State	of	New	Hampshire	Banking	Department
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In re the Matter of:)Case No.: 08-384			
State of New Hampshire Banking)			
Department,)Motion to Vacate)			
Petitioner,)			
and)Motion To Vacate Only as to)Respondent Gilbert W. Cox			
Elliot A. Willard (d/b/a Family)			
Mortgage Company), Elliot A. Willard,)			
and Gilbert W. Cox,)			
Respondents)			
)			
)			
MOTION 1	O VACATE			
Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above				
captioned case, and moves to vacate the Order to Show Cause with Immediate				
Suspension and Cease and Desist Order ("Order") in this matter and for cause			
states as follows:				
1 Respondent Gilbert W Coy ("Re	spondent (or") was properly served on			
or about November 15, 2008.				
	State of New Hampshire Banking Department, Petitioner, and Elliot A. Willard (d/b/a Family Mortgage Company), Elliot A. Willard, and Gilbert W. Cox, Respondents <u>MOTION T</u> Now comes Maryam Torben Desfosses, on b captioned case, and moves to vacate the Suspension and Cease and Desist Order (

2. Since the advent of the Order, the New Hampshire Banking Department ("Department") has received additional information that renders Respondent Cox's liability in this matter moot since he properly paid the administrative fine owed to the Department pursuant to the November 29, 2007 Consent Order for Docket 07-283.

- 3. The Department's receipt of this additional information has rendered Respondent Cox's liability in this specific matter (Docket 08-384) moot.
- 4. Respondent Cox is not personally liable for examinations fees assessed to Respondent Family Mortgage Company since he is a Branch Manager for the 410 South Main Street, Concord, New Hampshire branch office of Elliot A. Willard (d/b/a Family Mortgage Company) ("Respondent Family Mortgage Company") and has no ownership interest in Respondent Family Mortgage Company.
 - 5. Based on the above factors, the Petitioner now wishes to withdraw only as to Gilbert W. Cox the November 12, 2008 Staff Petition that initiated the Order against Respondents Elliot A. Willard (d/b/a Family Mortgage Company), Elliot A. Willard and Gilbert W. Cox.
 - 6. Respondents Elliot A. Willard (d/b/a Family Mortgage Company) and Elliot A. Willard are heretofore still named Respondents and the Order is still valid as to those named Respondents.

Wherefore, Petitioner respectfully prays:

A. The Commissioner vacate the Order only as to Respondent Gilbert W.
Cox in this specific matter; and

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

Respectfully submitted by:

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/s/ Maryam Torben Desfosses *11/25/08* Date

1	ORDER
2	Finding it in the public interest, the requested relief is hereby GRANTED .
3	The Cease and Desist Order in 08-384 as to Respondent Gilbert W. Cox only is
4	hereby VACATED this <u>25th day of</u> <u>November</u> , 2008.
5	/s/
6	Peter C. Hildreth Bank Commissioner
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	Motion to Vacate - 3