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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

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In re:
Graystone Commercial Funding, LLC,
Respondent.

FINAL ORDER

The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the "Division"), having served the Respondent, Graystone Financial Funding, LLC, (hereinafter, "Respondent") on February 16, 2010, with its Notice of Intent to Impose Fine and Notice of Right to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by reference, which notified Respondent that a final order would issue in this matter unless, within twenty (20) days of entry and receipt of said Order, Respondent requested a hearing to contest the charges against it, with said request to be made in writing, and;

Said Order having been sent to Respondent via certified mail and regular mail, and received by Respondent on February 20, 2010, and;

Respondent having failed to request a hearing in this matter, and good cause appearing:

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1 NOW, THEREFORE, **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.750,
2 Respondent will be subject to the administrative fines, fees and/or costs as set forth in the
3 original Order attached hereto as Exhibit "1".

4 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
5 be paid in full within **thirty (30) days** of entry of the Order;

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7 Dated this 16th day of March, 2010.
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11 State of Nevada
12 Department of Business and Industry
13 Division of Mortgage Lending

14 By: Joseph L. Waltuch
15 Joseph L. Waltuch, Commissioner
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EXHIBIT “1”

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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

In re:
Graystone Commercial Funding, LLC
Respondent.

**NOTICE OF INTENT TO IMPOSE
FINE AND NOTICE OF RIGHT TO
REQUEST HEARING**

The licensing and regulation of mortgage brokers, mortgage bankers and escrow agencies in the State of Nevada is governed by Chapter 645B, Chapter 645E and Chapter 645A, respectively, of the Nevada Revised Statutes (hereinafter "NRS"), and Chapter 645B, Chapter 645E and Chapter 645A, respectively, of the Nevada Administrative Code (hereinafter "NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter "the Division") has the general duty to exercise supervision and control over mortgage brokers, mortgage bankers and escrow agencies pursuant to these chapters. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

FACTUAL ALLEGATIONS

1. Graystone Commercial Funding, LLC (hereinafter "Respondent") is a Limited Liability Corporation. Currently, Respondent's status with the Nevada Secretary of State is "active."
2. Pursuant to NRS Chapter 645B, Respondent was issued a mortgage broker license on November 29, 2007;
3. At all relevant times herein mentioned, Respondent was operating within the State of Nevada pursuant to the terms of its license.

1 4. Pursuant to NRS and the regulations promulgated thereunder, with limited
2 exceptions, the Commissioner is charged with, among other things, conducting an annual
3 examination of each mortgage broker, mortgage banker and escrow agency doing business in
4 this State. See, NRS 645B.060(2)(d), NRS 645E.300(2)(d) and NRS 645A.050(2)(b).

5 5. Division examiner Lisa Koehler attempted to schedule an annual examination by
6 the Commissioner of Respondent's books and affairs on October 15, 2009, November 10,
7 2009, November 12, 2009 and November 24, 2009.

8 6. Respondent failed to appear for the examination or refused or failed, within a
9 reasonable time, to furnish information or make a report required by the Commissioner
10 pursuant to the provisions of NRS 645B.060, NRS 645E.300 or NRS 645A.050.

11 7. Subsequent to November 24, 2009, Respondent filed a request for temporary
12 inactivation of license with the Division.

13 8. Pursuant to NRS 645B.670(2)(i), for each violation committed by a mortgage
14 broker, the Commissioner may impose upon the mortgage broker an administrative fine of not
15 more than \$25,000, may suspend, revoke or place conditions upon his license, or may do
16 both, if the mortgage broker has refused to permit an examination by the Commissioner of his
17 books and affairs or has refused or failed, within a reasonable time, to furnish any information
18 or make any report that may be required by the Commissioner pursuant to the provisions of
19 Chapter 645B or a regulation adopted pursuant to such chapter.

20 9. Pursuant to NRS 645E.670(2)(i), for each violation committed by a mortgage
21 banker, the Commissioner may impose upon the mortgage banker an administrative fine of
22 not more than \$10,000, may suspend, revoke or place conditions upon his license, or may do
23 both, if the mortgage banker has refused to permit an examination by the Commissioner of
24 his books and affairs or has refused or failed, within a reasonable time, to furnish any
25 information or make any report that may be required by the Commissioner pursuant to
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1 Chapter 645E of NRS or a regulation adopted pursuant to such chapter.

2 10. Pursuant to NRS 645A.090(1)(i), for each violation committed by an escrow
3 agency, the Commissioner may impose upon the escrow agency an administrative fine of not
4 more than \$10,000 and may suspend or revoke his license if upon a hearing it is determined
5 that the escrow agency has refused to permit an examination by the Commissioner of his
6 books and affairs or has refused or failed, within a reasonable time, to furnish any information
7 or make any report that may be required by the Commissioner pursuant to the provisions of
8 Chapter 645A of NRS or a regulation adopted pursuant to such chapter.

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10 **VIOLATIONS OF LAW**

11 Respondent failed to permit an examination by the Commissioner of his books and
12 affairs or has refused or failed, within a reasonable time, to furnish any information or make
13 any report that may be required by the Commissioner pursuant to provisions of the applicable
14 NRS chapter or a regulation adopted pursuant to such chapter, in violation of NRS
15 645B.670(2)(i), NRS 645E.670(2)(i) or NRS 645A.090(1)(i), as applicable.

16 **ORDER**

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18 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS 645B.750(2),
19 NRS 645E.750(2), NRS 645A.100(2) or NRS 233B.121, as applicable, upon the timely filing of
20 an application with the Division within **twenty (20) days** of the date of this Order, Respondent
21 shall be entitled to a hearing with regard to the contents of this Order. At that hearing, the
22 Division will seek:

23 a. The imposition of an administrative fine against Respondent if acting as either a
24 mortgage broker, mortgage banker, or escrow agency in the amount of Two Thousand Five
25 Hundred Dollars and No Cents (\$2,500.00) payable to the Division for Respondent's violations
26 of NRS Chapter 645B or 645E or 645A, respectively, as well as the Division's administrative
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1 costs in the amount of Three Hundred and No Cents (\$300.00) and attorney's fees, if any,
2 incurred herein, each to be proven at the hearing; and

3 b. Respondent's payment, in full, of the administrative fine, costs and fees to the
4 Division within **thirty (30) days** of entry of the Final Order.

5 Should Respondent request a hearing, Respondent is advised of the following:

6 a) Respondent is entitled to be represented by legal counsel at its own cost and expense; b) At
7 any hearing Respondent shall be entitled to respond and to present evidence and argument on
8 all issues involved; c) Requests may be made to the Commissioner for the issuance of
9 subpoenas, however, the Commissioner may request the proposed testimony of any such
10 person prior to the issuance of the subpoena; and d) Unless precluded by law, the parties may
11 agree to an informal resolution or settlement prior to any hearing.
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13 Should Respondent not request a hearing within **twenty (20) days** of the date of this
14 Order, the Division will enter a Final Order in this matter against Respondent, as otherwise
15 required by law.

16 Dated this 16th day of February, 2010.

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18 State of Nevada
19 Department of Business and Industry
20 Division of Mortgage Lending

21 By: Joseph L. Waltuch
22 Joseph L. Waltuch, Commissioner
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