State of New Hampshire Banking Department

In re the Matter of:	**Case No.: 10-009**
State of New Hampshire Banking Department,	**Motion to Vacate Ab Initio Josh Malesa from Order to Show Cause and Cease and Desist**
Petitioner,	
and	
Mortgage Mitigators, et al.,	
Respondents	

MOTION TO VACATE JOSH MALESA ORDER AB INITIO

Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above captioned case, and moves to vacate ab initio the Order to Show Cause and Cease and Desist ("Order") in this matter as to Respondent Josh Malesa ("Josh Malesa") and states as follows:

1. Josh Malesa was served with the Order in this matter.
2. Since the entry of the Order, the Department received additional information which exculpates Josh Malesa from liability for Docket #10-009.
3. Based on the above factors, the Petitioner now wishes to withdraw the Order and allegations therein as to Josh Malesa.

WHEREFORE, Petitioner respectfully requests

A. The Commissioner Vacate ab initio the Order to Show Cause and Cease and Desist in this case as to Josh Malesa; and

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

Respectfully submitted by:

/s/ — *May 3, 2011*

Maryam Torben Desfosses — Date
Hearings Examiner

ORDER

Finding it in the public interest, the requested relief is hereby **GRANTED**. The Order to Show Cause and Cease and Desist in 10-009 as to Josh Malesa is hereby **VACATED AB INITIO** this *3rd* day of *May*, 2011.

/s/
ROBERT A. FLEURY
DEPUTY BANK COMMISSIONER