

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In Re: *

**Financial Resources Mortgage, Inc. and
C L and M, Inc.** *

Debtor(s) *

**Steven M. Notinger, Chapter 7 Trustee
for Financial Resources Mortgage, Inc.
and C L and M, Inc.** *

(Plaintiff) *

v. *

**Jamie Tebbe, Richard M. Frucci,
Christopher McHallum, Larry Mansfield
James Tebbe, Donald Dodge,
Dodge Financial, Great Land Project
Development, Harry & Thelma Bean,
Beverly & Martin Kopp, Harry &
Priscilla Bean, David Weber, Tammy
Dunn Alan & Susan McIlvene, Scott &
Ellen Wolff, Drexey Smith, Tinker Road
Development, LLC,
and Jessica Manoukian** *

(Defendants) *

**Chapter 7
Case Nos. 09-14565-JMD and
09-14566-JMD
(Jointly Administered)***

*motion for joint admin pending

Adv. Pro:

PROPOSED TEMPORARY RESTRAINING ORDER

The Court having reviewed the Verified Complaint submitted by Plaintiff Trustee
Steven M. Notinger (the "Trustee"), finds that:

1. The Trustee is reasonably likely to succeed on the claim that the loans and collateral securing them, which were all funded by C Land M, Inc. (“CLM”) and Financial Resources Mortgage, Inc. (“FRM”) are property of the bankruptcy estates of the Debtors. (Transactions in which trusts were set up a lenders shall be referred to as “Fraudulent Trust Transactions.” Transactions in which individual investors in CLM and/or FRM were set up as the lenders shall be referred to as “Fraudulent Direct Transactions.”) The Trustee, however, does not currently have the bank records, so the Court is authorized under 11 U.S.C. §105 to enter any orders consistent with the Bankruptcy Code. In these circumstances the Court has sufficient cause to enter an injunction under §105 to stop the out of court dissipation of assets funded by the Debtors, including the direct collection of funds due from borrowers, on a temporary basis pursuant to 11 U.S.C. §105 and the caselaw interpreting it.

2. The Trustee is reasonably likely to succeed on the claim that interest paid by borrowers involved in the Fraudulent Trust Transactions and the Fraudulent Direct Transactions is property of the bankruptcy estates of the Debtors justifying a temporary injunction under the standards of § 105.

3. The Trustee and the Debtors would be irreparably harmed by the transfer of funds or property obtained through any of the foreclosures undertaken by Defendant Richard Frucci if this Court ultimately determines that the property that is the subject of the foreclosures in property of the estate of either of the Debtors.

4. The Trustee and the Debtors would be irreparably harmed if Jamie Tebbe is successful in persuading borrowers in Fraudulent Trust Transactions and/or Fraudulent Direct Transaction to pay investors directly as opposed to paying the Trustee or the Debtors.

5. The Trustee and the Debtors would be irreparably harmed by the transfer of funds obtained through any foreclosure undertaken by Defendant Larry Mansfield if it is ultimately determined by this Court that the real estate to be foreclosed upon was part of the estate of the Debtors.

6. The Trustee and the Debtors would be irreparably harmed by the transfer of funds obtained through any foreclosures if it is ultimately determined by this Court that the real estate foreclosed upon was part of the estates of the Debtors.

7. The Trustee and the Debtors would be irreparably harmed if investors were able to gain control of property and or income from real estate involved in Fraudulent Trust Transactions or Fraudulent Direct Transactions through the lawsuits brought in the Belknap County Superior Court, the lawsuit brought by Defendant Tinker Road Development LLC and Defendant Jessica Manoukian , or other lawsuits if it is ultimately determined by this Court that the real estate that is the subject of such litigation is part of the estates of the Debtors.

8. The Trustee and the Debtors would be irreparably harmed by the collection of funds from borrowers by investors if it is ultimately determined by this Court that the real estate involved in Fraudulent Trust Transactions and/or Fraudulent Direct Transaction, and the income derived from such real estate, is part of the estates of the Debtors.

9. The Trustee and the Debtors would be irreparably harmed by successful attempts by Defendant Smith or other investors to improve liens or security in real estate involved in Fraudulent Trust Transactions and/or Fraudulent Direct Transactions if it is ultimately determined by this Court that the real estate involved in Fraudulent Trust Transactions and/or Fraudulent Direct Transactions is part of the estates of the Debtors.

10. The Trustee and the Debtors would be irreparably harmed if Dodge, Dodge or Great Land financial were able to collect interest payments from borrowers from the Fraudulent Trust Transactions.

11. The balancing of the relevant harms to the parties favors the issuance of the Temporary Restraining Order.

12. The Public interest favors the granting of the Temporary Restraining Order.

Accordingly, the Court, pursuant to F.R.C.P. 65 and Bankruptcy Rule 9065, issues a Temporary Restraining Order, pending hearing, as follows:

A. Defendant Frucci is hereby enjoined from transferring any proceeds and or property obtained from the December 14, 2009 foreclosure and from transferring any property or funds obtained from any previous foreclosures on property involved in Fraudulent Trust Transactions and/or Fraudulent Direct Transactions;

B. Defendant McHallum is hereby enjoined from transferring any proceeds and or property obtained from the December 14, 2009 foreclosure and from transferring any property or funds obtained from any previous foreclosures on property involved in Fraudulent Trust Transactions and/or Fraudulent Direct Transactions;

C. Defendant Mansfield is hereby enjoined from foreclosing on and or transferring any proceeds and or property obtained from previous foreclosures on property involved in Fraudulent Trust Transactions and/or Fraudulent Direct Transactions;

D. All non-Debtor parties that are lenders, whether directly or through Trusts are hereby enjoined from foreclosing on and or transferring any proceeds and or property obtained from previous foreclosures on property involved in Fraudulent Trust Transactions and/or

Fraudulent Direct Transactions, or pursuing any other type of collection action. All pending legal actions involving these transactions in any court are hereby enjoined;

E. Defendant Tebbe is hereby enjoined from seeking to collect or collecting any funds on any loan to Jason Michaels and from any borrower involved in any Fraudulent Trust Transaction and/or any Fraudulent Direct Transaction;

F. All non-Debtor parties are hereby enjoined from collecting or seeking to collect any funds from any borrower involved in any Fraudulent Trust Transaction and/or any Fraudulent Direct Transaction,

G. Until further order of the Court all funds, including monthly payments by borrowers shall be paid to the Trustee to be held pending further order of the Court. The Trustee is authorized to settle or resolve any outstanding loans, subject to approval by the Court if there is a compromise involved in any resolution, with any proceeds to be held in escrow pending further order of the Court . Upon the Trustee's request any lender(s) shall provide releases of any secured claims or liens if full payment will be received from the borrower without further order of the Court.

H. Defendants Harry and Thelma Bean, Beverly and Martin Kopp, Harry and Priscilla Bean, David Weber, Tammy Dunn, Alan and Susan McIlvene, Scott and Ellen Wolff, Drexey Smith, Tinker Road Development LLC, and Jessica Manoukian are hereby enjoined from proceeding on the Belknap county Lawsuits (as defined in the Trustee's Verified Petition) and the TRD/Manoukian Lawsuit (as defined in the Trustee's Verified Petition):

I. All non-Debtor parties are hereby enjoined from proceeding on any lawsuits against property, trusts or individuals involved in any Fraudulent Trust Transaction and/or any

Fraudulent Direct Transaction. This order shall be provided to the Belknap County Superior Court, Probate Court and any other Court and the Order shall stay all pending actions:

J. Defendant Smith is hereby enjoined from attempting to improve his security with respect to any property involved in any Fraudulent Trust Transaction and/or any Fraudulent Direct Transaction;

K. All non-Debtor parties are enjoined from attempting to improve their security with respect to any property involved in any Fraudulent Trust Transaction and/or any Fraudulent Direct Transaction;

L. Defendants Dodge, Dodge Financial and Great Land are hereby enjoined from seeking to collect and from collecting funds from any borrower involved in any Fraudulent Trust Transaction and/or any Fraudulent Direct Transaction.

M. Notwithstanding anything to the contrary in this order, the Trustee or other interested party may seek to appoint a receiver in the state court actions for the purpose of putting any lenders into bankruptcy in this Court. Further, nothing in this order shall prevent any party from filing an involuntary petition against any of the debtor related entities, trusts or any other relevant party, it being the intent of the Court to have this entire scheme resolved through this bankruptcy court proceeding.

N. This order shall continue until the earlier of thirty days or the conclusion of the preliminary injunction hearing.

U.S. Bankruptcy Judge
J. Michael Deasy

