

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

**STATE OF GEORGIA, *ex rel.*,
CHRISTOPHER M. CARR,
ATTORNEY GENERAL of the
STATE OF GEORGIA**

Petitioner,

V.

**ZENITH FINANCIAL GROUP,
LLC, and ERNEST EARVIN IV,
Individually,**

Respondents.

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* **CIVIL ACTION FILE**
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* **NO. 2018CV300529**
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PETITION FOR ENTRY OF JUDGMENT

COMES NOW Petitioner, State of Georgia *ex rel.*, Christopher M. Carr, Attorney General of the State of Georgia, and, pursuant to O.C.G.A. § 10-1-381(b), files this Petition for Entry of Judgment as follows:

1.

Ernest Earvin IV (“Earvin”) is an owner and principal officer of Zenith Financial Group, LLC (the “Company”), a limited liability company which was organized under the laws of the State of Georgia¹. Earvin and the Company can be served with process at Earvin’s residential address, 245 Yardsley Drive, McDonough, Georgia 30519. Respondents have consented to the jurisdiction and venue of this Court.

¹ Zenith Financial Group, LLC had been registered with the Georgia Secretary of State, however it was administratively dissolved on December 31, 2015 for failure to file its annual registration.

2.

Petitioner is authorized to enforce the Fair Business Practices Act ("FBPA"), O.C.G.A. §§ 10-1-390 through 10-1-407. In order to assist with enforcement of the FBPA, the Attorney General created the Consumer Protection Unit ("CPU"). This Petition makes reference to both Petitioner and the CPU.

3.

Pursuant to O.C.G.A. § 10-1-402, Petitioner and Respondents entered into an Assurance of Voluntary Compliance ("AVC"), which was filed with the Clerk of the Superior Court of Fulton County on May 21, 2015. A certified copy of the AVC is attached hereto as "Exhibit A" and incorporated herein by reference.

4.

According to the terms of the AVC, Respondents were required to pay \$460,000.00 to the CPU in installment payments. Respondents were required to make thirty-six installment payments of \$416.66 and one final installment payment of \$445,000.00².

5.

Respondents made eight (8) installment payments totaling \$3,742.90. No further payments were received by the CPU.

6.

Pursuant to the terms of the AVC, should Respondents violate any provision of the AVC, the entire amount of for all required payments would become immediately due and owing to Petitioner, and Respondents would be required to immediately remit the balance.

² The final payment would be waived in the event certain criteria were met, including that Respondents fully complied with the AVC. As described below, Respondents did not comply with the AVC and therefore, the final payment was not waived.

7.

By failing to make all required payments, Respondents violated of § X(B) of the AVC.

8.

On October 28, 2016, the CPU sent a letter to Respondents through their counsel informing them that they were in default of their obligations under the AVC, and giving them ten (10) days in which to explain why a default had not occurred. If Respondents failed to provide such explanation, the entire amount of payments required under the AVC would become due and owing. A true and correct copy of the CPU's October 28, 2016, letter to Respondents is attached hereto as "Exhibit B" and incorporated herein by reference. Petitioner did not receive any explanation and no further payments were received.

9.

Pursuant to O.C.G.A. § 10-1-381(b), Petitioner is entitled to judgment in accordance with the AVC against Respondents.


WHEREFORE Petitioner prays that Judgment be entered against Respondents Zenith Financial, LLC and Earnest Earvin IV, jointly and severally, in the amount of \$456,257.10, and that the Court notify the parties of the entry of the judgment.

This 25th day of January, 2018.

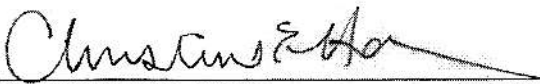
Respectfully submitted,

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