each investment into the Registry of the Pulaski County Circuit Court to be distributed according to Schedule A, which is attached hereto and incorporated into this Order. Such payment shall be: (A) made in bankable funds, i.e., by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the Pulaski County Circuit Clerk; (C) hand-delivered or mailed to the Pulaski County Clerk's Office, 100 Courthouse, 401 West Markham Street, Little Rock, Arkansas 72201; and (D) submitted under cover letter that identifies Mitchell as the defendant in these proceedings and the file number of these proceedings. A copy of the cover letter and money order or check shall be sent to A. Heath Abshire, Commissioner, Arkansas Securities Department, 201 East Markham, Suite 300, Little Rock, Arkansas 72201.
6. Mitchell shall, within 30 days of the entry of this Order, pay \$10,000.00 to the Arkansas Securities Department as a civil money penalty authorized by Ark. Code Ann. § 23-42-209(b) (Repl. 2000). Such payment shall be: (A) made in bankable funds, i.e., by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to

the Arkansas Securities Department; (C) hand-delivered or mailed to the Arkansas Securities Department, 201 East Markham, Suite 300, Little Rock, Arkansas 72201; and (D) submitted under cover letter that identifies Mitchell as a defendant in these proceedings and the file number of these proceedings.

7. This order shall be given preclusive effect in any bankruptcy case filed by or against the defendant. Solely for the purposed of such bankruptcy proceedings, this order establishes all the elements necessary to enable a court to make a finding that it is non-dischargeable pursuant to 11 U.S.C. § 523(a)(4).
8. This Court shall retain jurisdiction of this action for all purposes, including for purposes of entertaining any suitable application or motion by the Commissioner for additional relief within the jurisdiction of this Court, including but not limited to the relief requested by the Commissioner in his complaint in this action and any order or action requested to enforce compliance with this permanent injunction and order of disgorgement.

IT IS SO ORDERED.


Ellen B. Brantley
CIRCUIT JUDGE