UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

STROMAN REALTY, INC.,	§	
	§	
Plaintiff,	§	
versus	§	CIVIL ACTION H-98-283
	§	
JIM ANTT, JR. AND RICHARD T. FARRELL,	§	
	§	
Defendants.	§	

Final Judgment

1. *Declaration.*

On the renewed motion of Stroman Realty, Inc., it has a judgment as a matter of law that the these officials would violate the Constitution if they were permitted to continue enforcing the regulations within their responsibilities against Stroman.

2. *Antt.*

Antt's application of California's regulations on real-estate brokers in California Business and Professional Code, Sections 10,000 to 11,200, to non-California timeshare resellers like Stroman Realty, Inc., unconstitutionally obstructs commerce among the states, irreparably injuring Stroman. Stroman's only remedy against a state official for assertions of authority that transcend the Constitution's limits is an injunction. A declaratory judgment is inadequate because of the opportunity for inconsequential modifications in the rules or a change of tactics to achieve the same end.

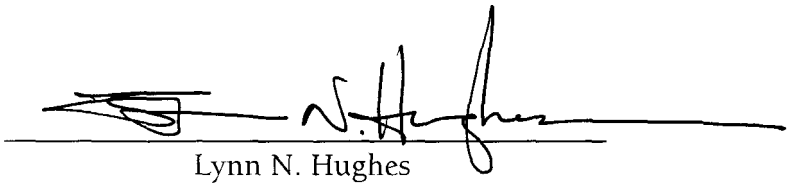
Jim Antt, Jr., and his successors as Commissioner of the Department of Real Estate for the State of California are permanently enjoined from enforcing Sections 10,000 to 11,200 of the California Business and Professional Code and successor and derivative rules against Stroman Realty, Inc., in the conduct of its of its business reselling timeshares.

3. *Farrell.*

Farrell's application of its regulations on real estate brokers in Florida Statutes Annotated, Chapters 475 and 721, to non-Florida timeshare resellers like Stroman Realty, Inc., unconstitutionally obstructs commerce among the states, irreparably injuring Stroman. Stroman's only remedy against a state official for assertions of authority that transcend the Constitution's limits is an injunction. A declaratory judgment is inadequate because of the opportunity for inconsequential modifications in the rules or a change of tactics to achieve the same end.

Richard T. Farrell and his successors as the Secretary of the Department of Business and Professional Regulation of the State of Florida are permanently enjoined from enforcing Chapters 475 and 721 of the Florida statutes and successor and derivative rules against Stroman Realty, Inc., in the conduct of its business reselling timeshares.

Signed July 28, 2005, at Houston, Texas.



Lynn N. Hughes
United States District Judge