

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
vs.	§	
	§	
LANCE A. DOWD, dba COUNTY TAX	§	
REDUCTION, JOAN DOWD dba	§	BRAZOS COUNTY, TEXAS
COUNTY TAX REDUCTION AND dba	§	
LAD GROUP dba COUNTY TAX	§	
REDUCTION, AND SUPERIOR	§	
MARKETING CORP. dba COUNTY	§	
TAX REDUCTION,	§	
Defendants.	§	361ST JUDICIAL DISTRICT

AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION

On this date, came on for hearing the above-entitled and numbered cause in which the STATE OF TEXAS (hereinafter “State”), acting by and through Attorney General of Texas, GREG ABBOTT, is Plaintiff, and Lance A. Dowd d/b/a County Tax Reduction, Joan Dowd d/b/a County Tax Reduction and d/b/a LAD Group d/b/a County Tax Reduction, and Superior Marketing Corp. d/b/a County Tax Reduction are Defendants. Through their respective attorneys of record, Plaintiff and Defendants agree to the entry of this AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION.

I.

STIPULATIONS

The parties wish to make the following stipulations and agree to the entry of this Agreed Final Judgment and Permanent Injunction.

It is stipulated that the parties have compromised and settled all claims stated by Plaintiff State of Texas in this cause.

It is further stipulated that this Agreed Final Judgment and Permanent Injunction is not an

admission of liability on behalf of the Defendants.

The Court then proceeded to read the pleadings and stipulations of the parties, and the Court determined that all parties agreed to the entry of this judgment in the District Court of Brazos County, Texas and that they have approved the entry of this judgment.

II.

INJUNCTIVE RELIEF

2.1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants, and Defendants officers, agents, servants, employees and any other persons or entities in active concert or participation with Defendants, shall be permanently enjoined from:

- A. Sending or causing to be sent any solicitation regarding a property tax homestead exemption application that does not include the following statement or a substantially similar statement in 14-point type: “THIS DOCUMENT IS AN ADVERTISEMENT OF SERVICES. IT IS NOT AN OFFICIAL DOCUMENT OF THE STATE OF TEXAS,” as is required by Texas Property Code § 41.0051(a);
- B. Sending or causing to be sent any solicitation regarding a property tax homestead exemption application that does not clearly and conspicuously disclose in a manner visible from the outside of the envelope that the letter is not from a governmental entity.
- C. Sending or causing to be sent any solicitation regarding a property tax homestead exemption application which fails to disclose the name of the tax appraisal district or other governmental body that owes the homeowner a refund, as is required by Texas Property Code § 41.0051(b);

- D. Representing that Defendants' services are affiliated with or sponsored by a governmental body; and
- E. Accepting any payment from consumers who were solicited using any solicitation that did not include the language required by Texas Property Code § 41.0051(a) or (b).

2.2 IT IS FURTHER ORDERED that Defendants are permanently enjoined from representing, directly or by implication, that this Court or the Attorney General has approved any of Defendants' business practices.

III.

ATTORNEYS' FEES, CIVIL PENALTIES, AND RESTITUTION

3.1 IT IS FURTHER ORDERED that Defendants are liable to the State of Texas for a total of Fifteen Thousand Dollars and No/100 (\$15,000.00). This total amount will be allocated as follows: Three Thousand and No/100 Dollars (\$3,000.00) will be allocated as civil penalties; and Twelve Thousand and No/100 dollars (\$12,000.00) will be allocated as attorneys' fees. The judgment amount shall be paid as follows: the Defendants shall tender a cashier's check payable to the Attorney General of Texas and in the amount of FIFTEEN THOUSAND DOLLARS AND NO/100 (\$15,000.00) at the time this judgment is entered by the Court. The check shall bear the Attorney General No. 041906264 on it, and shall be mailed to the following address: Pedro Perez, Jr., Assistant Attorney General, Consumer Protection & Public Health Division, Post Office Box 12548, Austin, Texas 78711-2548.

3.2 IT IS FURTHER ORDERED that Defendants shall pay restitution to each of the households listed on Exhibit A in the amount of \$55.00, unless such payment has already been made

or otherwise returned by the Defendants. Only one payment will be made by Defendants per household, except in circumstances where the household is listed more than once on Exhibit A. If Defendants are unable to locate the addresses for any of the households listed on Exhibit A within 60 days of the date this Judgment is entered by the Court, the Defendants will inform the Plaintiff of this fact in writing. If the Plaintiff provides the Defendants an alternative address for these households within 30 days of receiving such notice from the Defendants, then the Defendants shall make a second attempt to provide the appropriate restitution to such households.

V. MISCELLANEOUS

5.1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the State of Texas shall have all writs of execution and other process necessary to enforce this Agreed Final Judgment and Permanent Injunction. Defendants, by their respective signatures below, hereby acknowledge notice of this permanent injunction and acceptance of same; therefore, no writ need be issued.

5.2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party is responsible for its own costs incurred herein.

5.3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief not granted herein is hereby denied.

SIGNED AND ENTERED this _____ day of _____, 2004.

Presiding District Judge

AGREED AS TO SUBSTANCE AND FORM AND ENTRY REQUESTED

GREG ABBOTT
Attorney General of Texas

BARRY R. McBEE
First Assistant Attorney General

EDWARD D. BURBACH
Deputy Attorney General for Litigation

PAUL D. CARMONA
Chief, Consumer Protection & Public Health Division

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Austin, Texas 78711
(512) 475-4656
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ATTORNEYS FOR THE STATE OF TEXAS

AGREED AS TO SUBSTANCE AND FORM AND ENTRY REQUESTED:

By: _____

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ATTORNEYS FOR DEFENDANTS

By: _____

Lance A. Dowd d/b/a County Tax Reduction

By: _____

Joan Dowd d/b/a County Tax Reduction and
d/b/a LAD Group d/b/a Country Tax Reduction

By: _____

Lance A. Dowd, President, Superior Marketing Corp.
d/b/a County Tax Reduction