1 State of New Hampshire Banking Department In re the Matter of: 2 )Case No.: 08-121 State of New Hampshire Banking 3 ) 4 Department, )Order to Show Cause 5 Petitioner, 6 and )Motion to Dismiss Remaining Penalties ) and Strike Default Judgment 7 Maine Capital Mortgage LLC, and Shawn 8 P. Lyden, ) ) 9 Respondents ) 10 11 MOTION TO DISMISS REMAINING PENALTIES AND STRIKE DEFAULT JUDGMENT 12 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above 13 captioned case, and moves to dismiss the remaining penalties in the Order to 14 Show Cause ("Order") and strike the Default Judgment ("Default") in this 15 matter and states as follows: 1. The Department attempted service of the Order on the above named 16 17 Respondents in this matter via U.S. Certified Mail Return Receipt 18 requested on or about July 9, 2009. The Order was returned as "moved 19 left no address, unable to forward." 20 2. The Commissioner accepted service of the Order on August 25, 2009. 21 3. A Default Judgment was issued on September 25, 2009. 22 4. Since the advent of the Order and Default, the above named Respondents 23 have paid the outstanding invoice for examination, which served as the underlying allegation of the Order. 24 25 5. Since the advent of the Order and Default, the above named Respondents

| 1  | have agreed to pay \$1,500.00 in administrative penalties.  |
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| 2  | 6. A Motion to Strike the Default Judgment was filed by Respondents.  |
| 3  | 7. Based on the above factors and as a sign of good faith and   |
| 4  | administrative efficiency, the Petitioner now wishes to dismiss the   |
| 5  | remaining penalties within the Staff Petition that initiated the  |
| 6  | Order.  |
| 7  | 8. 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 remaining penalties in the Order to Show  |
| 12 | Cause in 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/01/12/10Maryam Torben DesfossesDate  |
| 18 | Hearings Examiner   |
| 19 | ORDER   |
| 20 |   |
| 21 | Finding it in the public interest, the requested relief is hereby <b>GRANTED</b> .<br>The remaining penalties in the Order to Show Cause in 08-122 are hereby |
| 22 | <b>DISMISSED</b> and the Default Judgment in 08-122 is hereby <b>STRICKEN</b> this <u>12th</u> day  |
| 23 | of <u>January</u> , 2010.   |
| 24 | /s/   |
| 25 | PETER C. HILDRETH<br>BANK COMMISSIONER  |
|    |   |
|    |   |
|    | Motion to Dismiss - 2   |