1 State of New Hampshire Banking Department In re the Matter of: 2 )Case No.: 09-035 State of New Hampshire Banking 3 4 Department, )Order to Show Cause 5 Petitioner, 6 and )Motion to Dismiss 7 Franklin Mutual Mortgage Corporation ) 8 (d/b/a FM Mortgage Funding), and ) Giancarlo Maniaci, 9 10 Respondents 11 12 MOTION TO DISMISS 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") in this matter and states as follows: 16 1. The Department attempted service of the Order on the above named 17 Respondents in this matter via U.S. Certified Mail Return Receipt 18 requested on or about June 29, 2009. The Order was returned as 19 "return to sender, insufficient address, unable to forward." 20 2. Since the advent of the Order, Respondent Giancarlo Maniaci contacted 21 the Department and paid the examination fee on behalf of all 22 Respondents herein, which served as the underlying allegation of the 23 Order. 3. Based on the above factors and as a sign of good faith and 24 25 administrative efficiency, the Petitioner now wishes to dismiss the

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1 2	4. penalties within the Staff Petition that initiated the Order.
3	WHEREFORE, Petitioner respectfully prays
4	A. The Commissioner dismiss the penalties in the Order to Show Cause in
5	this case; and
6	B. Grant such further relief as is just and in the public interest.
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8	Respectfully submitted by:
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10	/s/01/12/10Maryam Torben DesfossesDate
11	Hearings Examiner
12	
13	ORDER
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15	Finding it in the public interest, the requested relief is hereby <b>GRANTED</b> . The penalties in the Order to Show Cause in 09-035 are hereby <b>DISMISSED</b> this
16	<u>12th</u> day of <u>January</u> , 2010.
17	/s/
18	PETER C. HILDRETH BANK COMMISSIONER
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