## 1 State of New Hampshire Banking Department In re the Matter of: )Case No.: 07-219 2 State of New Hampshire Banking 3 4 Department, )Order to Show Cause 5 Petitioner, 6 and )Amended Motion to Dismiss Penalties ) and Strike Default Judgment 7 Loancity, Inc., Banc of America 8 Strategic Investments Corporation, Richard D. Soukoulis, Nicholas Labao, 9 William Dallas, Gary Tsuyuki, Rodger 10 Rickard, and Mark MacLennan, 11 12 Respondents 13 14 AMENDED MOTION TO DISMISS PENALTIES AND STRIKE DEFAULT JUDGMENT 15 16

Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above captioned case, and moves to dismiss the penalties in the Order to Show Cause ("Order") and strike the Default Judgment ("Default") in this matter and states as follows:

- 1. The Department attempted service of the Order on the above named Respondents in this matter via U.S. Certified Mail Return Receipt requested on or about January 21, 2009. The Order was returned as "unable to forward."
- 2. The Commissioner accepted service of the Order on March 3, 2009.
- 3. A Default Judgment was issued on May 12, 2009.

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4. Since the advent of the Order and Default Judgment, the above named

1	Respondents have paid the outstanding invoice for examination, which
2	served as the underlying allegation of the Order.
3	5. A Motion to Strike the Default Judgment was filed by Respondents'
4	Counsel.
5	6. Based on the above factors and as a sign of good faith and
6	administrative efficiency, the Petitioner now wishes to dismiss the
7	penalties within the Staff Petition that initiated the Order.
8	7. Based on the above factors and as a sign of good faith and
9	administrative efficiency, the Petitioner now wishes to strike the
10	Default Judgment.
11	WHEREFORE, Petitioner respectfully prays
12	A. The Commissioner dismiss the penalties in the Order to Show Cause in
13	this case;
14	B. The Commissioner strike the Default Judgment in this case; and
15	C. Grant such further relief as is just and in the public interest.
16	Respectfully submitted by:
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18	/s/ Maryam Torben Desfosses  12/03/09 Date
19	Hearings Examiner
20	ORDER
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22	Finding it in the public interest, the requested relief is hereby GRANTED.
	The penalties in the Order to Show Cause in 07-219 are hereby <b>DISMISSED</b> and the Default Judgment in 07-219 is hereby <b>STRICKEN</b> this 3rd day of December,
23	2009.
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	PETER C. HILDRETH BANK COMMISSIONER