

COPY

STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-05-124

STATE OF MAINE,	)
	)
Plaintiff,	)
	)
v.	)
	)
KIMBERLY MARK SMITH and	)
DAVID J. BLAIS, d/b/a CBS	)
ENTERPRISES,	)
	)
Defendants.	)

**DEFAULT JUDGMENT  
AND ORDER**

On June 20, 2005, the Clerk entered a Default against the Defendants Smith and Blais. In a Motion dated June 27, 2005, the State requested a Default Judgment. The Defendants failed to respond to this Motion. The Court held a Damages Hearing on June 29, 2005 which the Defendants failed to appear at. At this hearing the Court directed the State to submit a proposed Order which would request restitution based on consumer affidavits. After hearing and upon consideration of the consumer affidavits submitted, the Court hereby grants Judgment in favor of the State of Maine as follows:

1. Defendants Smith and Blais have conducted their home construction contract business in violation of the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207 and the Maine Home Construction Contracts Act, 10 M.R.S.A. §§ 1486-1490.

2. Pursuant to 5 M.R.S.A. § 209 and M. R. Civ. P. 65, Defendants Smith and Blais are permanently enjoined, along with their agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this injunction from performing or contracting for any home construction work, including garages, additions,

renovations or new constructions. This permanent injunction prohibits the Defendants not only from contracting for any home construction work, but also from performing home construction work as an employee of a home contractor or as a subcontractor to a home construction contractor. "Home Construction" means the building, remodeling, or repairing of a residence, including not only structural work but also electrical, plumbing, and heating work; carpeting, window replacements; and other non-structural work. Construction work on a building used for commercial or business purposes is not subject to this injunction.

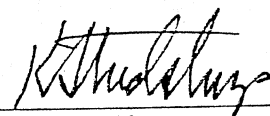
3. Pursuant to 5 M.R.S.A. § 209, the Defendants are jointly ordered to pay by October 1, 2005 the following restitution to the Attorney General on behalf of the consumers:

NAME	AMOUNT
Dennis Clark/William Folger 51 Western Boothbay Harbor, ME 04538	\$45,600.00
Rachel Cyr-Matthews 18 Gladys Lane Oxford, ME 04270	\$ 3,820.00
Thomas E. Foss P.O. Box 332 East Machias, ME 04630	\$ 4,200.00
Joe and Lora Jackson 161 Mountain Road Nottingham, NH 03920	\$ 2,189.80
Robert J. Jackson 371 Cat Mousam Road Kennebunk, ME 04043	\$ 8,880.00

NAME	AMOUNT
Anne Marie Jefferson P.O. Box 129 Sebago, ME 04029	\$17,000.00
Ellwood W. Kelley P.O. Box 16 Seal Cove, ME 04674	\$ 3,914.44
Scott and Darlene Lee P.O. Box 801 Jackman, ME 04945	\$ 4,942.25
Keith Morris 45 Brooke Lane New Gloucester, ME 04260	\$ 5,200.00
Terrence and Sharon O'Neil 16 Richardson Road Warren, NH 03279	\$ 5,700.00

4. Pursuant to 5 M.R.S.A. § 209, Defendants Smith and Blais must each pay by October 1, 2005, a civil penalty to the State of Maine in the amount of \$12,000.

Dated: 8/31/05

  
\_\_\_\_\_  
Justice, Superior Court