

1 State of New Hampshire Banking Department

2 In re the Matter of:)
)
 3 New Hampshire Banking Department,) Case No.: No. 10-165
)
 4 Petitioner,)
) Motion to Withdraw Without Prejudice
 5 and) the Complaint, Order to Show Cause
) and Cease and Desist
 6 National Loan Restructuring, LLC,)
)
 7 (fictitious name for Atlas Financial,)
)
 8 Incorporated), Robert Ready and)
)
 9 Charles Stevens,)
)
 10 Respondents)
)

11 Motion to Withdraw Without Prejudice the Complaint, Order to Show Cause and
 12 Cease and Desist

13 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
 14 captioned case, and moves the Presiding Officer to withdraw, without
 15 prejudice, the Complaint, Order to Show Cause and Cease and Desist ("Order")
 16 and in support thereof respectfully states as follows:

17 1. The Commissioner of the New Hampshire Banking Department
 18 ("Department") issued a Complaint, Order to Show Cause and Cease and Desist
 19 ("Order") against Respondent National Loan Restructuring, LLC, (fictitious
 20 name for Atlas Financial, Incorporated) ("Respondent National Loan
 21 Restructuring"), Respondent Robert Ready ("Respondent Ready") and Respondent
 22 Charles Stevens ("Respondent Stevens") (collectively hereinafter
 23 "Respondents") on April 20, 2011 via U.S. Certified Mail Return Receipt
 24 requested.

25 2. The Petitioner attempted delivery of the Order to Respondents.

1 3. The Petitioner also attempted delivery on Attorney Brad
2 Culverhouse, who the Petitioner believed was counsel of record for
3 Respondents.

4 4. Maryam Torben Desfosses, Hearings Examiner, on behalf of the
5 Petitioner contacted Attorney Brad Culverhouse via telephone on November 18,
6 2011 to discuss the need for a viable address to deliver the Order and was
7 informed that he does not represent Respondents nor did he request a hearing
8 on Respondents' behalf. (See attached Exhibit A)

9 4. Respondent Stevens, General Manager, prior to the issuance of
10 the Order responded on behalf of Respondent National Loan Restructuring that
11 it intended to fully comply with the Petitioner's request to cease and
12 desist and that it would no longer conduct business with residents in the
13 State of New Hampshire and had not done so since July of 2010. (See
14 attached Exhibit B)

15 5. After further review of the facts and circumstances of this
16 case, the Petitioner deems it appropriate to withdraw its Order without
17 prejudice due to the lack of communication and/or a formal complaint filed
18 by Consumer A; the lack of any other consumer complaints filed against
19 Respondents; the inability to communicate with Respondents; and the
20 statements contained in Exhibit A.

21 6. For clarity, the Petitioner hereby seeks to withdraw, without
22 prejudice, the Complaint, Order to Show Cause and Cease and Desist. This
23 Motion to Withdraw should in no way impact the Petitioner's ability to issue
24 an Order to Show Cause and Cease and Desist Order in the future if evidence
25 to support the same is received.

1 WHEREFORE, the Petitioner respectfully requests:

2 A. The Presiding Officer withdraw without prejudice the Complaint,
3 Order to Show Cause and Cease and Desist in this case; and

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

5
6 Respectfully submitted by:

7
8 /s/
Maryam Torben Desfosses
9 Hearings Examiner

January 24, 2012
Date

10
11 ORDER

12 Finding it in the public interest, the requested relief is hereby GRANTED.
13 The Complaint, Order to Show Cause and Cease and Desist in 10-165 is hereby
WITHDRAWN ~~WITHOUT PREJUDICE~~ this 25th day of January, 2012.

14 /s/ /s/
Stephen J. Judge, Esquire
15 Presiding Officer
SJJ

16 The presiding officer takes no
17 position on whether the withdrawal is
18 with or without prejudice.

19 /s/
Stephen J Judge