



Inc. (RES) are impaired or the escrow company's affairs are in an unsafe or unsecure financial condition in pursuant to the terms of §58-22-27 NMSA 1978, of the New Mexico Escrow Company Act (the Act), §58-22-1 NMSA 1978, *et seq.*

**THEREFORE, IT IS THE ORDER OF THE COURT** that a Preliminary Injunction shall issue, and that during the term of the Preliminary Injunction the Respondents are enjoined from:

1. Transferring, obligating, consolidating, manipulating, or encumbering in any way, any or all funds or assets from the following bank accounts without a prior hearing and approval from the Court;
  - a. Valley Bank of Commerce account #XXXXXX1219, held by Roswell Escrow Service, Inc., described as “Business Checking.”
  - b. Wells Fargo Bank account #XXXXXX5415, held by Roswell Escrow Services, Inc., described as “Main Trust ODD/Checking.”
  - c. Wells Fargo Bank account #XXXXXXX08162, held by Roswell Escrow Services, Inc., described as “Main Trust EVEN/Checking.”
  - d. Wells Fargo Bank account #XXXXXX8170, held by Roswell Escrow Services, Inc., described as “General Account/Checking.”
  - e. Wells Fargo Bank account #XXXXXX8188, held by Roswell Escrow Services, Inc., described as “Reserve Trust/Checking.”
  - f. Wells Fargo Bank account #XXXXXX8196, held by Roswell Escrow Services, Inc., described as “Holding Trust/Checking.”
  - g. Wells Fargo Bank account #XXXXXX3946, held by Roswell Escrow Services, Inc., described as “Wire Trust/Checking.”
2. Entering the business premises located at 204 W. Second Street, Roswell, New Mexico, or directing any relatives, employees, associates, agents, or other individuals to enter the premises except with permission of the FID personnel;

3. Destroying, altering, tampering with or removing records of the above-described accounts or any client accounts of RES, or any records located at the business premises or in off-site locations, whether such records are stored in physical format, electronic format, or any other record storage format, including, but not limited to, email, papers, books, notebooks, computers, tablets, personal data devices, cellular phones, smart phones, hard drives, flash drives, servers, CD-ROMs, DVDs, disks, tapes, zip drives or disks, remote servers or web-accessible data storage facilities, or other electronic data storage media; and
4. Obstructing in any way the examination or investigation of RES by staff members of the FID.

**IT IS FURTHER ORDERED:** Pursuant to §58-22-27(B) NMSA 1978, in order to enforce compliance with the New Mexico Escrow Company Act, §58-22-1 NMSA 1978, *et seq*, the Director of the FID of the New Mexico Regulation and Licensing Department is hereby authorized to take the following action:

5. Continue to exercise immediate and unrestricted access to the offices of RES at 204 West Second Street, Roswell, New Mexico, as well as any space rented or owned or utilized by RES at 100 SE Wells Street, Roswell, New Mexico, where records or assets of RES may be located, to inspect the premises and effect seizure of such records and then to take custody of and secure such records;
6. Continue to exercise immediate and unrestricted access into any and all areas within such locations as identified in paragraph 5, above, that may contain relevant business or financial records pertaining to RES and to allow the

examination and seizure of such records by the Director and then to take custody of and secure such records by any reasonable means;

7. Continue to secure and seal the premises of the offices of RES located at 204 W. Second Street, Suite 5, Roswell, New Mexico, 88202, and secure and seal any other storage buildings or storage space owned or rented by RES for the storage of RES business records, including, but not limited to, any space rented or owned or utilized by RES at 100 SE Wells Street, Roswell, New Mexico, and to seize and take custody of and secure such records by any reasonable means;
8. Continue its immediate and unrestricted access to any or all electronic records, accounting or bookkeeping programs, RES employee email accounts and records of such, or any other software packages utilized by RES for the purpose(s) of accounting, bill payment, reconciliations, internal or external employee communications, or any other business operations of RES.
9. Authority to inform all employees and officers of RES, including Christopher Adam Jensen-Tanner, Mindy Jensen-Tanner, Rachel Corn, Tim Leatherland, and Agnes Saenz, that all business operations of RES have been suspended and that they will not be permitted to continue to seek compensation for services rendered to, or on behalf of, RES during the term of the temporary restraining order applied for herein;
10. Authority to authorize payment from the accounts of RES for final payment of salary/wages owed to RES employees Rachel Corn, Tim Leatherland and Agnes Saenz in such amount as determined by the Director of the FID to be appropriate;

11. Authority to authorize payment on checks and automated clearing house (ACH) items issued by RES that have not yet cleared the bank accounts of RES, to be honored and paid by the bank(s) upon which those checks or ACH's were drawn;
12. Authority to decline or prohibit payment on checks and ACH items issued by RES that have not yet cleared the bank accounts of RES;
13. Authority to authorize, or decline, or prohibit the acceptance of deposits to the bank accounts of RES, whether such prospective deposits are submitted in the form of cash, checks, ACH or other means;
14. Authority to prohibit RES, or any officer, director, or employee of RES, from accepting any new escrow client or escrow account during the term of the temporary restraining order applied for herein;
15. Authority to prohibit RES, or any officer, director, or employee of RES, from accepting any new payments or deposits into any accounts of RES during the term of the temporary restraining order applied for herein;
16. Authority, with the consent of all parties to any particular escrow account currently held by RES, to transfer the escrow account to a different properly licensed escrow company, or, in the event that all parties to a particular escrow account have jointly submitted new instructions to RES concerning their particular escrow account, to comply with all lawful instructions as jointly submitted by the parties to that escrow account [for the purposes of this authority, RES shall not be deemed to be a "party" to any escrow account held at RES unless RES is specifically identified as a buyer or seller on that particular escrow account];

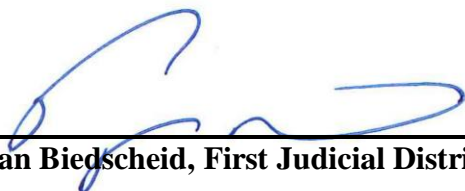
17. That the Court honor the provision of §58-22-27(B) NMSA 1978, and not require the posting of a bond by the FID; and

18. That the Court grant such additional remedies and other equitable relief as the Court deems necessary and appropriate.

IT IS ADDITIONALLY ORDERED, out of necessity to preserve the assets of RES, until such time as a final determination may be made on questions of a potential permanent injunction and appointment of a receiver for RES, the following authority shall be placed upon the Director of the FID for such time as this Preliminary Injunction shall remain in place:

19. Authority to order the bank accounts held by RES, as identified in paragraph 1 of this Order, to be frozen and for no funds to be withdrawn, distributed, seized, levied, or otherwise diminished in any amount from any or all of the identified accounts without the prior written consent of the Director of the FID; and
20. Authority to utilize funds reasonably determined to constitute operating funds of RES to pay for temporary rental or lease of appropriate storage space or office space for the purpose of securing records, furniture, office equipment, or other assets of RES.
21. The foregoing terms having been stipulated to by the parties, no hearing on this matter is required and the hearing scheduled for Wednesday, November 27, 2019 at 9:00 a.m. has been cancelled.

**IT IS SO ORDERED.**

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**Judge Bryan Biedscheid, First Judicial District Court**

**The above Order has been approved by:**

/s/ Lucas Williams, via email/telephone

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