

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-009
)
 3 State of New Hampshire Banking)
)
 4 Department,) Motion to Vacate Ab Initio Tracie Malesa
) from Order to Show Cause and Cease and
 5 Petitioner,) Desist
)
 6 and)
)
 7 Mortgage Mitigators, et al.,)
)
 8 Respondents)
)

9 MOTION TO VACATE TRACIE MALESA ORDER AB INITIO

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

- 14 1. Tracie Malesa was served with the Order in this matter.
- 15 2. Since the entry of the Order, Tracie Malesa has provided the
 16 Department additional information which exculpates Tracie Malesa from
 17 liability for Docket #10-009.
- 18 3. Based on the above factors, the Petitioner now wishes to withdraw the
 19 Order and allegations therein as to Tracie Malesa.

20 WHEREFORE, Petitioner respectfully requests

- 21 A. The Commissioner Vacate ab initio the Order to Show Cause and Cease
 22 and Desist in this case as to Tracie Malesa; and
- 23 B. Grant such further relief as is just and in the public interest.

24 Respectfully submitted by:

25 _____ /s/
Maryam Torben Desfosses
Hearings Examiner

May 3, 2011
Date

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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 Tracie Malesa is hereby **VACATED AB INITIO** this 3rd day of May, 2011.

 /s/

ROBERT A. FLEURY
DEPUTY BANK COMMISSIONER