

1 State of New Hampshire Banking Department

|    |                                      |                                  |
|----|--------------------------------------|----------------------------------|
| 2  | In re the Matter of:                 | )Case No.: 08-204                |
|    |                                      | )                                |
| 3  | State of New Hampshire Banking       | )                                |
|    |                                      | )                                |
| 4  | Department,                          | )Order to Show Cause             |
|    |                                      | )                                |
| 5  | Petitioner,                          | )                                |
|    |                                      | )                                |
| 6  | and                                  | )Motion to Dismiss Penalties and |
|    |                                      | )Strike Default Judgment         |
| 7  | Success Mortgage Company, LLC (d/b/a | )                                |
|    |                                      | )                                |
| 8  | Success Mortgage), and Jennifer      | )                                |
|    |                                      | )                                |
| 9  | Elizabeth Truesdale,                 | )                                |
|    |                                      | )                                |
| 10 | Respondents                          | )                                |
|    |                                      | )                                |

11  
12 MOTION TO DISMISS PENALTIES AND STRIKE DEFAULT JUDGMENT

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") and strike the Default Judgment ("Default") in this matter and  
16 states as follows:

- 17 1. The above Respondents were properly served with the Order in this
- 18 matter on or about January 6, 2009.
- 19 2. A Default Judgment was issued on November 3, 2009.
- 20 3. Since the advent of the Order and Default, the above named Respondents
- 21 have paid the outstanding invoice for examination, which served as the
- 22 underlying allegation of the Order.
- 23 4. A Motion to Dismiss the Penalties and Strike the Default Judgment was
- 24 filed by Respondent.
- 25 5. Based on the above factors and as a sign of good faith and

1 administrative efficiency, the Petitioner now wishes to dismiss the  
2 penalties within the Staff Petition that initiated the Order.

3 6. Based on the above factors and as a sign of good faith and  
4 administrative efficiency, the Petitioner now wishes to strike the  
5 Default Judgment.

6 WHEREFORE, Petitioner respectfully prays

7 A. The Commissioner dismiss the penalties in the Order to Show Cause in  
8 this case;

9 B. The Commissioner strike the Default Judgment in this case; and

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

11 Respectfully submitted by:

12  
13 \_\_\_\_\_  
14 /s/ Maryam Torben Desfosses  
Hearings Examiner

\_\_\_\_\_ 02/08/10  
Date

15 **ORDER**

16 Finding it in the public interest, the requested relief is hereby **GRANTED**.  
17 The penalties in the Order to Show Cause in 08-204 are hereby **DISMISSED** and  
18 the Default Judgment in 08-204 is hereby **STRICKEN** this 8th day of February,  
19 2010.

20 \_\_\_\_\_  
21 /s/ PETER C. HILDRETH  
22 BANK COMMISSIONER  
23  
24  
25