

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-181
)
 3 State of New Hampshire Banking))
)
 4 Department,))
)
 5 Department,) Motion to Vacate Ab Initio [REDACTED]
) [REDACTED] from the July 25, 2011 Order to Show
 6 and) Cause and Cease and Desist
)
 7 Prospect Mortgage, LLC, et al.,))
)
 8 Respondents))
)

9 MOTION TO VACATE AB INITIO

10 Now comes Maryam Torben Desfosses, on behalf of New Hampshire Banking
 11 Department ("Department") in the above captioned matter, and moves to vacate
 12 *ab initio* the July 25, 2011 Order to Show Cause and Cease and Desist ("Order")
 13 in this matter as to Respondent [REDACTED] ("Respondent [REDACTED]") and
 14 states as follows:

- 15 1. Respondent [REDACTED] was served with the Order in this matter on August 1,
 16 2011 in La Crescenta, California.
- 17 2. Since the entry of the Order, Respondent [REDACTED]'s counsel filed a request
 18 to have Respondent [REDACTED] removed from the Order on the premise that
 19 Respondent [REDACTED] was unaware loans were originated using Respondent
 20 [REDACTED]'s name as the New Hampshire Mortgage Loan Originator.
- 21 3. Respondent [REDACTED]'s counsel provided compelling information to the
 22 Department, which demonstrates that Respondent [REDACTED] neither had
 23 knowledge of loans originated in her name [REDACTED] nor received the
 24 \$100.00 commission per closed loan.
- 25 4. In response to Respondent [REDACTED]'s request to remove her from the Order,

1 the Department moves to vacate *ab initio* Respondent [REDACTED] from the
2 Order.

3 5. Based on the above factors, the Department now wishes to withdraw the
4 Order and allegations therein as to Respondent [REDACTED].

5 WHEREFORE, Department respectfully requests

6 A. The Commissioner Vacate *Ab Initio* Respondent [REDACTED] from
7 the Order in this matter;

8 B. Grant such further relief as is just and in the public interest.

9
10 Respectfully submitted by:

11 _____
12 /s/ Maryam Torben Desfosses
Hearings Examiner

11 _____
12 7/12/12
Date

13
14 ORDER

15 Finding it in the public interest, the requested relief is hereby **GRANTED**.

16 The Order to Show Cause and Cease and Desist in 10-181 as to Respondent

17 [REDACTED] is hereby **VACATED AB INITIO** this 12th day of July, 2012.

18 SO ORDERED,

19
20 _____
21 /s/ RONALD A. WILBUR
BANK COMMISSIONER