State of New Hampshire Banking Department

In re the Matter of:	**Case No.: 09-084**
State of New Hampshire Banking Department,	**Order to Show Cause**
Petitioner,	
and	**Motion to Dismiss Penalties and Strike Default Judgment**
Brook Trout Mortgage Inc., Jonathan H. Beecher, Kristen M. Beecher, and David M. Geddes,	
Respondents	

MOTION TO DISMISS PENALTIES AND STRIKE DEFAULT JUDGMENT

Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above captioned case, and moves to dismiss the penalties in the Order to Show Cause ("Order") and strike the Default Judgment ("Default") in this matter and states as follows:

1. The Department attempted service of the Order on the above named Respondents in this matter via U.S. Certified Mail Return Receipt requested on or about March 26, 2010. The Order was returned as "unclaimed."
2. The Commissioner accepted service of the Order on April 22, 2010.
3. A Default Judgment was issued on June 17, 2010.
4. Since the advent of the Order and Default, the above named Respondents have paid the outstanding invoice for examination, the outstanding invoice for late filing of the financial statement and the outstanding

fine for the late filing of the annual report, which served as the underlying allegations of the Order.

5. Based on the above factors and as a sign of good faith and administrative efficiency, the Petitioner now wishes to dismiss the penalties within the Staff Petition that initiated the Order.

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

WHEREFORE, Petitioner respectfully prays

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

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

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

Respectfully submitted by:

/s/ — *September 1, 2010*

Maryam Torben Desfosses — Date

Hearings Examiner

ORDER

Finding it in the public interest, the requested relief is hereby **GRANTED**. The penalties in the Order to Show Cause in 09-084 are hereby **DISMISSED** and the Default Judgment in 09-084 is hereby **STRICKEN** this *1st* day of *September*, 2010.

/s/ Robert A. Fleury for

PETER C. HILDRETH

BANK COMMISSIONER