

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Deputy Commissioner
3 JUDY L. HARTLEY (CA BAR NO. 110628)
Senior Corporations Counsel
4 DEPARTMENT OF CORPORATIONS
320 West 4th Street, Ste. 750
5 Los Angeles, California 90013-2344
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6 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF CORPORATIONS
9 OF THE STATE OF CALIFORNIA

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11 In the Matter of THE CALIFORNIA) File No.: 963-2352
CORPORATIONS COMMISSIONER,)
12)
13 Complainant,) ORDER APPOINTING PETER A. DAVIDSON
14 vs.) AS CONSERVATOR PURSUANT TO
15 A.C.T. ESCROW, INC.,) CALIFORNIA FINANCIAL CODE SECTION
16 Respondent.) 17630
17)
18)

19 I, PRESTON DuFAUCHARD, California Corporations Commissioner, pursuant to Financial
20 Code section 17630, do hereby appoint Peter A. Davidson of the law firm of Erwin, Cohen & Jessup
21 LLP as Conservator of the trust account(s) and any indemnity funds paid or to be paid by Escrow
22 Agents' Fidelity Corporation and all bank and escrow records pertinent thereto of A.C.T. Escrow,
23 Inc. ("ACT"), including, but not limited to, the ACT trust account(s) at EastWest Bank, or any other
24 bank holding trust funds of ACT ("trust property"), in order that he may take possession of the trust
25 property for the protection of the escrow agent, the customers of the escrow agent, and the public.

26 The Conservator, pursuant to Financial Code section 17630, shall have all the rights, powers,
27 and privileges of ACT, its officers and directors, and shall have the same powers and rights as the
28 California Corporations Commissioner, while he is in possession of the trust property of ACT.

1 These rights, powers and privileges shall include all acts as are necessary or expedient to collect,
2 conserve and protect the trust property of ACT, including (a) the collection, recovery and
3 compromise of claims, deeds, property and rights in favor of or belonging to ACT regarding the
4 subject trust account(s); (b) the execution of all deeds, conveyances, agreements, compliances and
5 instruments of every kind and nature in connection with the trust property of ACT; (c) the
6 employment of accountants and attorneys to the extent reasonably necessary; and (d) with prior
7 consent of the California Corporations Commissioner, the institution, maintenance and defense of
8 suits related to the affairs of the trust property of ACT, the filing of petitions or applications in court
9 or elsewhere with respect to the trust property of ACT, for all purposes.

10 All expenses of the Conservatorship shall be paid out of the assets of ACT and shall be a lien
11 thereon which shall be prior to any other lien.

12 This Order is effective on the date hereof and may be amended or terminated upon further
13 order of the California Corporations Commissioner.

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

15 Dated: December 6, 2011
16 Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

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18 By _____
19 Alan S. Weinger
20 Deputy Commissioner
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