

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 08-283  
 )  
 3 State of New Hampshire Banking )  
 )  
 4 Department, ) Order to Show Cause  
 )  
 5 Petitioner, )  
 )  
 6 and ) Motion to Dismiss  
 )  
 7 Martin W. Day, Sr (d/b/a American East )  
 )  
 8 Mortgage Services), and Martin W. Day, )  
 )  
 9 Sr., )  
 )  
 10 Respondents )  
 )

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11  
12 MOTION TO DISMISS

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") in this matter and states as follows:

- 16 1. The above Respondents were properly served with the Order in this  
17 matter on or about January 12, 2009.
- 18 2. Since the advent of the Order, the above named Respondents have filed  
19 the 2007 annual report, which served as the underlying allegation of  
20 the Order.
- 21 3. Based on the above factors and as a sign of good faith and  
22 administrative efficiency, the Petitioner now wishes to dismiss the  
23 penalties within the Staff Petition that initiated the Order.

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25 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

1 WHEREFORE, Petitioner respectfully prays

2 A. The Commissioner dismiss the penalties in the Order to Show Cause in  
3 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/                                  
9 Maryam Torben Desfosses  
10 Hearings Examiner

04/01/09  
Date

11  
12 **ORDER**

13 Finding it in the public interest, the requested relief is hereby **GRANTED**.  
14 The penalties in the Order to Show Cause in 08-283 are hereby **DISMISSED** this  
15 1st day of April, 2009.

16                 /s/                                  
17 PETER C. HILDRETH  
18 BANK COMMISSIONER