

EXHIBIT A

CASE 07-C-2459 KANAWHA
HELEN B. MOSS vs. SELECT PORTFOLIO SERVICING, IN

LINE	DATE	ACTION
1	11/14/07	# ISSUED SUM & 2 CPYS; F FEE; RCPT 422730; \$145.00; CASE INFO
2		# SHEET; COMPLAINT
3	12/03/07	# LET FR SS DTD 11/28/07; SUM W/RET (11/15/07 SS) AS TO SELECT
4		# PORTFOLIO SERVICING, INC., W/RMR

OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

RECEIVED
Select Portfolio Servicing, Inc.

NOV 19 2007
by EN-7 CB+ML
Corporate Legal - SLC

3005186394
CWR

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com



Betty Ireland
Secretary of State

LEGAL NOTICE

Select Portfolio Servicing, Inc.
3815 S. West Temple
Salt Lake City, UT 84115

November 15, 2007

Civil Action: 07-C-2459

I am enclosing:

- | | |
|---|---|
| <input type="checkbox"/> summons | <input type="checkbox"/> original |
| <input type="checkbox"/> notice | <input type="checkbox"/> affidavit |
| <input type="checkbox"/> order | <input type="checkbox"/> answer |
| <input type="checkbox"/> petition | <input type="checkbox"/> cross-claim |
| <input type="checkbox"/> motion | <input type="checkbox"/> counterclaim |
| <input type="checkbox"/> interrogatories | <input type="checkbox"/> request |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> certified return receipt |
| <input type="checkbox"/> subpoena duces tecum | <input type="checkbox"/> request for production |
| <input checked="" type="checkbox"/> 1 summons and complaint | <input type="checkbox"/> request for admissions |
| <input type="checkbox"/> summons returned from post office | <input type="checkbox"/> no return from post office |
| <input type="checkbox"/> summons and amended complaint | <input type="checkbox"/> notice of mechanic's lien |
| <input type="checkbox"/> 3rd party summons and complaint | <input type="checkbox"/> suggestee execution |

which was served on the Secretary at the State Capitol in her capacity as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about these documents directly to the court or to the plaintiff's attorney, shown in the enclosed paper. Please do not call the Secretary of State's office.

Sincerely,

Penney Barker

Penney Barker, Manager
Business & Licensing Division

SUMMONS

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

HELEN B. MOSS,

Plaintiff,

vs.

CIVIL ACTION NO. 07-C-2459

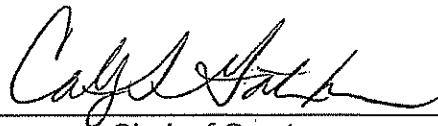
SELECT PORTFOLIO SERVICING, INC.
f/k/a FAIRBANKS CAPITAL CORP.,

Defendant.

To the above-named Defendant: SELECT PORTFOLIO SERVICING, INC.
f/k/a FAIRBANKS CAPITAL CORP.
3815 W. Temple
Salt Lake City, UT 84115

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **DANIEL F. HEDGES**, Plaintiff's attorney, whose address is **8 Hale Street, Charleston, West Virginia 25301**, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 11-14-07



Clerk of Court

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

HELEN B. MOSS,

Plaintiff,

v.

CIVIL ACTION NO. 07-C- 2459

SELECT PORTFOLIO SERVICING, INC.
f/k/a FAIRBANKS CAPITAL CORP.

Defendant.

COMPLAINT

CAPITOL BUILDING
KANAWHA COUNTY COURT
2007 NOV 14 PM 4:23
FILED

1. This action arises out the practice known as predatory lending,¹ whereby the Defendant's predecessor solicited unsophisticated borrowers with equity in their homes and persuade them into unwise high-interest mortgage loans with excessive fees and charges. The Defendant in this case is well aware that the plaintiff's case was settled in the class action *Mallory v. Mortgage Service*, but continued to collect more than \$50,000 more than was due.

PARTIES

2. The Plaintiff, Helen B. Moss, is a resident of 5343 Melwood Drive, Cross Lanes, Kanawha County, West Virginia. Damages accrued to her at this location.

3. The Defendant Select Portfolio Servicing, Inc. f/k/a Fairbanks Capital Corp. ("SPS" or "Fairbanks") is a corporation doing business in West Virginia with its principal place of business at 3815 S. West Temple, Salt Lake City, UT 84115. SPS is the current

¹ See HUD-TREASURY NATIONAL PREDATORY LENDING TASK FORCE, JOINT REPORT: CURBING PREDATORY HOME MORTGAGE LENDING, (visited April 3, 2006) <<http://www.hud.gov/library/bookshelf18/pressrel/pr00-142.html>>.

servicing agent of the holder or the holder.

STATEMENT OF FACTS

4. In November 2000, a class of plaintiffs including the named plaintiff here finalized the case of Mallory v. Mortgage America, Inc., Citifinancial Mortgage Company, et al., Civil Action No. 2:97-0338 (S.D. W. Va.). The class relief spelled out in the Court approved Stipulation of Settlement and summarized in the Class Notice notice provided:

(2) Those with loans presently payable to IMC or Citifinancial: a minimum of \$3,400 (plus equal share of monies of unlocateable class members). In addition, there will be a Partial Release on the loan filed with the County Clerk. The loan will be reduced to (i) a total of payments using the original Amount Financed (Disclosure Statement) to be fully paid at the original monthly payment for 180 months.

5. The Defendant failed to follow the ordered new payoff schedule consistent with the reduced loan.

6. Despite the Court Order, the Defendant continued to treat the entirety of the loan as due, and have month-by-month demanded the full payment. Since January 2001, the Defendant has sent over eighty-two demands for payment that misrepresent the total amount due.

7. (a) Since on or about mid 2004, the Defendant SPS has at least once a month demanded full and continued payment, notwithstanding the fact that under the terms of the settlement, the Plaintiff had fully paid her loan under the terms of the settlement.

(b) The Plaintiff suffered annoyance and inconvenience and emotional distress.

COUNT I -- UNLAWFUL DEBT COLLECTION

8. The Plaintiff incorporates the preceding paragraphs by reference.

9. (a) The Defendant SPS claimed principal balance that was an amount not due.

(b) The Defendant SPS, after mid-July 2004 sought to collect monthly payments which were amounts not due.

10. The Defendant SPS employed illegal debt collection tactics in violation of West Virginia Code §§ 46A-2-127(d).

WHEREFORE, Plaintiff respectfully prays for the following relief:

(a) Actual damages plus civil penalties of \$4,000 for each violation pursuant to West Virginia Code §§ 46A-5-101 (1) & 106.

(b) Attorney fees and such other relief as the Court may deem reasonable and just.

COUNT II-- COLLATERAL ESTOPPEL AND WAIVER

11. The Plaintiff incorporates the preceding paragraphs by reference.

12. Any entitlement of the Defendant to payments or possession is now res judicata, and its failure to follow through with the adjudication in *Mallory v. Mortgage America*, is in violation of law.

13. The issue of title and entitlement to possession is identical to the one presented here.

14. There was a final adjudication in the prior action.

15. The holder had a full and fair opportunity to litigate any issues in the prior action.

16. All rights of the Defendant have been waived by its failure to effectuate the prior adjudication.

WHEREFORE, the Plaintiff respectfully requests the following relief:

(a) Declaration that all deeds or security interests to the Plaintiff's property in the name of the Defendant or its predecessor are void and unenforceable.

(b) Such other relief as the Court deems equitable and just.

COUNT III - BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING

17. The Plaintiff incorporates the preceding paragraphs by reference.

18. The Defendant had an implied duty to act in good faith in the performance of the contract between the parties.

19. The Defendant failed to recognize and effectuate the judgment and rather indicated an intention to pursue foreclosure on the Plaintiff's home.

20. By these failures, the defendant breached their duty of good faith and fair dealing.

21. The Defendant's breach of the its duty of good faith was intentional, willful, and/or wanton.

22. The Plaintiff suffered damages proximately caused by the defendant's breach of its duty of good faith and fair dealing.

WHEREFORE, the Plaintiff respectfully requests the following relief:

(a) Actual and punitive damages;

- (b) Reasonable attorney's fees and the cost of this litigation; and
- (c) Such other relief as the Court deems equitable and just.

PLAINTIFF DEMANDS A JURY TRIAL.

HELEN B. MOSS
BY COUNSEL



Daniel F. Hedges (WVSB # 1660)
8 Hale Street
Charleston, WV 25301
(304) 346-1054
Counsel for Plaintiff



OFFICE OF THE SECRETARY OF STATE
 Building I, Suite 157-K
 1900 Kanawha Boulevard East
 Charleston, West Virginia 25305



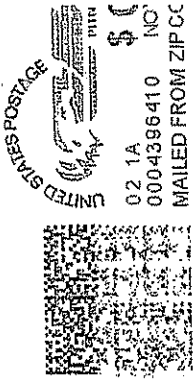
7160 3901 9845 0893 5297

RETURN RECEIPT REQUESTED

VOTING IS POWERFUL

Copy

07-C-2459
 Select Portfolio Servicing, Inc.
 3815 S. West Temple
 Salt Lake City, UT 84115



RETURN RECEIPT REQUESTED
 USPS MAIL CARRIER
 DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

Thank you for using Return Receipt Service

EXHIBIT B



Utah Department of Commerce

Business Entity Search



Name	Type	City	Status
SELECT PORTFOLIO SERVICING, INC.	Corporation	SALT LAKE CITY	Active
Business Name:	SELECT PORTFOLIO SERVICING, INC.		
Entity Number:	1026229-0142		
Registration Date:	02/24/1989		
State of Origin:	UT		

Address

ATTENTION CORPORATE LEGAL DEPT 3815 S WEST TEMPLE
SALT LAKE CITY, UT 841154412

Status

Status:	Active
Status Description:	Good Standing
This Status Date:	09/20/2001
Last Renewed:	02/07/2007
License Type:	Corporation - Domestic - Profit
Delinquent Date:	02/24/2008

Registered Agent

Registered Agent:	ROBERT J HOLZ [Search BES] [Search RPS]
Address Line 1:	3815 S WEST TEMPLE
Address Line 2:	
City:	Salt Lake City
State:	UT
Zip:	84115

Additional Information

Additional Principals:	Y
NAICS Code:	5614
NAICS Title:	5614-Business Support Services
Stock Class 1 Amount:	0000200000
Stock Class 1 Type:	COMMON A
Stock Class 2 Amount:	0000000000
Stock Class 3 Amount:	0000000000

With this information, you can...

If you would like to view images of paper filings for this business entity, select the button to the left. You will be assessed a \$ 2.00 fee per image of a document for this service.

If you would like to purchase a Certificate of Existence for this business entity, select the button to the left. You will be assessed a \$ 12.00 fee for this service. You will need Adobe Reader to view this certificate. If you do not have Adobe Reader, click on the button below and download it.



If you would like to receive information on the principal individuals associated with this entity, click the button on the left. You will be assessed a \$ 1.00 fee for this information.

EXHIBIT C

RLT
MOSS

Payment Due Date	Transaction Date	Effective Date	Amount Received	Interest Rate	Principal & Interest	Principal Portion	Interest Portion	Additional Principal	Principal Balance	Late Charge	Late Charge Balance	Corporate Advance Activity	Corporate Advance Balance	Escrow/Advance Activity	Escrow/Advance Balance	Optional Items	Other Fees	Other Fees Balance	Unapplied Funds	Unapplied Funds Balance	Comments
9/1/2006	9/2/2006	9/2/2006		14.800%	\$1,036.23	\$86.33	\$949.90		\$1,036.23		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
10/1/2006	10/1/2006	10/1/2006	\$2,131.66	14.800%	\$1,036.23	\$67.15	\$969.08		\$1,103.38		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
11/1/2006	11/1/2006	11/1/2006	\$2,131.66	14.800%	\$1,036.23	\$67.97	\$968.28		\$1,171.35		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
12/1/2006	12/1/2006	12/1/2006	\$2,131.66	14.800%	\$1,036.23	\$68.81	\$967.42		\$1,240.56		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
1/1/2007	1/1/2007	1/1/2007	\$2,131.66	14.800%	\$1,036.23	\$69.66	\$966.57		\$1,310.21		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
2/1/2007	2/1/2007	2/1/2007							\$1,380.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
3/1/2007	3/1/2007	3/1/2007							\$1,450.83		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
4/1/2007	4/1/2007	4/1/2007							\$1,521.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
5/1/2007	5/1/2007	5/1/2007							\$1,592.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
6/1/2007	6/1/2007	6/1/2007							\$1,663.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
7/1/2007	7/1/2007	7/1/2007	\$3,651.66	14.800%	\$1,036.23	\$70.52	\$965.71		\$1,734.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
8/1/2007	8/1/2007	8/1/2007	\$3,651.66	14.800%	\$1,036.23	\$71.38	\$964.84		\$1,805.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
9/1/2007	9/1/2007	9/1/2007	\$3,651.66	14.800%	\$1,036.23	\$72.27	\$963.95		\$1,876.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
10/1/2007	10/1/2007	10/1/2007							\$1,947.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
11/1/2007	11/1/2007	11/1/2007							\$2,018.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
12/1/2007	12/1/2007	12/1/2007							\$2,089.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
1/1/2008	1/1/2008	1/1/2008							\$2,160.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
2/1/2008	2/1/2008	2/1/2008							\$2,231.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
3/1/2008	3/1/2008	3/1/2008							\$2,302.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
4/1/2008	4/1/2008	4/1/2008							\$2,373.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
5/1/2008	5/1/2008	5/1/2008							\$2,444.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
6/1/2008	6/1/2008	6/1/2008							\$2,515.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
7/1/2008	7/1/2008	7/1/2008	\$1,187.45	14.800%	\$1,036.23	\$73.16	\$963.07		\$2,586.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
8/1/2008	8/1/2008	8/1/2008	\$1,187.45	14.800%	\$1,036.23	\$74.05	\$962.17		\$2,657.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
9/1/2008	9/1/2008	9/1/2008	\$1,187.45	14.800%	\$1,036.23	\$74.96	\$961.25		\$2,728.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
10/1/2008	10/1/2008	10/1/2008							\$2,799.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
11/1/2008	11/1/2008	11/1/2008							\$2,870.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
12/1/2008	12/1/2008	12/1/2008							\$2,941.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
1/1/2009	1/1/2009	1/1/2009							\$3,012.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
2/1/2009	2/1/2009	2/1/2009							\$3,083.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
3/1/2009	3/1/2009	3/1/2009							\$3,154.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
4/1/2009	4/1/2009	4/1/2009							\$3,225.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
5/1/2009	5/1/2009	5/1/2009							\$3,296.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
6/1/2009	6/1/2009	6/1/2009							\$3,367.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
7/1/2009	7/1/2009	7/1/2009	\$1,187.45	14.800%	\$1,036.23	\$74.05	\$962.17		\$3,438.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
8/1/2009	8/1/2009	8/1/2009	\$1,187.45	14.800%	\$1,036.23	\$74.96	\$961.25		\$3,509.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
9/1/2009	9/1/2009	9/1/2009	\$1,187.45	14.800%	\$1,036.23	\$75.88	\$960.33		\$3,580.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
10/1/2009	10/1/2009	10/1/2009							\$3,651.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
11/1/2009	11/1/2009	11/1/2009							\$3,722.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
12/1/2009	12/1/2009	12/1/2009							\$3,793.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
1/1/2010	1/1/2010	1/1/2010							\$3,864.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
2/1/2010	2/1/2010	2/1/2010							\$3,935.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
3/1/2010	3/1/2010	3/1/2010							\$4,006.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
4/1/2010	4/1/2010	4/1/2010							\$4,077.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
5/1/2010	5/1/2010	5/1/2010							\$4,148.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
6/1/2010	6/1/2010	6/1/2010							\$4,219.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
7/1/2010	7/1/2010	7/1/2010							\$4,290.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
8/1/2010	8/1/2010	8/1/2010							\$4,361.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
9/1/2010	9/1/2010	9/1/2010							\$4,432.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
10/1/2010	10/1/2010	10/1/2010							\$4,503.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
11/1/2010	11/1/2010	11/1/2010							\$4,574.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
12/1/2010	12/1/2010	12/1/2010							\$4,645.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
1/1/2011	1/1/2011	1/1/2011							\$4,716.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
2/1/2011	2/1/2011	2/1/2011							\$4,787.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
3/1/2011	3/1/2011	3/1/2011							\$4,858.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
4/1/2011	4/1/2011	4/1/2011							\$4,929.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
5/1/2011	5/1/2011	5/1/2011							\$5,000.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
6/1/2011	6/1/2011	6/1/2011							\$5,071.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
7/1/2011	7/1/2011	7/1/2011							\$5,142.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
8/1/2011	8/1/2011	8/1/2011							\$5,213.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
9/1/2011	9/1/2011	9/1/2011							\$5,284.33		\$0.00		\$0.00		\$0.00	\$29.60		\$1,022.20	\$0.00		
10/1/2011	10/1/2011	10/1/2011																			