

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

Karen Hannigan,

Petitioner.

21-VH-0069-AO-012

721017100

February 3, 2022

ORDER OF DISMISSAL

In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioner to submit evidence within 60 calendar days from the date of the Department's Notice of Intent will result in a dismissal of Petitioner's request for review by the HUD Office of Hearings and Appeals.

On February 9, 2021, Petitioner filed a *Request for Hearing* to review HUD's determination that Petitioner owed the subject debt. There is no record of evidence in support of Petitioner's claim that the subject debt, not the primary mortgage, was not owed or was paid off by the title company or lender, or that Petitioner was released from the contractual obligation to pay the subject debt. To date, Petitioner has failed to comply with any of the Court's *Orders* on February 22, 2021, July 2, 2021, and September 29, 2021 to produce sufficient evidence to prove HUD issued Petitioner a written release from the subject debt.

The *Order to Show Cause* issued by the Court to Petitioner on September 29, 2021 specifically stated "**Failure to comply with this Order shall result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4 (c) and (d), including judgment being entered on behalf of the opposing party or dismissal of this action.** (Emphasis added). Petitioner again failed to comply as ordered. The lapse of time since February 2021 has provided Petitioner with a number of opportunities to comply with the Court's *Orders* but without response. As a result, the Court is unable to determine the credibility of Petitioner's argument in the absence of such evidence.

Consistent with the provisions of 24 C.F.R. §§ 17.69 (b) and 26.4 (c) and (d), Petitioner's appeal is hereby **DISMISSED WITH PREJUDICE** *sua sponte* due to Petitioner's non-compliance with the Court's *Orders*. The stay of proceeding issued on March 17, 2021 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge