

ORIGINAL

U.S. DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
FILED
 NOV 24 1998
 NANCY DOHERTY, CLERK
 By *[Signature]*
 Deputy

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 FORT WORTH DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

LENNOX INVESTMENT GROUP, LTD., ACTIVE
 INTERNATIONAL, INC., RANDALL W. LAW,
 JAMES F. WARDELL, MONICA M. ILES, FRANK L.
 PEITZ, and DANIEL B. BENSON

Defendants,

and

P.B.F. CAPITAL GROUP, INC., BENSON
 FINANCIAL, INC., I.B.I., INC. ROBERT PALADINO,
 PEOPLE'S, RESIDENTIAL MORTGAGE CORP.,
 BENNY GRIFFIS, L E CONSULTANT COMPANY, and
 J.W.H.I. ENTERPRISES, INC.

Defendants Solely for Purposes
 of Equitable Relief.

CIVIL ACTION NO.
 4:98CV536-JY

ORDER OF PERMANENT INJUNCTION AND OTHER
EQUITABLE RELIEF BY DEFAULT AGAINST DANIEL B. BENSON

This matter came before this Court of motion of Plaintiff United States Securities and Exchange Commission ("Commission"), seeking issuance of orders providing a portion of the relief requested in its complaint against Defendant Daniel B. Benson ("Benson"), by reason of his failure to answer the Commission's Complaint.. Having been duly and properly served with Summons and Complaint in this proceeding; and the duly executed Return Of Service Of Summons And Complaint filed with the Court; and Defendant Benson having failed to appear, answer or otherwise respond to the Complaint as of the date subscribed below; and Plaintiff Commission having requested entry of

127

default and entry of default judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure; and the Court having considered the pleadings on file herein; makes the following findings:

1. The Complaint was filed on June 22, 1998.
2. Benson was duly and properly served with process on June 25, 1998, pursuant to Rule 4 of the Federal Rules of Civil Procedure.
3. The Return Of Service Of Summons And Complaint was filed with the Court on July 15, 1998.
4. Defendant Benson has not served or filed an Answer to the Commission's Complaint.
5. The Court has personal jurisdiction over the Defendant and subject matter jurisdiction over this action. Venue is proper in this District.
6. The Commission is entitled to entry of an Order enjoining Benson from engaging in transactions, acts, practices and courses of business which constitute and would constitute violations, or would cause violations, of Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

On the basis of the foregoing findings of fact and conclusions of law, it is therefore

I.

ORDERED that defendant Benson, his respective officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, and each of them, be and hereby are enjoined, directly or indirectly, in connection with the purchase or sale of securities, from making use of any means or instrumentalities of interstate commerce, or of the mails or of any facility of a national securities exchange:

- (a) to employ any device, scheme or artifice to defraud; or
- (b) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person; or
- (c) to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

II.

ORDERED that defendant Benson, and his respective officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him, who receive actual notice of this Order by personal service or otherwise, and each of them, be and hereby are enjoined, in the offer or sale of securities, from making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, directly or indirectly:

- (a) to employ any device, scheme or artifice to defraud;
- (b) to engage in any transactions, practices or courses of business which operate or would operate as a fraud or deceit; or
- (c) obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

SO ORDERED.

SIGNED November 24, 1998.

Handwritten signature of Terry R. Means in black ink, written over a horizontal line.

TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/sbh/form