

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-098
)
 3 State of New Hampshire Banking)
)
 4 Department,) Order to Show Cause
)
 5 Petitioner,)
)
 6 and) Motion to Dismiss Remaining Penalties
) and Strike Default Judgment
 7 FlexPoint Funding Corporation (d/b/a)
)
 8 FlexPoint Mortgage Funding), and Ryan)
)
 9 R. Knott,)
)
 10 Respondents)
)

11
12 MOTION TO DISMISS PENALTIES AND STRIKE DEFAULT JUDGMENT

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

- 17 1. The Department attempted service of the Order on the above named
18 Respondents in this matter via U.S. Certified Mail Return Receipt
19 requested on or about June 5, 2009. The Order was returned as "box
20 closed, unable to forward, return to sender."
21 2. The Commissioner accepted service of the Order on June 30, 2009.
22 3. A Default Judgment was issued on October 13, 2009.
23 4. Since the advent of the Order and Default, the above named Respondents
24 have paid the outstanding invoice for examination and the
25 administrative fine for the late filing of examination materials,

1 which served as the underlying allegation of the Order.

2 5. A Motion to Dismiss the Penalties and Strike the Default Judgment was
3 filed by Respondents' Attorney.

4 6. Based on the above factors and as a sign of good faith and
5 administrative efficiency, the Petitioner now wishes to dismiss the
6 penalties within the Staff Petition that initiated the Order.

7 7. Based on the above factors and as a sign of good faith and
8 administrative efficiency, the Petitioner now wishes to strike the
9 Default Judgment.

10 WHEREFORE, Petitioner respectfully prays

- 11 A. The Commissioner dismiss the penalties in the Order to Show Cause in
12 this case;
- 13 B. The Commissioner strike the Default Judgment in this case; and
- 14 C. Grant such further relief as is just and in the public interest.

15 Respectfully submitted by:

16
17 /s/
Maryam Torben Desfosses
18 Hearings Examiner

 01/25/10
Date

19 **ORDER**

20 Finding it in the public interest, the requested relief is hereby **GRANTED**.
21 The penalties in the Order to Show Cause in 08-098 are hereby **DISMISSED** and
22 the Default Judgment in 08-098 is hereby **STRICKEN** this 28th day of January,
23 2010.

24 /s/
PETER C. HILDRETH
25 BANK COMMISSIONER