



Office of Appeals
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-0001

In the Matter of:

Brian Conter,

Petitioner

HUDOA No. 11-H-NY-AWG69
Claim No. 78-0428113-0A

Brian Conter
1181 A Sycamore Avenue
Tinton Falls, NJ 07724

Pro se

Julia Murray, Esq.
US Department of Housing and
Urban Development
Office of Assistant General Counsel
for New York/New Jersey Field Offices
26 Federal Plaza, Room 3237
New York, NY 10278

For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

Petitioner filed a timely request to present evidence that an alleged past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative wage garnishment.

Pursuant to 24 C.F.R. §§ 17.170, 20.4(b), and 31 C.F.R. § 285.11(f), the administrative judges of the HUD Office of Appeals are authorized to determine whether certain debts exist and are legally enforceable and whether they can be collected by means of administrative wage garnishment. As a result of Petitioner's request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office on March 24, 2011. (Notice of Docketing, Order, and Stay of Referral, dated March 24, 2011.)

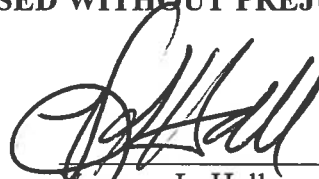
On April 5, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "Upon information and belief, on June 8, 2009, the Sheriff of Monmouth County, New Jersey conducted a foreclosure sale of Petitioner's home located at 16 Howard Avenue, Tinton Falls, New Jersey." The Secretary further states that "As a result of the foreclosure sale, funds sufficient to satisfy HUD's debt were set aside and are being held in escrow by the Clerk of the Superior Court, Monmouth County, New

Jersey. HUD intends to obtain the funds being held in escrow by the Clerk of the Superior Court in order to satisfy Petitioner's debt in the amount of \$10,849.07."

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on March 24, 2011 shall remain in place indefinitely.

Upon due consideration the Secretary's motion is **GRANTED**. It is hereby

ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**.

A handwritten signature in black ink, appearing to read 'V. Hall', is written over a horizontal line.

Vanessa L. Hall
Administrative Judge

April 8, 2011