

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

SECURITIES AND EXCHANGE COMMISSION, )

Plaintiff, )

v. )

SUNSTATE FX INC., )

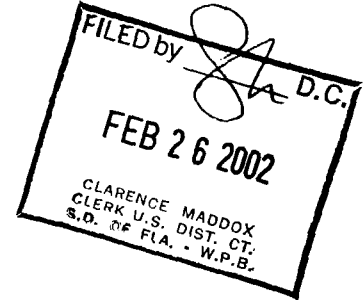
ULRICH G. GARBE, )

PEGGY L. PATTERSON, and )

JOHN J. GARBE )

Defendants. )

CASE NO. 01-8328-CIV-  
RYSKAMP-VITUNAC



**FINAL JUDGMENT OF PERMANENT INJUNCTION  
AND OTHER RELIEF AS TO ULRICH G. GARBE**

Plaintiff Securities and Exchange Commission ("SEC" or "Commission") commenced this emergency action by filing its Complaint against, among others, Defendant Ulrich G. Garbe ("Defendant"). In its Complaint, the Commission sought, among other relief, a permanent injunction to prohibit violations by the Defendant of Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933 ("Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), and Rule 10b-5, thereunder, an order providing for disgorgement and pre-judgment interest thereon, and imposition of a civil money penalty pursuant to Section 20(d) of the Securities Act and Section 21(d) of the Exchange Act.

Defendant, by the Consent affixed hereto, without admitting or denying any of the allegations in the Commission's Complaint or any other paper filed herein, except as to the jurisdiction of this Court, has agreed to the entry of this Judgment of Permanent Injunction and Other Relief ("Final Judgment"). This Court having accepted such Consent and this Court having jurisdiction over Defendant and the subject matter hereof, and the Court being fully advised in the premises,

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[Handwritten signature]

**I.**

**PERMANENT INJUNCTION**

**IT IS HEREBY ORDERED** that Defendant, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, are hereby permanently restrained and enjoined from:

**Section 5 of the Securities Act of 1933**

A. Directly or indirectly, (a) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell securities in the form of units, common stock, warrants or any other securities (including, but not limited to, the investment contracts or “foreign exchange agreements” issued by Sunstate FX Inc. (“SUNSTATE”)), through the use or medium of any prospectus or otherwise, unless and until a registration statement is in effect with the Commission as to such securities; (b) carrying securities, in the form of units, common stock, warrants or any other securities (including, but not limited to, the investment contracts or “foreign exchange agreements” issued by SUNSTATE), or causing them to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or for delivery after sale, unless and until a registration statement is in effect with the Commission as to such securities; or (c) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use or medium of any prospectus or otherwise, any securities, in the form of units, common stock, warrants or any other securities (including, but not limited to, the investment

contracts or “foreign exchange agreements” issued by SUNSTATE), unless a registration statement is filed with the Commission as to such securities, or while a registration statement filed with the Commission as to such security is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act of 1933 (“Securities Act”), 15 § U.S.C. 77h, in violation of Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. §§ 77e(a) and 77e(c), provided, however, that nothing in the foregoing portion of this injunction shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act, 15 U.S.C. § 77e;

**Section 17(a)(1) of the Securities Act of 1933**

B. Directly or indirectly, by use of any means or instruments of transportation or communication in interstate commerce, or by the use of the mails, in the offer or sale of securities (including, but not limited to, the investment contracts or “foreign exchange agreements” issued by SUNSTATE), knowingly or recklessly employing devices, schemes or artifices to defraud, in violation of Section 17(a) of the Securities Act, 15 U.S.C. 77q(a);

**Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5**

C. Directly or indirectly, by use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any securities (including, but not limited to, the investment contracts or “foreign exchange agreements” issued by SUNSTATE), knowingly or recklessly: (i) employing devices, schemes or artifices to defraud; (ii) making untrue statements of material facts and omitting to state material facts necessary in order to make the statements made, in light of the

circumstances under which they were made, not misleading; or (iii) engaging in acts, practices and courses of business which have operated, are now operating or will operate as a fraud upon the purchasers of such securities in violation of Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, thereunder; or

**Section 17(a)(2) & (3) of the Securities Act of 1933**

D. Directly or indirectly, by use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, in the offer or sale of securities (including, but not limited to, the investment contracts or “foreign exchange agreements” issued by SUNSTATE), (i) obtaining money or property by means of untrue statements of material facts or omissions to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading; or (ii) engaging in acts, practices and courses of business which have operated and will operate as a fraud or deceit upon purchasers and prospective purchasers of such securities, in violation of Sections 17(a)(2) & (3) of the Securities Act, 15 U.S.C. §§ 77(q)(a)(2) & (3).

**II.**

**DISGORGEMENT AND PENALTIES**

**IT IS HEREBY FURTHER ORDERED** that Defendant shall be liable to disgorge all ill-gotten profits or proceeds he received as a result of the acts and/or conduct alleged in the Amended Complaint, plus pre-judgment interest thereon, less any amount paid to the Court appointed receiver. The amount of disgorgement, if any, shall be determined by the Court upon the Commission's motion.

**IT IS HEREBY FURTHER ORDERED** that Defendant shall be liable to pay civil penalties pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d) and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3), in connection with the acts and/or conduct described in the Commission's Amended Complaint. The amount of civil penalties Defendant shall pay, if any, shall be determined by the Court upon the Commission's motion.

**III.**

**ASSET FREEZE, REPATRIATION ORDER AND RECORDS PRESERVATION**

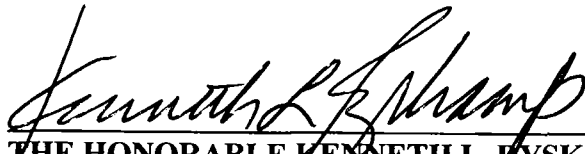
**IT IS HEREBY FURTHER ORDERED** that the Court's prior orders relating to an asset freeze, repatriation of assets and records preservation shall remain in full force and effect until further order of this Court.

IV.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED that this Court shall retain jurisdiction over this matter and Defendant in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances.

DONE AND ORDERED this 26 day of Feb ~~March~~, 2002, at West Palm Beach, Florida.

  
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THE HONORABLE KENNETH L. RYSKAMP  
UNITED STATES DISTRICT JUDGE

cc:

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