

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 09-035
)
 3 State of New Hampshire Banking)
)
 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)
)
 9 Giancarlo Maniaci,)
)
 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.
- 24 3. Based on the above factors and as a sign of good faith and
25 administrative efficiency, the Petitioner now wishes to dismiss the

