

Cause of action

Two causes of action:

1. Breach of contract
2. Fraud

I'm asking for \$495 in damages for the breach of contract since what I contracted for was never delivered nor was it even done.

Service on secretary of state: \$35 (my process server) + \$55 (sec state fee)

Filing cost: \$75

Total for damages + costs: \$660

The remainder, \$6,840 in punitive damages is for fraud. Normally, there is a 10X limit on punitive damages, but **this limit does NOT apply when the Defendants actions are part of a larger pattern rather than a single fraud.**

Jurisdiction

For the fraud cause of action, that is an intentional tort, and there is jurisdiction where the damage occurs.

For the contract cause of action, the order wasn't placed over the website, it was placed over the phone. There was a verbal agreement of terms in terms of what was to be delivered and when. That agreement appears no where on the website. At no time was any agreement reached as far as venue. Therefore jurisdiction for phone contracts is in both locations.

Also, the Thompson v. Handa-Lopez case is often cited for Internet jurisdiction. Basically, if you advertise generally on the Internet and accept business from state X and does so on a regular basis, there is jurisdiction in state X. My witness proves Defendant advertises here and does business here directly.

Facts

On July 6, 2006, becoming aware of the existence of Defendant via his websites (<http://www.usrecordsearch.com/> and related sites linked on that page), I called Defendant on the phone and spoke with the owner, Fred Joseph, who offered to find bank account balances and account numbers of the debtor I was trying to collect a judgment on in less than 15 days. The contract was made verbally. I then provided account numbers on the phone and Defendant

I relied on these representations when Plaintiff authorized Defendant to take \$495 for a bank account search on one of Plaintiff's debtors.

Defendant delivered no results, not even a phone call, within the promised timeframe.

When I complained, he was told to wait and insulted.

A week after I sent a demand letter, Defendant emailed a statement saying “no bank records were found” and included a \$2.50 Accurint asset search that I never asked for (Plaintiff has Accurint).

Allegations

Plaintiff then discovered that others have had similar experiences and EVERY SINGLE ONE of Defendant’s representations (on the website and verbally) were fraudulent!

I believe that Defendant’s entire business is a scam. **This explains why they can do searches for half the price as anyone else...they never do the search.** The representations were fraudulent to induce me to enter into an agreement with them. They did no work and have none of the specialized access they talked about. Only after I complain did they run a cheap 20 second search and sent me the results thinking it would placate me.

I will show this to the court through questioning of the Defendant and the non-response of the Defendant to my subpoena.

Website representations

1. **US Record Search** can find the answers you’ve been looking for.
2. We can trace any type of assets: Bank Accounts: Checking and Savings, Investments: Stocks / Bonds / Mutual Funds, Off-shore bank accounts, investments, and hidden assets
3. **LICENSED, BONDED AND INSURED**
4. We have successfully located assets for thousands of individuals.
5. We limit retrieval to documents or information available from a public entity or public utility which are intended for public use and do not further elaborate on that information contained in the public entity or public utility
6. **The nation's leader in searching for and locating assets**
7. **Affordable Rates: 1/2 of any other company**

Verbal representations (most caught on MP3; rest via affidavit)

1. We only make \$20 on the search. The rest goes to the banking system.
2. Only 10 firms are licensed to do what we do; it’s the only 100% legal way to get this information
3. We have a \$2M bond

4. We login and enter the search into the banking system in Washington, DC and hit submit
5. We are required by law to quote 15 to 20 days for the search, but some searches come back within a few days, sometimes even the next day!
6. We have 35 researchers who work for us
7. We will provide you with both bank account numbers and account balances
8. We don't need a copy of the judgment
9. Searches are done "through the banking system"
10. We'll call you and email you the results
11. Our repeat customers include major law firms

Evidence

1. Demand letter
2. Search results returned by them (39 days after the contract and 6 days after my demand letter) **showing no bank account information was found**; instead, they did a \$2.50 accurint search thinking that would impress me.
3. Accurint results for \$2.50 that I did showing what they did was charge me \$500 and then they only spent 1 minute and \$2.50 after I sent a demand letter and well after their promised delivery timeframe.
4. Results from 2 other firms showing other firms (who don't use the banking system like Defendant claimed to me that they do) were able to find the information. These results were obtained in only 2 days by these two legitimate firms.
5. Proof \$495 check plus filing fees and process service expense (total of \$660)
6. Copy of D's web page showing the promise that they'll come up with detailed results in a couple of days.
7. Rip off reports filed by 4 different people showing the same thing that happened to me has happened to others. This standard business practice of Defendant justifying maximum punitive damages
8. Letter in response to D's motion to dismiss for lack of jurisdiction
9. Copy of the Thompson v. Handa-Lopez case which discusses Internet jurisdiction
10. Copy of junkfax.org page on them, detailing day by day what transpired
11. Records from Florida Dept of Agriculture and Consumer Services showing he has been doing the same scam since at least 1999 (see envelope)
12. Witness from this area who was ripped off like I was and discovered my web page on US Record Search and contacted me
13. Phone message from another victim
14. Supoenaed bank records will show that the "banking system" was never paid; i.e., the promised searches never get done

Steve Kirsch
13930 La Paloma Rd Los Altos Hills, CA 94022
(650) 279-1008 fax: (408) 716-2493

August 8, 2006

Frederick Evan Joseph
U.S. Record Search & Information Services
5406 Godfrey Rd
Pompano Beach, FL 33067
via fax: 800 619 6731

Re: Demand letter for a refund of the \$495

Dear Fred:

On 7/6/06 I contacted your firm to have a nationwide asset search done as advertised on <http://www.bankaccountsearch.com/> on one of my debtors. I spoke to you.

You said the cost would be \$495.

I asked if I could pay by credit card and you said I couldn't. This contradicts the information on your website. I printed out a copy just now for my case.

Instead, I gave you my bank information and you did an "electronic check" of the agreed to amount for the search of \$495.

That electronic check cleared my account on 7/10/06.

I was told to expect results in 15 to 20 days.

It's now been a month and I've heard nothing. When I called to find out what was going on, you told me to wait and that I'd be contacted by the research department. When I asked you who is the research department so I could phone them, you said you were.

In fact, you appear to be the only employee of your firm and apparently have been running it out of your apartment at 3300 N. University Dr. Apartment 10 Coral Springs, FL 33065. Looks like you've moved since then.

So your reference to a research "department" was deliberately misleading.

It appears you do not publish your address anywhere on your website. Another indicator that your service isn't quite on the level.

At this point, I'm betting that I'm never going to get the search that I contracted for, so I'm demanding you return my funds to me immediately.

If you do not do that, I will sue you for \$7,500.00.

Steve Kirsch
13930 La Paloma Rd Los Altos Hills, CA 94022
(650) 279-1008 fax: (408) 716-2493

You can check the public records and you'll find that of the last 50 lawsuits I've brought, I've won every single one of them. You can call the court clerk (Hunter Doi) in Palo Alto, CA. They know me well.

Or you can check out my website, www.junkfax.org. Check out the stock fraud page, or the page on First Chartered Financial. That guy now has felony charges brought against him. They use my website to train new judges.

I will sue you not just for the \$495, but also for punitive damages of \$7,000 as well since there was fraud involved here. I'll also publish the case results on my site so others can find it in a Google search when they try to check you out.

Or you can just send me the results of my search. I'll bet you didn't even make a note of what my search request was. If you reply to this letter, why don't you tell me what it was. If you can't, you'll lose this case for sure.

So you have 3 options:

1. Send me the results of my search now
2. Send me my money back now
3. Get sued for \$7,500

Florida is one of the more difficult states to collect in, but I've got a lot of experience collecting judgments (if you read my website you'll see that is the case; I even go after people in bankruptcy). I thought I'd try your service instead of my usual sources since you would give me balances and account numbers, and it appears that was a mistake I will not repeat.

Let me know which option you'd like to take.

If I do not hear back from you by this Friday, I'll file suit. You'll be served via the California Secretary of State, so you won't be able to avoid service. And you'll have to make an appearance in California if you want to defend the case. All in all, a pricey proposition.

And next time, I suggest you not insult your clients by calling them a "cry baby" when they call to find out why they have gotten nothing within the promised timeframe.

Sincerely yours,

Steven T. Kirsch

From: US RECORD SEARCH [usrecordsearch@mindspring.com]
Sent: Sunday, August 13, 2006 1:58 PM
To: Steve Kirsch
Subject: SEARCH RESULTS FROM US RECORD SEARCH

August 14, 2006

Dear Steven T. Kirsch,

Based on the information that you provided, there were No Records located in the Nationwide Bank and Investment Record Searches under the name of the following individual, Javier A. Cuadra SSN=595-16-6170.

Please be advised that if you can provide us with a copy of any Court Documentation, (i.e. Money Judgment, Divorce or etc.), pertaining to this case, as prescribed by Federal Legislation, we can re-submit the search with no additional costs.

The results of the Nationwide Property Record Database Search are as follows:

Asset Report

Subject Information

Name: JAVIER A CUADRA
Date of Birth: 11/24/1961
Age: 44
SSN: 595-16-xxxx issued in Florida between 01/01/1983 and 12/31/1983

Others Associated with SSN:

(DOES NOT usually indicate any type of fraud or deception) ELISA M CUADRA
Age:

AKAs (Names Associated with Subject) JAVIER A CAUDRA

DOB: 1962 Age: 44 SSN: 595-16-xxxx

JAVIER A CUADNA

SSN: 595-16-xxxx

JAVIER A CUADUA

DOB: 1962 Age: 44 SSN: 595-16-xxxx

GAVIER A CUADRA

DOB: 11/01/1961 Age: 44 SSN: 595-16-xxxx

TAVIER CUADIA

DOB: 11/1961 Age: 44 SSN: 395-16-xxxx

Indicators

Bankruptcy: No

Property: Yes

Corporate Affiliations: Yes

Address Summary (- Probable Current Address)

116 W MASHTA DR, KEY BISCAYNE FL 33149-2418, MIAMI-DADE COUNTY (May 2003 - Jul 2006) Neighborhood Profile (2000 Census)

Average Age: 31 Median Household Income: \$100,425 Median Home Value: \$595,100
Average Years of Education: 16

PO BOX 491438, KEY BISCAYNE FL 33149-7438, MIAMI-DADE COUNTY (Dec 1999 - Feb 2004) Neighborhood Profile (2000 Census)
Average Age: 42 Median Household Income: \$78,591 Median Home Value: \$309,900
Average Years of Education: 16

620 HARBOR CIR, KEY BISCAYNE FL 33149-1703, MIAMI-DADE COUNTY (Nov 2000 - Jan 2004) Neighborhood Profile (2000 Census)
Average Age: 42 Median Household Income: \$109,104 Median Home Value: \$1,000,001
Average Years of Education: 15

350 W HEATHER DR, KEY BISCAYNE FL 33149-1830, MIAMI-DADE COUNTY (Sep 1995 - Jul 2003) Neighborhood Profile (2000 Census)
Average Age: 31 Median Household Income: \$100,425 Median Home Value: \$595,100
Average Years of Education: 16

PO BOX 25640, MIAMI FL 33102-5640, MIAMI-DADE COUNTY (Apr 2000 - Apr 2003) Neighborhood Profile (2000 Census)
Average Age: 15 Median Household Income: \$11,250 Median Home Value: \$0
Average Years of Education: 12

9835 SW 118TH AVE, MIAMI FL 33186-8533, MIAMI-DADE COUNTY (Apr 1990 - Oct 2000) Neighborhood Profile (2000 Census)
Average Age: 37 Median Household Income: \$60,385 Median Home Value: \$129,400
Average Years of Education: 15

PO BOX 2, MIAMI FL 33296, MIAMI-DADE COUNTY (Apr 2000 - Jun 2000) Neighborhood Profile (2000 Census)
Average Age: 34 Median Household Income: \$80,263 Median Home Value: \$289,900
Average Years of Education: 15

1286780 37ST NW, MIAMI FL 33166, MIAMI-DADE COUNTY (Apr 2000) Neighborhood Profile (2000 Census)
Average Age: 36 Median Household Income: \$66,818 Median Home Value: \$146,900
Average Years of Education: 14

7801 NW 37TH ST # 1286, MIAMI FL 33166-6503, MIAMI-DADE COUNTY (Dec 1999) Neighborhood Profile (2000 Census)
Average Age: 34 Median Household Income: \$64,483 Median Home Value: \$146,700
Average Years of Education: 15

7801 NW 37TH NICA BOX, MIAMI FL 33166, MIAMI-DADE COUNTY (Dec 1999) Neighborhood Profile (2000 Census)
Average Age: 36 Median Household Income: \$66,818 Median Home Value: \$146,900
Average Years of Education: 14

2730 SW RD AVE, MIAMI FL 33299, MIAMI-DADE COUNTY (Apr 1999) Neighborhood Profile (2000 Census)
Average Age: 0 Median Household Income: \$0 Median Home Value: \$0
Average Years of Education: 0

2730 SW 3RD AVE STE 206, MIAMI FL 33129-2339, MIAMI-DADE COUNTY (Jul 1997 - Jan 1999) Neighborhood Profile (2000 Census)
Average Age: 58 Median Household Income: \$33,589 Median Home Value: \$204,200
Average Years of Education: 13

10931 SW 75TH TER, MIAMI FL 33173-2998, MIAMI-DADE COUNTY (Dec 1992) Neighborhood Profile (2000 Census)

Average Age: 37 Median Household Income: \$49,018 Median Home Value:
\$131,300 Average Years of Education: 15

4100 SW 20TH ST # B 2, GAINESVILLE FL 32608-3312, ALACHUA COUNTY (Jan 1985 -
Dec 1991) Neighborhood Profile (2000 Census)

Average Age: 38 Median Household Income: \$29,509 Median Home Value:
\$91,100 Average Years of Education: 16

PO BOX, MIAMI FL 33183, MIAMI-DADE COUNTY (Jan 1988 - Mar 1988) Neighborhood
Profile (2000 Census)

Average Age: 38 Median Household Income: \$60,089 Median Home Value:
\$130,500 Average Years of Education: 13

2008 E SW 42 WAY, GAINESVILLE FL (Apr 1987) [No Data Available]

2008 E SW 42 WAY APT, GAINESVILLE FL 32607, ALACHUA COUNTY (Apr 1987)
Neighborhood Profile (2000 Census)

Average Age: 30 Median Household Income: \$22,119 Median Home Value:
\$89,300 Average Years of Education: 16

5700 SW 127TH AVE APT 1409, MIAMI FL 33183-1445, MIAMI-DADE COUNTY (Apr 1986 -
Jan 1987) Neighborhood Profile (2000 Census)

Average Age: 36 Median Household Income: \$45,917 Median Home Value:
\$94,700 Average Years of Education: 13

2008 SW 42ND WAY, GAINESVILLE FL 32607-5472, ALACHUA COUNTY (Oct 1985 - Sep
1986) Neighborhood Profile (2000 Census)

Average Age: 26 Median Household Income: \$15,877 Median Home Value:
\$32,000 Average Years of Education: 14

3800 SW 34TH ST, GAINESVILLE FL 32608-6562, ALACHUA COUNTY (Aug 1985)
Neighborhood Profile (2000 Census)

Average Age: 26 Median Household Income: \$15,877 Median Home Value:
\$32,000 Average Years of Education: 14

4100 SW 20TH AVE APT 2, GAINESVILLE FL 32607-4218, ALACHUA COUNTY (Mar 1985 -
Apr 1985) Neighborhood Profile (2000 Census)

Average Age: 29 Median Household Income: \$16,537 Median Home Value:
\$57,700 Average Years of Education: 14

4100 SW 20TH ST APT B2, GAINESVILLE FL 32608-3312, ALACHUA COUNTY (Apr 1985)
Neighborhood Profile (2000 Census)

Average Age: 38 Median Household Income: \$29,509 Median Home Value:
\$91,100 Average Years of Education: 16

PO BOX 1286, MIAMI FL 33102, MIAMI-DADE COUNTY (Apr 1985) Neighborhood Profile
(2000 Census)

Average Age: 15 Median Household Income: \$11,250 Median Home Value: \$0
Average Years of Education: 12

Vehicle/Boat Registrations

2006 Aluminum / Silver Honda Ridgeline RTL (Florida - T831HT) Tag Type:
Sunshine License Plates (Sunshine State)

VIN: 2HJYK16546H552624 State of Origin: Florida Vehicle Use: Long Term Lease
Mileage: 25 Title Number: 0095089236 Title Date: 02/06/2006 Title Status:
Original New Registration Expiration Date: 11/24/2006 Decal Year: 2006 Engine
Size: 214 Number of Cylinders: 6 Body: Pickup
Owner(s): HONDA LEASE TRUST DOB: Age: Sex:
1335 NORTHMEADOW PKWY, ROSWELL GA 30076

Registrant(s): JAVIER A CUADRA DOB: 11/24/1961 Age: 44 Sex: Male
116 W MASHTA DR, KEY BISCAYNE FL 33149

Lien Holder: HONDA LEASE TRUST - 1335 NORTHMEADOW PKWY, ROSWELL GA 30076

Watercraft

[No Data Available]

UCC Filings

[No Data Available]

FAA Pilots

[No Data Available]

FAA Aircraft

[No Data Available]

Property Deeds

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149 Owner's Address:
Owner Name 1: CUADRA, JAVIER A & ELISA

Document Type: DEED OF TRUST Transaction Type: REFINANCE Recording Date:
07/25/2005 Parcel Number:24-5205-001-3190 Book: 023605 Page: 001368
Sale Price: \$0 Sale Date: 07/15/2005
Living Size: 2,121 sq. ft. Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$700,000 Loan Type: CONVENTIONAL Lender Name: CREDIT SUISSE FIRST
BOSTON FIN
Terms: 30 Years Interest Rate: Interest Rate Type: FIX

Title Company Name:ATTORNEY ONLY
Source Code:A

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149 Owner's Address:
Owner Name 1: CUADRA, JAVIER A
Owner Name 2: CUADRA, ELISA

Document Type: Transaction Type: Recording Date: 07/25/2005 Parcel Number:
Book: 23605 Page: 1368
Sale Price: Sale Date: 07/15/2005
Living Size: Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$700,000 Loan Type: FANNIE MAE/FREDDIE MAC Lender Name: CREDIT
SUISSE FIRST BOSTON FINCL CORP

Source Code:B

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149
Owner's Address:
Owner Name 1: CUADRA, JAVIER

Document Type: GRANT DEED Transaction Type: RESALE Recording Date: 05/21/2003
Parcel Number:24-5205-001-3190 Book: 021272 Page: 000712
Sale Price: \$650,000 Sale Date: 05/20/2003
Living Size: 2,121 sq. ft. Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$500,000 Loan Type: CONVENTIONAL Lender Name: BANKUNITED FSB
Terms: 30 Years Interest Rate: Interest Rate Type: FIX

Seller Name 1: TAMAYO-COLE MOIRA

Source Code:A

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149
Owner's Address:
Owner Name 1: CUADRA, JAVIER

Document Type: GRANT DEED Transaction Type: RESALE Recording Date: 05/21/2003
Parcel Number:24-5205-001-3190 Book: 021272 Page: 000712
Sale Price: \$650,000 Sale Date: 05/20/2003
Living Size: 2,121 sq. ft. Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$500,000 Loan Type: CONVENTIONAL Lender Name: BANKUNITED FSB
Terms: 30 Years Interest Rate: Interest Rate Type: FIX

Seller Name 1: TAMAYO-COLE MOIRA

Source Code:A

Address: 9835 SW 118TH AVE, MIAMI FL 33186
Owner's Address:
Owner Name 1: SCHEER, JENNIFER

Document Type: GRANT DEED Transaction Type: RESALE Recording Date: 11/10/1997
Parcel Number:3059010620930 Book: Page:
Sale Price: \$120,000 Sale Date:
Living Size: Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$0 Loan Type: Lender Name:
Terms: Interest Rate: Interest Rate Type:

Seller Name 1: CUADRA JAVIER A

Source Code:A

Address: 9835 SW 118TH AVE, MIAMI FL 33186

Owner's Address:
Owner Name 1: SCHEER, JENNIFER

Document Type: GRANT DEED Transaction Type: RESALE Recording Date: 11/10/1997
Parcel Number:3059010620930 Book: 017862 Page: 003406
Sale Price: \$120,000 Sale Date: 10/30/1997
Living Size: Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$102,000 Loan Type: CONVENTIONAL Lender Name: CTX MTG CO
Terms: Interest Rate: Interest Rate Type:

Seller Name 1: CUADRA JAVIER A

Source Code:A

Address: 9835 SW 118TH AVE, MIAMI FL 33186
Owner's Address:
Owner Name 1: CUADRA, JAVIER

Document Type: GRANT DEED Transaction Type: SUBDIVISION/NEW CONSTRUCTION
Recording Date: 04/16/1990
Parcel Number:3059010620930 Book: 014509 Page: 001927
Sale Price: \$93,800 Sale Date: 03/29/1990
Living Size: Land Usage: SINGLE FAMILY RESIDENCE
Loan Amount: \$93,523 Loan Type: FEDERAL HOUSING AUTHORITY Lender Name:
Terms: Interest Rate: Interest Rate Type:

Seller Name 1: INTERAMERICAN BLDRS

Source Code:A

Property Assessment

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149
Owner Name 1: CUADRA JAVIER
Owner Name 2: CUADRA ELISA
Owner's Address: 116 S MASHTA DR, KEY BISCAYNE FL 33149, MIAMI-DADE COUNTY

Parcel Number:24-5205-001-3190 Book: 021272 Page: 000712
Lot Number: 20 Year Built: 1951 Land Size:7,500
Living Size:2,121 sq. feet Garage: Basement:
Air Conditioning: Heating: Fireplace:
Exterior Walls: CBS/HOLW TILE/FR/STUD/SHEAT/SD Roof: 186 Pool: TYPE UNKNOWN
Total Value: \$669,904 Improvement Value: \$78,509 Tax Amount: \$12,510.42
Assessed Value: \$654,889 Assessed Year: 2005 Homestead Exemption:YES
Sale Price:\$650,000 Sale Date:05/20/2003 Prior Sale Date:03/07/1997
Loan Amount: \$500,000 Loan Type: CONVENTIONAL Lender Name:

Seller Name 1: TAMAYO-COLE MOIRA

Legal Description:BISCAYNE KEY ESTS PB 50-61 LOT 20 BLK 18 LOT SIZE 75.000 X 100
OR 21272-712 21558-111 0503 1 LEONARD C FRANCOIS &W ALMA H STEVEN G MOCARSKI &W

SUZANA OR 12869-1750 0486 1 DAVID A COLE &W MOIRA T OR 17554-0188 0297 1 DAVID A
& MOIRA T COLE (TRUST) OR 19946-1888 10/2001 4
Land Usage: SFR
Subdivision Name: BISCAYNE KEY ESTATES
Source Code:A

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149
Owner Name 1: CUADRA JAVIER
Owner Name 2: CUADRA ELISA
Owner's Address: 116 S MASHTA DR, KEY BISCAYNE FL 33149, MIAMI-DADE COUNTY

Parcel Number:24-5205-001-3190 Book: 021272 Page: 000712
Lot Number: 20 Year Built: 1951 Land Size:7,501
Living Size:2,121 sq. feet Garage: Basement:
Air Conditioning: Heating: Fireplace:
Exterior Walls: CBS/HOLW TILE/FR/STUD/SHEAT/SD Roof: 186 Pool: TYPE UNKNOWN
Total Value: \$635,815 Improvement Value: \$72,536 Tax Amount: \$12,353.39
Assessed Value: \$635,815 Assessed Year: 2004 Homestead Exemption:YES
Sale Price:\$650,000 Sale Date:05/20/2003 Prior Sale Date:03/07/1997
Loan Amount: \$500,000 Loan Type: CONVENTIONAL Lender Name:

Seller Name 1: TAMAYO-COLE MOIRA

Legal Description:BISCAYNE KEY ESTS PB 50-61 LOT 20 BLK 18 LOT SIZE 75.000 X 100
OR 21272-712 21558-111 0503 1 LEONARD C FRANCOIS &W ALMA H STEVEN G MOCARSKI &W
SUZANA OR 12869-1750 0486 1 DAVID A COLE &W MOIRA T OR 17554-0188 0297 1 DAVID A
& MOIRA T COLE (TRUST) OR 19946-1888 10/2001 4
Land Usage: SFR
Subdivision Name: BISCAYNE KEY ESTATES
Source Code:A

Address: 116 W MASHTA DR, KEY BISCAYNE FL 33149
Owner Name 1: CUADRA JAVIER
Owner Name 2: CUADRA ELISA

Parcel Number:24-5205-001-3190 Book: 021272 Page: 000712
Lot Number: 20 Year Built: 1951 Land Size:7,501
Living Size:2,121 sq. feet Garage: Basement:
Air Conditioning: Heating: Fireplace:
Exterior Walls: CBS/HOLW TILE/FR/STUD/SHEAT/SD Roof: 186 Pool: TYPE UNKNOWN
Total Value: \$558,819 Improvement Value: \$51,133 Tax Amount: \$6,515.59
Assessed Value: \$343,574 Assessed Year: 2002 Homestead Exemption:YES
Sale Price:\$650,000 Sale Date:05/20/2003 Prior Sale Date:04/1986
Loan Amount: \$500,000 Loan Type: CONVENTIONAL Lender Name:

Seller Name 1: TAMAYO-COLE MOIRA

Legal Description:BISCAYNE KEY ESTS PB 50-61 LOT 20 BLK 18 LOT SIZE 75.000 X 100
OR 19946-1888 10/2001 4 LEONARD C FRANCOIS &W ALMA H STEVEN G MOCARSKI &W SUZANA
OR 12869-1750 0486 1 DAVID A COLE &W MOIRA T OR 17554-0188 0297 1
Land Usage: SFR
Subdivision Name: BISCAYNE KEY ESTATES
Source Code:A

Thank you for allowing us to service your search needs at this time. We hope that we can be of further assistance to your in the future.

If you have any questions, please call toll free 800-250-8885.

Sincerely
U S Record Search

3300 N. University Drive, Suite #10, Coral Springs, Fl 33065
Phone: 800-250-8885 Fax: 800-619-6731
Internet: USRECORDSEARCH.COM

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

Asset Report

Date: 08/14/06

Subject Information

Name: [JAVIER A CUADRA](#)

Date of Birth: **11/24/1961**

Age: **44**

SSN: [595-16-xxxx](#) issued in **Florida** between **01/01/1983** and **12/31/1983**

Others Associated with SSN: (DOES NOT usually indicate any type of fraud or deception)

[ELISA M CUADRA](#)

Age:

AKAs (Names Associated with Subject)

[JAVIER A CAUDRA](#)

DOB: **1962** Age: **44** SSN:

[595-16-xxxx](#)

[JAVIER A CUADNA](#)

SSN: [595-16-xxxx](#)

[JAVIER A CUADUA](#)

DOB: **1962** Age: **44** SSN:

[595-16-xxxx](#)

[GAVIER A CUADRA](#)

DOB: **11/01/1961** Age: **44**

SSN: [595-16-xxxx](#)

[TAVIER CUADIA](#)

DOB: **11/1961** Age: **44**

SSN: [395-16-xxxx](#)

Indicators

Bankruptcy: **No**

Property: **Yes**

Corporate

Affiliations: **Yes**

Address Summary (- Probable Current Address)

[116 W MASHTA DR, KEY BISCAVNE FL 33149-2418, MIAMI-DADE COUNTY](#)

(May 2003 - Jul 2006)

Neighborhood Profile (2000 Census)

Average Age: **31** Median Household Income: **\$100,425** Median Home Value: **\$595,100** Average Years of Education: **16**

[PO BOX 491438, KEY BISCAVNE FL 33149-7438, MIAMI-DADE COUNTY](#) (Dec

1999 - Feb 2004)

Neighborhood Profile (2000 Census)

Average Age: **42** Median Household Income: **\$78,591** Median Home Value: **\$309,900** Average Years of Education: **16**

[620 HARBOR CIR, KEY BISCAVNE FL 33149-1703, MIAMI-DADE COUNTY](#) (Nov

2000 - Jan 2004)

Neighborhood Profile (2000 Census)

Average Age: **42** Median Household Income: **\$109,104** Median Home Value: **\$1,000,001** Average Years of Education: **15**

[350 W HEATHER DR, KEY BISCAVNE FL 33149-1830, MIAMI-DADE COUNTY](#)

(Sep 1995 - Jul 2003)

Neighborhood Profile (2000 Census)

Average Age: **31** Median Household Income: **\$100,425** Median Home Value: **\$595,100** Average Years of Education: **16**

[PO BOX 25640, MIAMI FL 33102-5640, MIAMI-DADE COUNTY](#) (Apr 2000 - Apr 2003)

Neighborhood Profile (2000 Census)

Average Age: **15** Median Household Income: **\$11,250** Median Home Value: **\$0** Average Years of Education: **12**

[9835 SW 118TH AVE, MIAMI FL 33186-8533, MIAMI-DADE COUNTY](#) (Apr 1990 - Oct 2000)

Neighborhood Profile (2000 Census)

Average Age: **37** Median Household Income: **\$60,385** Median Home Value: **\$129,400** Average Years of Education: **15**

[PO BOX 2, MIAMI FL 33296, MIAMI-DADE COUNTY](#) (Apr 2000 - Jun 2000)

Neighborhood Profile (2000 Census)

Average Age: **34** Median Household Income: **\$80,263** Median Home Value: **\$289,900** Average Years of Education: **15**

[1286780 37ST NW, MIAMI FL 33166, MIAMI-DADE COUNTY](#) (Apr 2000)

Neighborhood Profile (2000 Census)

Average Age: **36** Median Household Income: **\$66,818** Median Home Value: **\$146,900** Average Years of Education: **14**

[7801 NW 37TH ST # 1286, MIAMI FL 33166-6503, MIAMI-DADE COUNTY](#) (Dec 1999)

Neighborhood Profile (2000 Census)

Average Age: **34** Median Household Income: **\$64,483** Median Home Value: **\$146,700** Average Years of Education: **15**

[7801 NW 37TH NICA BOX, MIAMI FL 33166, MIAMI-DADE COUNTY](#) (Dec 1999)

Neighborhood Profile (2000 Census)

Average Age: **36** Median Household Income: **\$66,818** Median Home Value: **\$146,900** Average Years of Education: **14**

[2730 SW RD AVE, MIAMI FL 33299, MIAMI-DADE COUNTY](#) (Apr 1999)

Neighborhood Profile (2000 Census)

Average Age: **0** Median Household Income: **\$0** Median Home Value: **\$0** Average Years of Education: **0**

[2730 SW 3RD AVE STE 206, MIAMI FL 33129-2339, MIAMI-DADE COUNTY](#) (Jul 1997 - Jan 1999)

Neighborhood Profile (2000 Census)

Average Age: **58** Median Household Income: **\$33,589** Median Home Value: **\$204,200** Average Years of Education: **13**

[10931 SW 75TH TER, MIAMI FL 33173-2998, MIAMI-DADE COUNTY](#) (Dec 1992)

Neighborhood Profile (2000 Census)

Average Age: **37** Median Household Income: **\$49,018** Median Home Value:
\$131,300 Average Years of Education: **15**[4100 SW 20TH ST # B 2, GAINESVILLE FL 32608-3312, ALACHUA COUNTY](#) (Jan 1985 - Dec 1991)

Neighborhood Profile (2000 Census)

Average Age: **38** Median Household Income: **\$29,509** Median Home Value:
\$91,100 Average Years of Education: **16**[PO BOX, MIAMI FL 33183, MIAMI-DADE COUNTY](#) (Jan 1988 - Mar 1988)

Neighborhood Profile (2000 Census)

Average Age: **38** Median Household Income: **\$60,089** Median Home Value:
\$130,500 Average Years of Education: **13**[2008 E SW 42 WAY, GAINESVILLE FL](#) (Apr 1987)

[No Data Available]

[2008 E SW 42 WAY APT, GAINESVILLE FL 32607, ALACHUA COUNTY](#) (Apr 1987)

Neighborhood Profile (2000 Census)

Average Age: **30** Median Household Income: **\$22,119** Median Home Value:
\$89,300 Average Years of Education: **16**[5700 SW 127TH AVE APT 1409, MIAMI FL 33183-1445, MIAMI-DADE COUNTY](#)
(Apr 1986 - Jan 1987)

Neighborhood Profile (2000 Census)

Average Age: **36** Median Household Income: **\$45,917** Median Home Value:
\$94,700 Average Years of Education: **13**[2008 SW 42ND WAY, GAINESVILLE FL 32607-5472, ALACHUA COUNTY](#) (Oct 1985 - Sep 1986)

Neighborhood Profile (2000 Census)

Average Age: **26** Median Household Income: **\$15,877** Median Home Value:
\$32,000 Average Years of Education: **14**[3800 SW 34TH ST, GAINESVILLE FL 32608-6562, ALACHUA COUNTY](#) (Aug 1985)

Neighborhood Profile (2000 Census)

Average Age: **26** Median Household Income: **\$15,877** Median Home Value:
\$32,000 Average Years of Education: **14**[4100 SW 20TH AVE APT 2, GAINESVILLE FL 32607-4218, ALACHUA COUNTY](#)
(Mar 1985 - Apr 1985)

Neighborhood Profile (2000 Census)

Average Age: **29** Median Household Income: **\$16,537** Median Home Value: **\$57,700** Average Years of Education: **14**

[4100 SW 20TH ST APT B2, GAINESVILLE FL 32608-3312, ALACHUA COUNTY](#)

(Apr 1985)

Neighborhood Profile (2000 Census)

Average Age: **38** Median Household Income: **\$29,509** Median Home Value: **\$91,100** Average Years of Education: **16**

[PO BOX 1286, MIAMI FL 33102, MIAMI-DADE COUNTY](#) (Apr 1985)

Neighborhood Profile (2000 Census)

Average Age: **15** Median Household Income: **\$11,250** Median Home Value: **\$0** Average Years of Education: **12**

Vehicle/Boat Registrations

2006 Aluminum / Silver Honda Ridgeline Tag Type: **Sunshine License Plates (Sunshine State)**
RTL (Florida - T831HT)

VIN: **2HJYK16546H552624** State of Origin: **Florida** Vehicle Use: **Long Term Lease** Mileage: **25**

Title Number: **0095089236** Title Date: **02/06/2006** Title Status: **Original New** Registration Expiration Date: **11/24/2006**

Decal Year: **2006** Engine Size: **214** Number of Cylinders: **6** Body: **Pickup**

Owner(s): **HONDA LEASE TRUST** DOB: Age: Sex:
[1335 NORTHMEADOW PKWY, ROSWELL GA 30076](#)

Registrant (s): [JAVIER A CUADRA](#) DOB: **11/24/1961** Age: **44** SSN: [595-16-xxxx](#) Sex: **Male**
[116 W MASHTA DR, KEY BISCAYNE FL 33149](#)

Lien Holder: **HONDA LEASE TRUST - [1335 NORTHMEADOW PKWY, ROSWELL GA 30076](#)**

Watercraft

[No Data Available]

UCC Filings

[No Data Available]

FAA Pilots

[No Data Available]

FAA Aircraft

[No Data Available]

Property Deeds

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)

Owner's Address:

Owner Name 1: **CUADRA, JAVIER A & ELISA**

Document Type: **DEED OF TRUST** Transaction Type: **REFINANCE** Recording Date: **07/25/2005**

Parcel Number: [24-5205-001-3190](#) Book: **023605** Page: **001368**

Sale Price: **\$0** Sale Date: **07/15/2005**

Living Size: **2,121 sq. ft.** Land Usage: **SINGLE FAMILY RESIDENCE**
 Loan Amount: **\$700,000** Loan Type: **CONVENTIONAL** Lender Name: **CREDIT SUISSE FIRST BOSTON FIN**
 Terms: **30 Years** Interest Rate: Interest Rate Type: **FIX**
 Title Company Name: **ATTORNEY ONLY**
 Source Code: **A**

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)

Owner's Address:

Owner Name 1: **CUADRA, JAVIER A**

Owner Name 2: **CUADRA, ELISA**

Document Type: Transaction Type:

Recording Date: **07/25/2005**

Parcel Number: Book: **23605**

Page: **1368**

Sale Price: Sale Date: **07/15/2005**

Living Size: Land Usage: **SINGLE FAMILY RESIDENCE**

Loan Amount: Loan Type: **FANNIE MAE/FREDDIE MAC**

Lender Name: **CREDIT SUISSE FIRST BOSTON FINCL CORP**

Source Code: **B**

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)

Owner's Address:

Owner Name 1: **CUADRA, JAVIER**

Document Type: **GRANT DEED**

Transaction Type: **RESALE**

Recording Date: **05/21/2003**

Parcel Number: [24-5205-001-3190](#) Book: **021272**

Page: **000712**

Sale Price: **\$650,000** Sale Date: **05/20/2003**

Living Size: **2,121 sq. ft.** Land Usage: **SINGLE FAMILY RESIDENCE**

Loan Amount: **\$500,000** Loan Type: **CONVENTIONAL**

Lender Name:

BANKUNITED FSB

Terms: **30 Years** Interest Rate:

Interest Rate Type: **FIX**

Seller Name 1: **TAMAYO-COLE MOIRA**

Source Code: **A**

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)

Owner's Address:

Owner Name 1: **CUADRA, JAVIER**

Document Type: **GRANT DEED**

Transaction Type: **RESALE**

Recording Date: **05/21/2003**

Parcel Number: [24-5205-001-3190](#) Book: **021272**

Page: **000712**

Sale Price: **\$650,000** Sale Date: **05/20/2003**

Living Size: **2,121 sq. ft.** Land Usage: **SINGLE FAMILY RESIDENCE**

Loan Amount: **\$500,000** Loan Type: **CONVENTIONAL**

Lender Name:

BANKUNITED FSB

Terms: **30 Years** Interest Rate: Interest Rate Type: **FIX**
 Seller Name 1: **TAMAYO-COLE MOIRA**
 Source Code:A

Address: [9835 SW 118TH AVE, MIAMI FL 33186](#)

Owner's Address:

Owner Name 1: **SCHEER, JENNIFER**

Document Type: GRANT DEED	Transaction Type: RESALE	Recording Date: 11/10/1997
Parcel Number: 3059010620930	Book:	Page:
Sale Price: \$120,000	Sale Date:	
Living Size:	Land Usage: SINGLE FAMILY RESIDENCE	
Loan Amount: \$0	Loan Type:	Lender Name:
Terms:	Interest Rate:	Interest Rate Type:

Seller Name 1: **CUADRA JAVIER A**
 Source Code:A

Address: [9835 SW 118TH AVE, MIAMI FL 33186](#)

Owner's Address:

Owner Name 1: **SCHEER, JENNIFER**

Document Type: GRANT DEED	Transaction Type: RESALE	Recording Date: 11/10/1997
Parcel Number: 3059010620930	Book: 017862	Page: 003406
Sale Price: \$120,000	Sale Date: 10/30/1997	
Living Size:	Land Usage: SINGLE FAMILY RESIDENCE	
Loan Amount: \$102,000	Loan Type: CONVENTIONAL	Lender Name: CTX MTG CO
Terms:	Interest Rate:	Interest Rate Type:

Seller Name 1: **CUADRA JAVIER A**
 Source Code:A

Address: [9835 SW 118TH AVE, MIAMI FL 33186](#)

Owner's Address:

Owner Name 1: **CUADRA, JAVIER**

Document Type: GRANT DEED	Transaction Type: SUBDIVISION/NEW CONSTRUCTION	Recording Date: 04/16/1990
Parcel Number: 3059010620930	Book: 014509	Page: 001927
Sale Price: \$93,800	Sale Date: 03/29/1990	
Living Size:	Land Usage: SINGLE FAMILY RESIDENCE	
Loan Amount: \$93,523	Loan Type: FEDERAL HOUSING AUTHORITY	Lender Name:
Terms:	Interest Rate:	Interest Rate Type:

Seller Name 1: **INTERAMERICAN BLDRS**
Source Code:A

Property Assessment

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)
Owner Name 1: **CUADRA JAVIER**
Owner Name 2: **CUADRA ELISA**
Owner's Address: [116 S MASHTA DR, KEY BISCAYNE FL 33149, MIAMI-DADE COUNTY](#)

Parcel Number: 24-5205-001-3190	Book: 021272	Page: 000712
Lot Number: 20	Year Built: 1951	Land Size: 7,500
Living Size: 2,121 sq. feet	Garage:	Basement:
Air Conditioning:	Heating:	Fireplace:
Exterior Walls: CBS/HOLW TILE/FR/STUD/SHEAT/SD	Roof: 186	Pool: TYPE UNKNOWN
Total Value: \$669,904	Improvement Value: \$78,509	Tax Amount: \$12,510.42
Assessed Value: \$654,889	Assessed Year: 2005	Homestead Exemption: YES
Sale Price: \$650,000	Sale Date: 05/20/2003	Prior Sale Date: 03/07/1997
Loan Amount: \$500,000	Loan Type: CONVENTIONAL	Lender Name:

Seller Name 1: **TAMAYO-COLE MOIRA**
Legal Description:**BISCAYNE KEY ESTS PB 50-61 LOT 20 BLK 18 LOT SIZE 75.000 X 100 OR 21272-712 21558-111 0503 1 LEONARD C FRANCOIS &W ALMA H STEVEN G MOCARSKI &W SUZANA OR 12869-1750 0486 1 DAVID A COLE &W MOIRA T OR 17554-0188 0297 1 DAVID A & MOIRA T COLE (TRUST) OR 19946-1888 10/2001 4**
Land Usage: **SFR**
Subdivision Name: **BISCAYNE KEY ESTATES**
Source Code:A

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)
Owner Name 1: **CUADRA JAVIER**
Owner Name 2: **CUADRA ELISA**
Owner's Address: [116 S MASHTA DR, KEY BISCAYNE FL 33149, MIAMI-DADE COUNTY](#)

Parcel Number: 24-5205-001-3190	Book: 021272	Page: 000712
Lot Number: 20	Year Built: 1951	Land Size: 7,501
Living Size: 2,121 sq. feet	Garage:	Basement:
Air Conditioning:	Heating:	Fireplace:
Exterior Walls: CBS/HOLW TILE/FR/STUD/SHEAT/SD	Roof: 186	Pool: TYPE UNKNOWN
Total Value: \$635,815	Improvement Value: \$72,536	Tax Amount: \$12,353.39
Assessed Value: \$635,815	Assessed Year: 2004	Homestead Exemption: YES
Sale Price: \$650,000	Sale Date: 05/20/2003	Prior Sale Date: 03/07/1997

Loan Amount: **\$500,000** Loan Type:
CONVENTIONAL Lender Name:

¶
 Seller Name 1: **TAMAYO-COLE MOIRA**
 Legal Description: **BISCAYNE KEY ESTS PB 50-61 LOT 20 BLK 18 LOT SIZE
 75.000 X 100 OR 21272-712 21558-111 0503 1 LEONARD C FRANCOIS &W
 ALMA H STEVEN G MOCARSKI &W SUZANA OR 12869-1750 0486 1 DAVID A
 COLE &W MOIRA T OR 17554-0188 0297 1 DAVID A & MOIRA T COLE
 (TRUST) OR 19946-1888 10/2001 4**
 Land Usage: **SFR**
 Subdivision Name: **BISCAYNE KEY ESTATES**
 Source Code: **A**

Address: [116 W MASHTA DR, KEY BISCAYNE FL 33149](#)

Owner Name 1: **CUADRA JAVIER**

Owner Name 2: **CUADRA ELISA**

Parcel Number: 24-5205-001-3190	Book: 021272	Page: 000712
Lot Number: 20	Year Built: 1951	Land Size: 7,501
Living Size: 2,121 sq. feet	Garage:	Basement:
Air Conditioning:	Heating:	Fireplace:
Exterior Walls: CBS/HOLW TILE/FR/STUD/SHEAT/SD	Roof: 186	Pool: TYPE UNKNOWN
Total Value: \$558,819	Improvement Value: \$51,133	Tax Amount: \$6,515.59
Assessed Value: \$343,574	Assessed Year: 2002	Homestead Exemption: YES
Sale Price: \$650,000	Sale Date: 05/20/2003	Prior Sale Date: 04/1986
Loan Amount: \$500,000	Loan Type: CONVENTIONAL	Lender Name:

¶
 Seller Name 1: **TAMAYO-COLE MOIRA**
 Legal Description: **BISCAYNE KEY ESTS PB 50-61 LOT 20 BLK 18 LOT SIZE
 75.000 X 100 OR 19946-1888 10/2001 4 LEONARD C FRANCOIS &W ALMA H
 STEVEN G MOCARSKI &W SUZANA OR 12869-1750 0486 1 DAVID A COLE
 &W MOIRA T OR 17554-0188 0297 1**
 Land Usage: **SFR**
 Subdivision Name: **BISCAYNE KEY ESTATES**
 Source Code: **A**



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Date: 9/1/06

Please deliver to:

Name: Steve Kirsch

Company/Agency: _____

Telephone: _____

Fax: 408/716-2493

This fax consists of 8 **pages, including this cover sheet**

Page 3

Friday, September 1, 2006

CONFIDENTIAL REPORT

of \$500,000. The loan was paid/closed in 08/2005.

Installment loans

In 01/2006, the subject obtained financing through American Honda Finance. The transaction is believed to be associated with the vehicle registration shown above, and the financing is in the form of a lease. The original total lease amount was \$14,720, and the current balance is believed to be \$11,449. The loan is reported as current at this time, although it was recently two months past-due.

Revolving credit accounts

In the course of our inquiries, a number of revolving credit accounts (credit cards) were found under the subject's name and social security number. These include Credit First (balance \$1,156), MBNA (\$1,228), CBUSA (\$1,410), Washington Mutual/Provident (\$2,599), Capital One Bank (\$1,592), Capital One bank (second account) (\$23), Citibank (reported as seriously past-due) (\$11,104), Capital One Bank (third account) (\$773), MBNA (second account) (\$10,136), HSBC (\$441), Shell (\$919), American Express (\$1), Citibank (reported as seriously past-due) (second account) (\$5,201), and Washington Mutual (\$2,791).

Banking relationships

As you may be aware, in order to comply with recent federal legislation, such as the Patriot Act, and to minimize the difficulties associated with "problem" accounts, virtually every US bank and financial institution now routinely screens prospective depository clients through one of the bank customer verification services. We are online to the major bank customer verification networks, and during the past three year period, no new account inquiries were initiated with regard to the search subject.

However, extensive database searches and telephone inquiries by our investigators reveal that the search subject maintains a current banking relationship with **SunTrust Bank**, most likely at the branch located at 520 Crandon Boulevard, in Key Biscayne (FL). According to information provided by a bank representative, three accounts exist at this time, consisting of two checking accounts and one savings account. The respective approximate balances of these accounts as of the date of the search were \$237, \$3,899 and \$1,764.

No other current banking relationships were revealed during the course of our investigation.

CheckSCORE

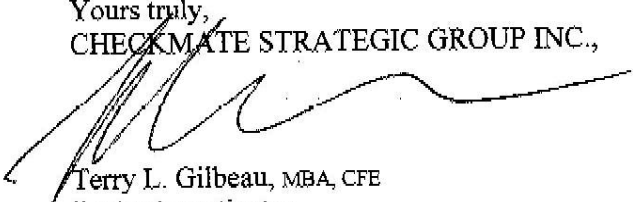
CheckSCORE is an exclusive software analysis product offered to our clients. The analysis provides a statistical score of the likelihood of a material recovery from the search subject using a wide variety of information, including public record data, real property ownership, vehicle ownership, status of current mortgages and other financial obligations, etc. Scores range from 1 (lowest) to 100 (highest). Typically a higher score suggests that the search subject has greater income and assets at their disposal to satisfy judgments and other debt collection matters.

In this instance, the search subject attained a score of **45**, which is in the range generally categorized as "fair". A copy of the analysis print-out is enclosed for your reference and review.

Page 4
Friday, September 1, 2006
CONFIDENTIAL REPORT

We hope that the above information will be of assistance to you in your judgment recovery efforts, and I invite you to contact me directly at 800/675-6636 if you should have any questions with regard to this report.

Yours truly,
CHECKMATE STRATEGIC GROUP INC.,



Terry L. Gilbeau, MBA, CFE
Senior Investigator

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CheckSCORE - Page Two

CONFIDENTIAL

09-01-2006

Search Subject: Javier A. Cuadra (45%)

General Guidelines

Individual scores vary greatly, and are affected by a wide variety of circumstances and financial information. However, the following general guidelines may be of assistance to you in interpreting these results:

Scores between:

- 75 - 100 In many cases, subjects in this scoring range own real estate, currently own or lease a vehicle, have not fully utilized available credit lines, have a favorable credit history, have no derogatory public record data, have discernible banking relationships, have discernible equity in real estate, and are generally meeting their obligations on a timely basis.
- 50 - 74 In many cases, subjects in this scoring range share many financial characteristics as shown above for the higher range. However, other financial circumstances may be lowering their overall score, including lack of real estate ownership, delinquencies with regard to credit obligations, excessive utilization of available credit, negative public record data, lack of discernible banking relationships, or lack of discernible equity in real estate.
- 30 - 49 In general, subjects in this scoring range have one or more negative factors that are significantly reducing their statistical likelihood of meeting their obligations on a timely basis. These factors often include serious delinquencies or adverse public record information. Subjects in this scoring range are often experiencing serious 'cash-flow' problems, and as such, the likelihood of a significant financial recovery is diminished.
- 0 - 29 Subjects in this scoring range, in general, suffer from the same problems as the group shown immediately above, however, usually to a greater degree. In general, subjects in this range have experienced major financial 'set-backs', including adverse public record filings, bankruptcies, foreclosures, repossessions, judgments and other delinquent financial obligations. In many cases, they are the subject of collection efforts by other parties, and as such, the likelihood of a material recovery is substantially reduced.

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13933 LAPALOMAS RD
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Delaware	Missouri	Tennessee
Florida	Montana	Texas
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REBUTTAL BOX

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HOW DO I RESPOND?

Are you an owner, employee or ex-employee with either negative or positive information about the company or can you provide "insider information" on this company? Do you have a consumer suggestion on how to resolve this problem or how to avoid it in the future? ONLY these types of responses will be added to the filed report, and will be posted within 24 hours of receipt. Make your voice heard. Let them know your side, too!

[CLICK HERE to Send us your rebuttal on this specific report only.](#)

or

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Category:
Consumer Services

Submitted:
2/26/2006 12:44:34
PM
Modified: **2/26/2006**
12:45:00 PM

U S Record Search Failure to adequate perform the Service Requested Coral Springs Florida

Company

U S Record Search

Address:

3300 N. University Drive #110

Coral Springs Florida 33065

U.S.A.

Phone:

800-250-8885

Email: INFO@USRECORDSEARCH.COM

I spoke with Sue (refused any other identifying information) about an hour ago. Her tone seemed rude and highly defensive. But more important, she flat refused a refund. The situation is stated below.

My wife and I contracted U S Record Search to perform a 10 year background check on myself. The resulting email was "THE WORK HISTORY SEARCH YOU REQUESTED ON THE ABOVE NAME CAME BACK NO RECORD FOUND BY SOCIAL SECURITY NUMBER OR NAME AND STATE."

According to Sue, the only way to guarantee a 10 year employment search will be accurate is to contact the IRS or SSI, since your employment history is protected. On the face of it, it seems misleading to offer a service which you are certain will fail.

However, she also stated that the only way that they can get the information is from "Public Record" which she defined as "companies that sell information about you" citing "Credit card companies and places where you fill out your information on a card or something." If "Public Record" was limited to only these areas, then they should have still had some results because I have filled out cards for prizes (expecting that my information would be sold) and I have applied for credit cards. Although, I have not performed these acts recently, they should have resulted in some information at least.

Additionally, I would include information in public domain as a "Public Record." A

basic "Google" search for my name will show me associated with a prior employer in the 3rd of 3 hits. Additionally, a search on insurance.ca.gov will show that I was a licensed California Property and Casualty agent and a quick call to the Insurance Bereau will get some information as well.

Clearly they did not use the resources they had or did not use them effectively.

In summary, U S Record Search advertised a service which they had no reasonable expectation of fulfilling since they did not request authority to contact the IRS or SSI on my behalf. I attempted in good faith to work with them and was treated rudely and flat refused. I paid for a service not rendered and should be entitled to a full refund. At this time I have filed a complaint with Visa, the BBB, and now ripoffreport.com.

Christopher
Vista, California
U.S.A.

Company Search

If you would like to see more Rip-off Reports™ on U S Record Search, please use the search box below

In order to assure the best results in your search:

- Keep the name short & simple, and try different variations of the name.
- Do not include ".com", "S", "Inc.", "Corp", or "LLC" at the end of the Company name.
- Use only the first/main part of a name to get best results.
- Only search one name at a time if Company has many AKA's.

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REBUTTAL BOX

MY COMPANY HAS BEEN REPORTED! HOW DO I RESPOND?

Are you an owner, employee or ex-employee with either negative or positive information about the company or can you provide "insider information" on this company? Do you have a consumer suggestion on how to resolve this problem or how to avoid it in the future? ONLY these types of responses will be added to the filed report, and will be posted within 24 hours of receipt. Make your voice heard. Let them know your side, too!

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or

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Home File Search Register

Category:
On-Line Business

Submitted:
7/10/2006 5:20:52
PM
Modified: **7/10/2006**
7:39:00 PM

Assetsearches.com, U.S. Record Search Internet ripoff Scam usrecordsearch Coral Springs Florida

Company

Assetsearches.com

Address:

**3300 N University Dr. Suite 10
Coral Springs Florida 33065**

U.S.A.

Phone:

954-757-6070

Fax: -

This company advertises on the internet as an asset search firm. Actually, it is just a scam set up. You call and they claim they will do an asset search for you. Then, you never hear from them again. Of course, they take your money first.

Their web address is:

assetsearches.com/

They have a mirror site at:

usrecordsearch.com

These folks are mercenary thieves. DO EVER USE THEM

Mike

Santa Barbara, California

U.S.A.

Company Search

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please use the search box below

Assetsearches.com

Search

In order to assure the best results in your search:

- *Keep the name short & simple, and try different variations of the name.*
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Home File Search Register

Category:
Collection Agencies

Submitted:
6/29/2005 5:43:33
PM
Modified: 6/29/2005
5:44:00 PM

U.S. Record Search, AssetSearches.com ripoff takes your money and doesn't do the search!!! Coral Springs Florida

Company

U.S. Record Search, AssetSearches.com

Address:

**3300 N University Dr. Suite 10
Coral Springs Florida 33065**

U.S.A.

Phone:

800-250-8885

Fax: 800-619-6731

Email: Assetsearches.com

I had a small claims judgement and needed to locate assets of the defendant. I found assetsearch.com on the web. They have a very good search engine. I called the 800 number and was given an option of bank account search in one state, bank account nationwide, or all assets nationwide. Since it was small claims I decided to try the state bank account search. I was told the fee was \$195 and of course I paid it.

I began to get suspicious when I didn't hear anything for a month. I called the 800 number and was told it would be another month. I called again in another month and then was told my information was never processed and to resend it. I resent the information. I called again in a month and was told it would be a few more days. I then received a letter in the mail stating no records were found for bank accounts in the name or social security number of the defendant.

As luck would have it, I was able , on my own, to locate a bank account in the name and social security number of the defendant right here in my home state. I called the people at assetsearch.com to request a refund. I was told I would have to call back after 6 p.m. to speak with a Fred Joseph.

I called him back after 6 p.m. and after I explained part of the situation, I was put on hold by him twice. After waiting 10 minutes on hold the second time I called Fred Joseph back. He then proceded to call me a dumb motherf***er several times before

hanging up.

I was dumb all right, for sending my money to this rip-off artist. Be warned!!!

**Jeff
Scarsdale, New York
U.S.A.**

Company Search

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U.S. Record Search, AssetSearches.com

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Steve Kirsch
13930 La Paloma Rd Los Altos Hills, CA 94022
(650) 279-1008 fax: (408) 716-2493

October 1, 2006

Commissioner James P. Madden
Santa Clara Superior Court
270 Grant Avenue, Dept 86
Palo Alto, CA 94306

Re: Kirsch v. US Record Search

Case number: 206-SC03702

Dear Commissioner Madden:

I am in receipt of Defendant's motion to Dismiss mailed September 19, 2006.

The entire basis for their motion is the claim, supported by their affidavit, that I orally agreed that the venue for disputes would be Broward County Florida. There is no other evidence other than the claim by Fred Joseph that I made that agreement.

I hereby state under penalty of perjury, that no such oral agreement as to venue was ever made.

Therefore, since the Defendant has the burden of proof of the motion, **Defendant's motion cannot succeed and must be denied since the evidence presented (D said P did, P said he didn't) is at most 50-50 whereas preponderance is required.** Without some sort of written evidence or a tape recording of the conversation, Defendant's motion must fail.

In addition, **the terms on the website are immaterial** to the contract since it was a telephonic contract made orally, not placed over the web. There was no mention of the terms on the website in the oral transaction.

Furthermore, I have alleged both fraud and breach of contract in my complaint. Even if the Defendant could prove that such a venue claim applied to the contract (which they cannot), **it would not apply to my claim of fraud** (fraudulently inducing me to enter into the contract) since the fraud claim is not governed by the contract terms.

In the absence of any agreement of the parties to the contrary, this court has jurisdiction over this matter. For example, see:
http://www.loundy.com/CASES/Thompson_v_Handa-Lopez.html which is a widely cited case regarding jurisdiction for Internet transactions.

Fred Joseph has been ripping people off for at least 7 years as I was able to obtain records showing fraud complaints (on the same scam he's running today) filed with the state of Florida as early as 1999 which is apparently shortly after he first started this scam.

Therefore, his testimony should be viewed with extreme skepticism by the court. He's been using exactly the same modis operandi for the past 7 years as the complaints were virtually identical to what I had personally experienced.

In addition, the court should also consider the following:

- **I will produce a witness at trial who will confirm that the Defendant's standard business practice is to take orders over the phone and no such mention of the venue or reference to any terms on any website is ever mentioned in the oral transaction.**
- **I will produce written evidence of the website at the time of the transaction that shows that Fred Joseph lied in his affidavit.** He claims I agreed to a clause written on the website. But that is impossible since the clause he refers to did not exist at the time of the transaction. I took a snapshot of his site when I filed my complaint. And I had my corporate attorney snapshot it today to prove that **even today it still doesn't say what he claims it does.**
- **Defendant's statement in his Affidavit that "those services were performed" is total bullshit.** He promised me bank account balances and account numbers nationwide. He provided me with nothing whatsoever by the promised 30 day time period. And then, after I wrote him a demand letter, he got on Accurint and ran an asset search costing \$2.50 (which was not what I had asked for; if I wanted an Accurint search I would have run it myself since I'm an experienced Accurint user) and sent me those results and claimed he couldn't find any bank records and thinking that I'd never figure out that he spent 2 fifty on a search he billed me \$495 for since most people don't know about Accurint. He obviously never did the actual bank asset search I contracted with him to do since **I subsequently went to 2 different firms with the same search and both firms found the bank accounts and balances I was seeking.** Others have had the same problems I had. I will bring a witness from our local area to trial that will confirm this. In addition, there are numerous complaints on the web citing exactly the same thing.
- Finally, the court must view with GREAT skepticism motions that was certified to have been mailed September 19, 2006 and an affidavit made on September 19, 2006, yet as you can see from the bottom of the last two pages, the "evidence" that is referenced was dated September 20, 2006, one day later. **How can you have mailed something on the 19th containing evidence that was created AFTER you mailed it to the court?!?!** The only way to do that is if you are either lying to the court or presenting false evidence. Both are crimes.

In short, these are a bunch of con artists and they'll continue to make stupid mistakes like this which show the court how unethical they really are.

Therefore, they've failed to produce the necessary preponderance on their motion so it must be denied. They will also fail if they try to challenge jurisdiction when I domesticate the judgment as **the case law is solidly in my favor (which is why they cited no case law whatsoever in their motion).** There may be a case that helps them, but every case

Steve Kirsch
13930 La Paloma Rd Los Altos Hills, CA 94022
(650) 279-1008 fax: (408) 716-2493

I'm aware of (and I've spent a lot of time on previous cases researching this) favors my position. So I am grateful that they didn't do their research as their stated strategy of non-appearance at trial will guarantee that they will lose the case when they try to contest jurisdiction when I sister-state the judgment in Florida.

I assume you will hear their motion on the trial date. I consent to a telephonic appearance by them if they wish to appear by phone to argue their motion. They certainly have a lot of explaining to do and I wouldn't want to deny them the opportunity of making fools of themselves in court. At a minimum, it should provide a modicum of entertainment value for the court.

Sincerely yours,

Steven T. Kirsch

cc:
Fred Joseph
US Record Search
3300 University Dr STE 100
Coral Springs, FL 33065

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

Tom THOMPSON, Plaintiff,

v.

HANDA-LOPEZ, INC., Defendant.

No. CIV.A. SA97-CA1008EP.

March 25, 1998.

PRADO, District J.

On this date came on to be considered Defendant's Motion to Dismiss for Improper Venue and for Lack of Personal Jurisdiction, or in the Alternative, to Transfer the Action to the United States District Court for the Northern District of California for Improper Venue or for the Convenience of the Parties and Witnesses, filed August 22, 1997, and the Plaintiff's Response, filed September 5, 1997 in the above-styled and numbered cause. After careful consideration, this Court is of the opinion that Defendant's motion should be denied.

BACKGROUND

Plaintiff Tom Thompson brought this action alleging breach of contract, fraud, and violations of the Texas Deceptive Trade Practices Act by Defendant Handa-Lopez, Inc. Defendant operates an arcade site on the Internet advertised as "Funscape's Casino Royale," the "World's Largest" Internet Casino. Individuals purchase game tokens ("Funbucks") with a credit card, which are used to play blackjack, poker, keno, slots, craps, easy lotto, and roulette. If the player wins he is entitled to receive \$1.00 for each 100 Funbucks, in the form of either cash or prizes. Plaintiff alleges that on or about June 9, 1997, he was in Texas, playing games on Defendant's Internet casino when he won 19,372,840 Funbucks. He attempted to redeem them for \$193,728.40 pursuant to the rules of Defendant's Internet site, but Defendant refused to pay the owed money. Plaintiff therefore brought this lawsuit.

Plaintiff is a Texas domiciliary while Defendant is a California corporation with its principal place of business in California. It maintains an Internet site on the World Wide Web, which can be accessed at "www.funscape.com" by any Internet user. The server for the Web site is located in California. The Web site is at present continually accessible to every Internet-connected computer in Texas and the world. Plaintiff entered into a contract to play the game on Defendant's Web site. Buried within the contract was an inconspicuous provision which provided that any disputes:

shall be governed by the laws of the State of California, excluding choice of law principles, and shall be resolved exclusively by final and binding arbitration in the City of San Jose, County of Santa Clara, State of California, USA under the rules of the American Arbitration Association, and, in the event of such arbitration, no punitive, special, incidental, or consequential damages may be recovered by any party and the arbitrator shall not have the power to award any such damages...

PERSONAL JURISDICTION

A court must conduct a two-step analysis to establish personal jurisdiction in a diversity case. First, the court must determine that nonresident defendants can be served under the law of the forum state. Second, the court must examine whether the grant of jurisdiction under state law comports with the due process clause of the fourteenth amendment. *Stuart v. Spademan*, 772 F.2d 1185, 1189 (5th Cir.1985). In Texas, federal courts must only examine the second step because the Texas long arm statute extends as far as constitutionally permissible. See *U-Anchor Advertising, Inc. v. Burt*, 553 S.W.2d 760, 762 (Tex.1977), *cert. denied* 434 U.S. 1063, 98 S.Ct. 1235, 55 L.Ed.2d 763 (1978); *Stuart*, 772 F.2d at 1189.

Due process analysis for personal jurisdiction also requires a two-step analysis. As the Fifth Circuit stated in *Stuart*:

(a) the nonresident must have some minimum contact with the forum which results from an affirmative act on his part; (b) it must be fair and reasonable to require the nonresident to defend the suit in the forum state.

Id. To be amenable to suit in a forum, the nonresident defendant must have purposely conducted activities in the state which invoke the benefits and protections of the forum state's laws. The contacts with the state must put the defendant on notice "that he should reasonably anticipate being haled into court there." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297, 100 S.Ct. 559, 567, 62 L.Ed.2d 490 (1980).

Minimum contacts analysis takes two forms. Jurisdiction can be specific or general. Specific jurisdiction focuses the minimum contacts analysis on the relationship between the defendant, the forum, and the litigation. A court has specific jurisdiction when a cause of action arises out of a defendant's contact with the forum. In such cases, a single act can support jurisdiction. *Bearry v. Beech Aircraft Corporation*, 818 F.2d 370, 374 (5th Cir.1987). When the cause of action is not predicated on the defendant's contacts with the forum, the court may exercise general jurisdiction. Unlike specific jurisdiction, general jurisdiction requires more than one contact. General jurisdiction requires a set of continuous and systematic contacts between the defendant and the forum state. *Id.* Given the nature of general jurisdiction, corporations have a right to structure their affairs to avoid the general jurisdiction of a state's courts. *Id.* at 375-76.

When a defendant challenges personal jurisdiction, the plaintiff bears the burden of proof on the issue. *D.*

J. Investments v. Metzeler Motorcycle Tire Agent Gregg, Inc., 754 F.2d 542, 545 (5th Cir.1985). However, The plaintiff does not need to prove personal jurisdiction by a preponderance of the evidence. The plaintiff need only establish a prima facie case for personal jurisdiction. Furthermore, the Court must accept uncontroverted allegations in the plaintiff's complaint as true and all factual disputes in the parties' affidavits must be resolved in favor of the plaintiff. *Id.* at 545-46.

The Internet and Jurisdiction

The Internet is a global communications network which makes it possible to conduct business throughout the world entirely from a desktop. It is currently estimated that there are over 30 million Internet users worldwide. *Zippo Manuf. Co. v. Zippo Dot Com, Inc.*, 952 F.Supp. 1119, 1122 (W.D. Pa.1997) (citing *Panavision Intern., L.P. v. Toeppen*, 938 F.Supp. 161 (C.D.Cal.1996)). Despite the evolution of a global Internet, the case law concerning the permissible scope of personal jurisdiction based on the Internet is very limited. In a recent opinion from the Western District of Pennsylvania, the Court discussed the "sliding scale" that courts have used to measure jurisdiction. *Zippo*, 952 F.Supp. at 1124.^[1] This sliding scale is consistent with well developed personal jurisdiction principles. At one end are situations where a defendant clearly does business over the Internet by entering into contracts with residents of other states which involve the knowing and repeated transmission of computer files over the Internet. See *CompuServe, Inc. v. Patterson*, 89 F.3d 1257 (6th Cir.1996). At the other end are passive Web site situations. A passive Web site that solely makes information available to interested parties is not grounds for the exercise of personal jurisdiction. See *Bensusan Restaurant Corp. v. King*, 937 F. Supp. 295 (S.D.N.Y.1996), *aff'd*, 126 F.3d 25 (2nd Cir.1997). Interactive Web sites, where a user can exchange information with the host computer, represent the middle ground. In these cases, the exercise of jurisdiction is determined by examining the level of interactivity between the parties on the Web site. See [Maritz, Inc. v. Cybergold, Inc.](#), 947 F.Supp. 1328 (E.D.Mo.1996).

Minimum Contacts

Due process limitations require that a nonresident corporate defendant have minimum contacts with the forum state such that it could "reasonably anticipate being haled into court there." *World-Wide Volkswagen*, 444 U.S. at 297. Further, maintenance of the suit in the forum state cannot offend traditional notions of "fair play and substantial justice." *International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 158, 90 L.Ed. 95 (1945).

The Defendant claims that personal jurisdiction does not exist here because the Defendant does not have sufficient minimum contacts within Texas to satisfy due process. Minimum contacts are lacking, according to the Defendant, because it is a California corporation with its principal place of business in California, and its server is located in California. It does not maintain an office in Texas nor does it have a sales force or employees in the state.

The Plaintiff responds that minimum contacts comports with due process have been satisfied because the Defendant has advertised its Casino over the Internet knowing that Texas citizens will see its

advertisement. Further, it has conducted business within the state of Texas by entering into contracts with Texas citizens to play those games, which the Texas citizens played while in Texas.

The Court agrees with Plaintiff. In the present case, Defendant Handa-Lopez has directed the advertising of its Casino toward all states. It advertises itself as the "World's Largest" Internet Casino. Defendant's argument that it "did not direct any of its advertising specifically towards Texas residents" is unpersuasive. The Internet is designed to communicate with people in every state. Advertisement on the Internet can reach tens of thousands of users within Texas alone. In *Inset Sys., Inc. v. Instruction Set, Inc.*, 937 F.Supp. 161, 163 (D.Conn.1996), the Court exercised personal jurisdiction, reasoning that, unlike newspapers, in which advertisements are often disposed of rapidly, or television and radio, in which advertisements are only broadcast at certain times, advertisements over the Internet are available continually to any Internet user.

In *Inset*, a Connecticut corporation sued a Massachusetts corporation in the District of Connecticut for trademark infringement based on the use of an Internet domain name. *Id.* at 162. The Defendant's contacts with Connecticut consisted of posting a Web site that was accessible to approximately 10,000 Connecticut residents and maintaining a toll free number. *Id.* at 165.

In *Maritz*, the Court likewise exercised jurisdiction over a corporation that advertised over the Internet. In *Maritz*, the Defendant had put up a Web site as a promotion for its forthcoming Internet service. *Maritz*, 947 F.Supp. at 1330. The service consisted of assigning users an electronic mailbox and then forwarding advertisements for products and services that matched the users' selected interests. *Id.* The Defendant planned to provide user incentives for reading the advertisements and to charge advertisers for access to the Internet users on its mailing list. *Id.* The service was not yet in operation, but users were encouraged to add their address to a mailing list to receive updates about the service. The Court found jurisdiction, reasoning that the Defendant's conduct consisted of "active solicitations" which were designed to develop a mailing list of Internet users. The Court added that it was significant that the Defendant "indiscriminately responded to every user" who accessed the site. *Id.* at 1333-34.

Following the reasoning employed by these courts, jurisdiction should likewise be exercised in our case. In the present case there was more extensive interaction between the Defendant and the casino players than in *Maritz* and *Inset*. Defendant Handa-Lopez did more than advertise and maintain a toll free telephone number--it continuously interacted with the casino players, entering into contracts with them as they played the various games. Defendant Handa-Lopez did not exchange information with residents of various states hoping to use that information for commercial gain in the future. In the instant case, Defendant Handa-Lopez entered into contracts with the residents of various states knowing that it would receive commercial gain at the present time. Furthermore, in the instant case, the Texas Plaintiff played the casino games while in Texas, as if they were physically located in Texas, and if the Plaintiff won cash or prizes, the Defendant would send the winnings to the Plaintiff in Texas.

The present case is distinguishable from *Bensusan*. In *Bensusan*, the operator of a New York jazz club sued the operator of a Missouri jazz club for trademark infringement. The Internet Web site at issue

contained general information about the Defendant's club, a calendar of events and ticket information. *Bensusan*, 937 F.Supp. at 297. However, if a user wanted to go to the club, he would have to call or visit a ticket outlet and then pick up tickets at the club on the night of the show. *Id.* The court denied to exercise jurisdiction based on the Web site alone, reasoning that it did not rise to the level of purposeful availing of that jurisdiction's laws. *Id.* at 301. *Bensusan*, however, concerned a non-interactive Web site, where a user wishing to purchase tickets could not do so from the Defendant. In the present case, the Plaintiff entered into the contract with the Defendant on the Internet, played games with the Defendant on the Internet, and, if he won, would be sent cash or prizes to his home in Texas, in direct contrast to the level of involvement in *Bensusan*. [2]

Fair Play and Substantial Justice

The minimum requirements inherent in the concept of "fair play and substantial justice" may defeat the reasonableness of jurisdiction even if the defendant has the requisite minimum contacts with the forum. However, where minimum contacts have been established, the defendant "must present a compelling case that the presence of some other considerations would render jurisdiction unreasonable." *Burger King Corporation v. Rudzewicz*, 471 U.S. 462, 477, 105 S.Ct. 2174, 2184-85, 85 L.Ed.2d 528 (1985). The factors to be considered are the relative burdens on the plaintiff and defendant of litigating the suit in this or another forum, the forum state's interest in adjudicating the dispute, and the interstate judicial system's interest in efficient resolution of controversies. *Id.* at 477.

In the present case the Defendant argues that it would offend traditional notions of fairness to compel it to defend this lawsuit in Texas, especially since the contract at issue contained a clause which stated that any disputes "shall be governed by the laws of the State of California" and "shall be resolved exclusively by final and binding arbitration in the City of San Jose, County of Santa Clara, State of California."

Defendant claims that it has not purposefully interjected itself in the affairs of Texas because it has not directed any activity specifically and purposely toward the State. The Defendant adds that the Plaintiff unilaterally contacted and voluntarily entered Defendant's Web site and contest without any contact by Defendant toward Plaintiff, especially since the Plaintiff accepted the binding "forum selection clause" in the contract.

First, this clause is not a forum selection clause because it does not mandate that disputes arising from this contract be litigated in California; it merely states that disputes shall be governed by the laws of the State of California and shall be resolved exclusively by final and binding arbitration in California. This clause by no means requires, nor does it even suggest, that a lawsuit must be filed in California.

In addition, Texas clearly has a strong interest in protecting its citizens by adjudicating disputes involving the alleged breach of contract, fraud, and violations of the Texas Deceptive Trade Practices Act by an Internet casino on Texas residents. Furthermore, due regard must be given to the Plaintiff's choice to seek relief in Texas. *Kulko v. Superior Court of Calif.*, 436 U.S. 84, 92, 98 S.Ct. 1690, 1696-97, 56 L.Ed.2d 132 (1978). These concerns outweigh the burden created by requiring the Defendant to

defend the suit in Texas.

VENUE

Defendant also moves this Court to dismiss this case for improper venue, or to transfer this case for improper venue, pursuant to 28 U.S.C. Section 1406(a), "on the basis that Texas Courts are improper venue for this case based upon a forum selection clause found in Defendant's Official Rules and Regulations."

Section 1406(a) provides:

The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

This argument is meritless because this case was not brought in an improper venue. As previously stated, the clause at issue in the contract does not prohibit a lawsuit from being brought in Texas.

Defendant also argues that this case should be transferred to the Northern District of California pursuant to > 28 U.S.C. Section 1404(a), which provides that "[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." The purpose of this statute is to prevent the waste of time, energy, and money and to protect litigants, witnesses, and the public against unnecessary inconvenience and expense. *Van Dusen v. Barrack*, 376 U.S. 612, 616, 84 S.Ct. 805, 11 L.Ed.2d 945 (1964); *Stabler v. New York Times Co.*, 569 F.Supp. 1131, 1137 (S.D.Tex.1983). Under Section 1404(a), the movant has the burden of demonstrating that a change of venue is warranted. *Time, Inc. v. Manning*, 366 F.2d 690, 698 (5th Cir.1966); *Stabler v. New York Times Co.*, 569 F.Supp. at 1137. To prevail, the moving party must show that the balance of convenience and justice weighs heavily in favor of the transfer. *Acrotube, Inc. v. J.K. Fin. Group, Inc.*, 653 F.Supp. 470, 477 (N.D.Ga.1987). Therefore, when assessing the merits of a Section 1404(a) motion, a court must determine if a transfer would make it substantially more convenient for the parties to litigate the case. *Id.*

The decision to transfer a pending case is committed to the sound discretion of the district court. > *Van Dusen v. Barrack*, 376 U.S. at 616, 84 S.Ct. at 809; *Parsons v. Chesapeake & Ohio Ry. Co.*, 375 U.S. 71, 74, 84 S.Ct. 185, 187, 11 L.Ed.2d 137 (1963). The criteria weighed by a court in deciding a Section 1404(a) motion include:

(1) the convenience of the parties; (2) the convenience of material witnesses; (3) the availability of process to compel the presence of unwilling witnesses; (4) the cost of obtaining the presence of witnesses; (5) the relative ease of access to sources of proof; (6) calendar congestion; (7) where the events in issue took place; and (8) the interests of justice in general.

St. Cyr v. Greyhound Lines, Inc., 486 F.Supp. 724, 727 (E.D.N.Y.1980); *Goodman v. Schmalz*, 80 F.R.D. 296, 300-01 (E.D.N.Y.1978).

In the instant case, a review of the relevant factors indicates that a transfer is not warranted. The Defendant claims that all of its witnesses and evidence are located in California. While this may be true, the same applies to the Plaintiff with regard to Texas -- all of his witnesses and evidence are located in Texas. The Defendant also claims that it would be very burdensome for it to travel to Texas to defend this lawsuit. However, it would be at least as burdensome, if not more so, for the Texas Plaintiff to travel to California as it would be for the "World's largest" Internet casino to come to Texas.

Defendant further argues that this case should be transferred to California because Plaintiff, to the extent he receives a judgment against Defendant, "would be required to enforce the judgment in California." This argument is meritless because if Plaintiff receives a judgment against Defendant, he will be able to enforce the judgment in California; California certainly gives full faith and credit to judgments received in Texas.

Finally, Defendant claims that in the interest of justice this case should be transferred since "Plaintiff agreed that the forum for any dispute regarding Defendant would be in California." As previously mentioned, this clause clearly neither compels nor suggests that a lawsuit be brought in California. Furthermore, this clause did not give Plaintiff notice that California was a possible forum, since the clause was inconspicuously buried within the several page contract--Plaintiff did not notice it, nor would a reasonable person have noticed it.^[3] Plaintiff entered into a contract with Defendant and played on Defendant's casinos without ever contemplating that he may be compelled to fight a potential lawsuit in California.

Conclusion

Accordingly, it is hereby ORDERED that Defendant Handa-Lopez's Motion to Dismiss for Improper Venue and for Lack of Personal Jurisdiction, or in the Alternative, to Transfer the Action to the United States District Court for the Northern District of California for Improper Venue or for the Convenience of the Parties and Witnesses is DENIED.

FOOTNOTES:

1. The majority of case law concerning Internet personal jurisdiction deals with issues involving trademark infringement and unfair competition. However, the same principals apply to breach of contract and DTPA claims.
2. It is important to note that some courts hold that even a strictly passive web site is grounds for the exercise of personal jurisdiction. In *Telco Communications v. An Apple A Day*, 977 F.Supp. 404 (E.D. Va.1997), the Court held that defendants were subject to personal jurisdiction in Virginia for their action

of posting allegedly defamatory press releases regarding plaintiff on passive internet site. The Court reasoned that a continuous Web site constituted the purposeful doing of business in the state. *Id.* at 406-408.

3. Furthermore, it is very likely that this clause will be deemed unenforceable since it is not only inconspicuous but also contains an invalid limitation on claims and remedies.



E-LAW
Locator



E-LAW
Home

http://www.Loundy.com/CASES/Thompson_v_Handa-Lopez.html



Dedicated to Helping Stop Junk Faxes



BACKGROUND
INFORMATION

REAL STORIES

TAKE ACTION

[Home](#) > [Junk fax profiles](#) > [US Record Search](#)

US Record Search & Information Services, Inc. and Fred Joseph: Is it a scam or fraud? You decide!

This page is about the following web sites which advertise various information searches:

- <http://www.usrecordsearch.com> [US Record Search - background search, record search investigations](#)
- <http://www.assetsearches.com>
- <http://www.bankaccountsearch.com/> "The world's leader in bank account(sm) searches"
- www.phonenumbertrace.com "The world's leader in phone number tracing" (sm)
- <http://www.us-search.net> [Find Somebody People Search US Search](#)
- [federal crime record search, public records searches, background checks - Criminal-Records.com](#)
- and so on...

According to the public records I obtained from the Florida regulators, complaints against US Record Search started coming in as early as November 5, 1999. Remarkably, the complaint filed in 1999 was virtually identical to what happened to me: promising to find the information you wanted, refusing to listen to any additional information on the subject of the report, using a telephone check, no call with results, you call to complain and they say "it is still in research," and you call again to complain about why you haven't heard anything and Fred Joseph insults you.

From all the evidence I've gathered, this appears to me to be a scam where they promise to find all this stuff for you and then do (virtually) nothing to find it until you complain. In my case, it was only after I complained that they ran an Accurint search which cost them a

whole two bucks and change (but they charged me \$495.00). That search that they ran for me was an Accurant Asset Report, and not the "bank account number and balance" information that I had contracted for.

Also, what they represented to me that they would do for me (use the banking system to find the assets), is something that appears to be quite impossible as all of the people who have been in the business for years that I've asked about this say there is no such thing as "the banking system in Washington, DC" that can be used to get these records.

This is impressive...7 years now and as far as I know, there have been no criminal charges and I bet very few lawsuits. And the Coral Springs cops refuse to take a police report when I tried reporting the company (they incorrectly tell you that it is a civil matter). This doesn't mean it is legal. It just means that for now at least, if you feel that you've been ripped off and want to recover your money, you have to sue them yourself; you cannot rely on the police to file a report and have the DA pursue it.

If you are looking to do an asset search, here are some reputable sources I'm aware of and have used successfully:

- [CheckMate - The nation's leading asset search specialists](#)
- [Judgment Trackers - Professional Judgment Enforcement and Asset Investigations](#)

US Record Search is not on my list as one of those reputable firms I use. And when I contacted them to give me the names of law firms that use them on a regular basis, I got the run-around. No names of any people I could call. So if they are on someone's list of reputable services, please contact me and I'll publish it.

US Record Search advertises heavily on various web sites. Here's their contact info:

U.S. Record Search & Information Services, Inc.
3300 N. University Dr. Suite 10
Coral Springs, FL 33065

1-800-250-8885
1-800-619-6731 (per Fred Joseph Affidavit)
1-954-757-6070
FAX: 800-619-6731
FEIN: 650824151

Former address (1999):
1639 NW 81st Av
Coral Springs, FL 33071

1287 N. University Dr STE 100
Coral Springs, FL 33071

Based on database searches I did, the AKA's of the owner (who is 45 years old) include:

- Fred Joseph
- Frederick Evan Joseph (his real name)
- Fred Evan Joseph
- Fredrick Joseph
- Joseph Fred
- Joseph Frederick

Other people associated with or having knowledge about the company

- Rick Waters (website technical)
- Janice Vreeland (admin; someone named Janice told me on 9/28/06 that they had received my lawsuit so I presume it is the same person)
- Forrest Freedman (registered agent as of Feb 22, 2001) was formerly located in the same building; now at 3333 W Commercial Blvd, Ft. Lauderdale, FL (954) 714-1037. He's their current attorney. After I served them with my lawsuit, Freedman drafted the papers to try to have it dismissed using a declaration from Fred that I orally agreed to Broward County, FL as the venue for all disputes. Next, he sent me a letter offering to refund my money. I declined his offer by phone (because I had already filed suit for over 10 times that amount due to punitive damages). He told me not to do anything to interfere with US Record Search's business.
- IRA F MARKOWITZ (former registered agent in 1999; same building suite 504). He was Fred's lawyer on or about August 9 to December 29, 1999. I know this because he responded to Kenneth Kemp's complaint about US Record

Search with the Florida Division of Licensing and the Michigan Attorney General.

Because I only tried one bank search, I don't know if all of the US Record Search websites are scams, but I wouldn't be surprised if they all were. In my case, I found that they took my money and I got nothing within the promised timeframe. When I called and complained, they first told me it is still in research. If you keep calling, they start insulting you. I searched the Internet and found others with an experience similar to mine.

Here is my story...If you have an experience similar to mine, please use the contact link and let me know.

I had a large judgment against one of my debtors and I wanted to do an asset search to find out if it was worth my while to collect.

After doing an Internet search, I found the URLs above which seemed like a better deal than the reputable services I had been using.

July 6, 2006. I called their 800 number at 1-800-250-8885 (their other number is 954-757-6070) and spoke to a person who identified himself as Fred Joseph. I was told the following:

- I would get both account numbers and current account balances for all accounts held by the debtor nationwide. This is truly impressive since I know of no other service that would do that.
- I didn't need to send him a copy of the judgment. Truly impressive since every other service requires that.
- Searches were done "through the banking system." Truly impressive because there is no such thing as far as I know.
- That the \$495 nationwide search was the "best deal" because the debtor might have an brokerage account out of state that the search would pull up
- That, despite what it says on their website, they didn't take credit cards in virtually all cases (they say you have to come in the office in person to use a credit card). If I wanted to get the search done, they could do it by electronic check; all they needed was the info from the face of one of my

checks which I gave them because if they can pull money out of my account with the info available on any check, they must truly be legit (I later found out this is totally untrue)

- That the search takes 15 to 20 days.
- The results would be sent to me via both email and US mail and they'd call me.

My bank account was charged \$495 on 7/10. They basically print a "check" with my account number on it, print "this drafted authorized by your debtor; NO SIGNATURE REQUIRED", and fax it to the bank. The bank then pays from that. It's too small an amount to call you to see if you really authorized it. This is a major hole and source of fraud in the banking system. Anyone who has your account number can basically forge such a check and take the money and run.

August 8, 2006. It's a month later, I hadn't received anything. Not even a call to apologize about the search taking longer than it should I called the 800 number and again talked to Fred. He said I'd have to wait for the response and that it is in the banking system and that I'd just have to wait until they called me. He said he only makes \$35 on the whole deal. He said he wishes he could rush them but that they take their own sweet time. He said I should stop being a "cry baby" and just wait. I asked who my search is handled by. He said "our research department." I said I wanted to call the research department to see what is taking so long. I asked, "What is their phone number?" He said, "I am the research department." After a few more insults hurled my way, Fred hung up on me. At this point, I had believed I had been scammed and that I'd never see any results (or else, now that they know I'm serious, they'd do a half hearted search to cover the tracks so it looks good in court).

So I did the Google search on the company name and scam, and this time found results I hadn't found the first time:

- [Rip Off Report U.S. Record Search, AssetSearches.com ripoff takes your money and doesnt do the search!!! Coral Springs Florida](#)
- [Rip Off Report Assetsearches.com, U.S. Record Search Internet ripoff Scam usrecordsearch Coral Springs Florida](#)

- [Rip Off ReportU S Record Search Failure to adequate perform the Service Requested Coral Springs Florida](#)
- [Rip Off ReportAssetsearches.com Fred ripoff! Scam! Fraud! Thief! Http--www.assetsearches.com Internet](#)
- [Internet-Fraud Forum - http--www.assetsearches.com-](#)
- [http--www.assetsearches.com-](#)

So I see that what has happened to me has happened to others. It is certainly possible that this happens to everyone who gives them money since:

- **Fred's failure to be able to explain who does the research was the key point.** He became flustered when I started quizzing him about who does the search and how to contact "them." That's a big red flag for me. He couldn't tell me who did the research, where they were located, and how they did the search. **He basically just did hand-waving saying "it's in the banking system."** Not very credible at all. That said it all to me. As far as I know, the "banking system" doesn't exist as far as it being a central database you can search like Fred claims. Banks are forbidden from releasing this information, paid for or not, except under court order to the bank itself (not the "banking system"). You cannot simply enter a search into a central banking database like Fred claimed to do.
- Every time you talk to Fred, the facts keep changing. One person he'll tell he only makes \$20 on a search, another person he'll say it is \$35 dollars, etc. How can it keep changing?
- If they are a scam, it would explain how they can do these searches for 1/2 the price of anyone else (as advertised on their website). If you don't do the search at all and get 1/2 the revenue, it's a phenomenal business! Based on complaints received by just one of his competitors (who claims to get as many as 1 a day), Fred could be doing as many as 50 "searches" a day. That's \$25K per day and if he doesn't report it, it's tax free. So based on those assumptions, that's over \$6 million a year tax free. That's why he does it. Even if he only did 5 "searches" a day, it's still a GREAT "business."

- My scam theory is consistent with why they don't take credit cards; with credit cards, you can get your money back and Fred wouldn't make any money that way (plus the credit card companies would drop him). He says he'll take credit cards if you come into his office...in Florida. I'd bet that hardly anyone does that.
- Fred told me he's the night manager...which of course may be true, but he's also the owner, so calling himself the night manager seems misleading to me. Why would he do that?
- He claims they only make \$20 per search and that the rest is paid to "the banking system" in Washington, DC. But there is no such thing that I've been able to find.
- He says he has a research staff of 35 people. But he says they just punch in the search request after logging into the banking system with their username and password and hit submit. OK, so why do you need a 35 person research staff if that is how it is done? Even if you are doing 50 searches a day, you'd only need one person to punch that in. And the math doesn't work out. If he's only making \$20 per search and does 50 searches a day, that's \$1,000 per day. Split 35 ways, that's about \$30 bucks per researcher per day. I guess they must all only work an hour or so a day. That doesn't make much sense. The math doesn't work out.
- It says on the web page that on bank searches you'll get results "within a couple of days." I sure didn't. I got nothing. Same with others I've talked to who have used them. Here's what's on their site verbatim: "Just provide us with a name, or the name of a financial institution, and we'll come up with detailed results, within a couple of days."
- The fine print on the website (which I saw when putting together this case) says "We limit retrieval to documents or information available from a public entity or public utility which are intended for public use." **Well, excuse me, but how the heck are someone's bank records (with account number and balances) available for public use? They aren't!** The reason he puts that on the site is to avoid being shut down by the state regulators. They can't touch him if he's just doing "public records" searches. **But if he's doing just public records searches, how can he promise me to find bank account numbers and balances? These aren't public records.**

His lawyer never explained that to me. I'll publish it here if he does.

- The website says they are the "nation's leader in search for and locating assets." I seriously doubt that as well. In fact, for every category, it appears they claim they are the world's leader or nation's leader. It's possible that they are the nations leader in doing searches, but I seriously doubt that they are the nation's leader as far as getting results.
- And the kicker was that the exact same thing happened to others, right down to the profanity and insults from Fred Joseph.
- I'd have thought if you get really serious and take him to court, he then pays to have someone really do the search. That would be really clever. Then he could tell the judge this one search took longer than normal. Very convenient since that way he can appear never to get caught. Of course, if you are a smart plaintiff, you subpoena his bank records which will show lots of income and no expenses, except for the people who sue him. He certainly didn't do this in my case. He just spent two fifty on a cheap Accurint search and probably thought that it would cause me to go away rather than do a real bank asset search (which would have cost him a lot more time and money to do than the cheapo Accurint search they did).

After they removed the money from my bank account, I never heard back from them within the promised timeframe. When you call, they just tell you it's coming and you have to wait for the banking system. If you persist with more question like exactly who do they send the search to that actually perform the search, they can't answer that. They call you a "cry baby" or other type of insult. You're told just to keep waiting.

I will be suing both Fred and his company for my money back plus \$7,000 in punitive damages so they stop doing it to others. All of his employees who knew what was going on and aided the fraud are also co-conspirators on the fraud and would be liable as well. And debts incurred via malice and fraud and not dischargeable in bankruptcy which is really good for me. You can sue both the company and the people who knowingly participated in the fraud.

Here's a demand I faxed them to their fax number: [US Record Search Demand Letter](#).

The receptionist says they've been in business for 20 years, but as far as I can tell, the business didn't start until around 1999. There are at least 4 reports at Rip-off Report.com about them which had the same results I had.

I also contacted the Coral Springs Police Department. Hopefully, the DA will bring criminal charges against them. I'd bet that few, if any, customers are satisfied.

August 12, 2006: I call the 800 number and talked to a woman who identifies herself as "Sue." She is able to pull up my nationwide asset search. She said she cannot tell if the search results have come back yet. I'd have to call the main office. She said she's located more than 50 miles away and rarely goes there, but that it is in the Wachovia Bank building at the corner of University and Sample Road. She says she's worked for the company for 6 years. She said she knows the company has been in business for 20 years because there is a certificate on the wall that says that. I told her that as far as I can tell, this business appeared to me to be a scam and nobody ever gets their money back. She said I'd have to talk to the main office and hung up on me. Her reaction was such that it was clear to me that this wasn't the first time that someone had called and complained about being ripped off (which I confirmed later when I found the rip-off report mentioning Sue above). As soon as I mentioned the word "scam," she knew exactly how to handle the call.

August 13, 2006. I call up a friend of mine who is an expert in the asset search/collections business. He does asset searches for leading law firms and is one of the top guys in California. He says that, as I suspected, there is no such thing as "the banking system" that someone can use to do these asset searches.

August 14, 2006. I call up US Record Search again, but this time during the day. The person I speak with identifies herself as Ellie. I ask for a status on my search. She looks up my records and says the search results were mailed yesterday. True. What's in my inbox is this email saying they couldn't find anything :

Subject: SEARCH RESULTS FROM US
RECORD SEARCH

August 14, 2006

Dear Steven T. Kirsch,

Based on the information that you provided, there were No Records located in the Nationwide Bank and Investment Record Searches under the name of the following individual, Javier A. Cuadra SSN=595-xx-xxxx.

Please be advised that if you can provide us with a copy of any Court Documentation, (i. e. Money Judgment, Divorce or etc.), pertaining to this case, as prescribed by Federal Legislation, we can re-submit the search with no additional costs.

The results of the Nationwide Property Record Database Search are as follows:
<text version of a \$2.50 Accurint Asset Report>

Not credible. I had offered to give Fred a copy of the judgment at the start and he said it wasn't necessary. And there is no "banking system" that they use for the search and I'll bet every bank search they do finds nothing. The Nationwide Property Record Database Search is simply an Accurint "Asset Report." The cost is only \$2.50. That's right: two bucks. **He charged me \$495, did nothing until I complained, then, after I complained did a two-fifty search on Accurint, a commercial database that I use too (only he didn't know that).** However, I'd guess most everyone would be fooled by the cover-up since relatively few people know about Accurint. So the email looks like it finally "came back" from research and someone spent a long time researching it. In reality, they spent two dollars and it took about 1 minute of their time and they only did that after I threatened to sue.

That doesn't get them out of the lawsuit, though. I contracted with them via telephone agreement with Fred Joseph for BANK assets within 20 days and they delivered nothing. Their story about using the banking

system which they used to convince me into contracting with them is, as far as I can tell, a complete fabrication. So I have 2 causes of action: one for fraud (enabling me to get punitive damages) and the other for breach of contract.

I give them one more shot. I call back at 10:27am Hawaii time and ask for a collection agency or law firm that uses their service. Surely, if they are the world leader and one of only 10 firms that can legally do these bank searches as Fred claims, then they must be inundated by collection agencies and law firms that use them on a regular basis. Not surprisingly, I was told that "we can't give out that information." I'm told I'd have to talk to the owner, Fred, who is in after 6pm.

I also call another asset search firm, [CheckMate - The nation's leading asset search specialists](#). I talk to Terry. I ask him if he's ever heard of Fred's firm. **He said he gets complaints about Fred's firm at the rate of almost one a day...**which is very impressive since there is no link between his firm and Fred's. He told me he hears a consistent story:

Fred tells people he is one of only 8 firms in the country that are allowed to legally do these searches,, that you are lucky to have found him because most people get ripped off if they go to a law firm or detective agency who charge many times what he charges (because they use him then bump up the rates to the consumer; by going to him directly you cut out the middleman). Customers wait for weeks, get nothing, when they complain, they start getting insulted.

That sounds just like what happened to me! And it's virtually identical to the pitch I have an mp3 of where Fred is pitching a potential client. Terry has never heard of a satisfied customer of US Record Search. He refers people to Lisa Trimble (Florida Department of Agriculture and Consumer Services; Division of Licensing) at 850-245-5499 to complain.

I email Fred and tell him I'm thinking of using him for 5 more searches, but I've checked with his competitors and they give me the names of major law firms as

references. Fred tells me to "call 1-800-250-8885 and speak to a representative. They will be more than happy to help." I told him I already did that and that they couldn't give out that info and said I had to talk to him. He replied that I'd have to call the 800 number and talk to Fred. Unfortunately for him, I was able to determine that it was Fred himself that sent that email.

August 15, 2006: I found out that Fred used to have a private investigator license (it expired on July 25, 1998), but I was told he can't get one anymore, e.g., this might be due to a felony conviction or something like that. So if he limits his business to public records searching, he doesn't have to be licensed. So that's what he does. And Florida doesn't license or regulate people doing public records searching, so all the complaints haven't been pursued since it isn't in their jurisdiction. The contact is Fred Speaker 561-640-6144. If you want public record info on Fred Joseph, contact Marsha Stroud at 850-245-5459. This was pretty interesting. They now have an investigator on this: Brian McCormack 561 640 6144. You should contact Brian to relate your story. Kenneth Kemp's 1999 complaint was dismissed because there was no evidence that Fred was doing "private investigative activities" so they didn't have jurisdiction to pursue the case. That makes a lot of sense; as far as I can tell, there is no evidence that I'm aware of that Fred does much if any research at all for his customers (other than the Accurint search he did for me that I never requested).

MEMO TO LAW ENFORCEMENT

Based on what happened to me and the research I did, I believe that there is reasonable case to be made for criminal Internet fraud going on here. This would be a violation of Florida criminal statues (felony in the third degree which is up to 5 years in jail):

- [Title XLVI Chapter 817-Section 11](#): Obtaining property by fraudulent promise to furnish inside information
- [Title XLVI Chapter 817-Section 12](#): Penalty for violation of s. 817.11
- [Title XLVI Chapter 817-Section 44](#): Intentional false advertising prohibited

A quick search of the US DOJ website shows that they've

had criminal convictions against people who sell Beanie Babies on the Internet and fail to deliver it (or deliver products of inferior quality). See [Internet Fraud](#).

What happened here is no different than those cases. I believe it is fraud when someone promises to do something that they don't intend to (or know that they cannot) do.

I cannot see how at least one crime didn't occur here. Fred says (I have an mp3 file that someone sent me in the mail) that he logs into the banking system to enter the search. If Fred can't provide the website, username and login that he uses to access the "banking system" and can't provide a list of happy customers who have had successful searches ever month, he's running a fraudulent business and Fred and his co-conspirators (those employees who know of the scam and look the other way) may also be guilty of criminal conspiracy.

But if Fred can show virtually all the people that he received income from over the past 5 years received bank accounts and balances, then I'd be absolutely astonished. **But it doesn't change the fact that I was defrauded. What he told me (and what I have on tape) are lies which I believe are specifically fabricated to induce people to part with their money.**

Therefore, the rest of this page is how to lose \$495 on a search, but get \$7500 + court costs back from Fred. You lose a battle, but win the war.

How to get your money back plus \$7,000 in punitive damages

Send the firm a demand letter

The amount in dispute is too small to make hiring a lawyer cost effective. So the best way is to sue the firm in your local small claims court in your state. Your state has jurisdiction because for a phone transaction, both states have jurisdiction as long as you did not agree verbally to jurisdiction in Florida. Also, Fred directed the fraud at California by doing nationwide advertising and then taking the money out of your account in your home state. In California, you can sue for up to \$7,500. So I'll sue for the \$495 I lost plus the remainder in punitive damages so that Fred doesn't do it again. Of course,

\$7,500 is way too small to discourage Fred, but it's the maximum you can get in California small claims. The demand letter is the first step. Here's mine: [US Record Search Demand Letter](#). Fred didn't respond to my letter. I didn't expect him to. He thinks I'm bluffing. He's in for a surprise.

Call the Coral Springs police

There is an excellent argument to be made that what Fred and his company does is fraud and thus criminal. If you agree and have been ripped off, you need to call the Coral Springs Police at (954) 344-1800 and make a report just like I tried to do. Ask for Officer Swinson (direct line: 954-346-1333). I referred the officer to this page which helps a lot for them to see this guy is doing the same fraud over and over. At some point, maybe the officer will actually take down the incident and refer this over to the DA for criminal charges against Fred and his employees. You can't close your eyes to a fraud and escape liability pretending not to know. It doesn't work. I know because I've won against people who try this and there is lots of case law on willful blindness (see [Jere Ross and the stock scammers](#); the prominent Florida law firm Bush Ross lost their case).

Collect enough admissible evidence to make sure you win at trial

In this case, someone sent me an MP3 recording that they made of Fred tripping all over himself in lies talking about this mysterious banking system and how he only makes \$20 on the deal, yet has 35 researchers. When the customer insisted, Fred guaranteed results in 30 days (yet when my search didn't come back in that time, he told me searches are ALWAYS out of his control; they take their sweet time). If you need it, let me know. You also need their address which I've listed above in order to file a lawsuit.

File a lawsuit

Since Fred's firm is out of state, I have to get permission from the court to serve him. So you have to file 2 documents with the court. Here are mine:

- [USRecordsc100.pdf](#)
- [OrderToServeSS.PDF](#)

Serve the lawsuit

Because US Record Search is out of state, I have to

serve them through the Secretary of State. The process server I use for this is at (916) 501-1510. I send them the documents and the fees, and they serve the California Secretary of State. The California Secretary of State then mails the complaint to the Defendant and they are deemed served. There is no way for the Defendant to avoid service.

Serve a subpoena on the corporation

Here's the subpoena I served on them. If they don't respond, they'll lose the case. I'm 99% certain they won't provide a thing. That makes winning and getting maximum punitive damages a slam dunk. Here's the subpoena that was served on Fred at his home:

- [SubpoenaUSRecord.pdf](#)
- [Kirsch v US Record Search Subpoena](#)

Here are other US Record Search customers:

- Christal Saint-Denis, 1-775-883-6884, 408-891-9270
- Charlotte (Tampa, FL): 813-978-8449
- Ethyl (NJ): 732-718-9708

My trial is on October 23, 2006 at 3pm in Palo Alto. Case 206-SC03702.

[Disclaimer](#)