

1 State of New Hampshire Banking Department

2 In re the Matter of: )Case No.: 07-078  
 )  
 3 State of New Hampshire Banking) )  
 )  
 4 Department, ) )  
 )  
 5 Department, ) Motion to Vacate Ab Initio [REDACTED] [REDACTED]  
 ) [REDACTED] from the April 3, 2007 Order to  
 6 and ) Show Cause With Immediate Suspension And  
 ) Cease and Desist and the July 6, 2007  
 7 Southstar Funding, LLC, et al., ) Order for Default Judgment  
 )  
 8 Respondents ) )  
 )

9 MOTION TO VACATE AB INITIO

10 Now comes Maryam Torben Desfosses, on behalf of New Hampshire Banking  
 11 Department ("Department") in the above captioned matter, and moves to vacate  
 12 *ab initio* the April 3, 2007 Order to Show Cause With Immediate Suspension And  
 13 Cease and Desist ("Order") and the July 6, 2007 Order for Default Judgment  
 14 ("Default") in this matter as to Respondent [REDACTED] [REDACTED] ("Respondent  
 15 [REDACTED]") and states as follows:

- 16 1. Since the entry of the Order and Default, Respondent [REDACTED]'s counsel  
 17 filed a request to have Respondent [REDACTED] vacated from the Order and  
 18 Default on the premise that Respondent [REDACTED] was a minority  
 19 shareholder of an indirect owner of Respondent Southstar Funding, LLC.
- 20 2. Respondent [REDACTED]'s counsel provided compelling information to the  
 21 Department, which demonstrates that Respondent [REDACTED] was indeed not a  
 22 principal or control person of Respondent Southstar Funding, LLC.
- 23 3. In response to Respondent [REDACTED]'s request to remove him from the  
 24 Order and Default, the Department moves to vacate *ab initio* Respondent  
 25 [REDACTED] from the Order and Default.

