

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

In the Matter of:

Terri Oder,

Petitioner.

17-AM-0015-AG-005

721008719

June 22, 2017

RULING AND ORDER OF DISMISSAL

On April 4, 2017, the Court issued the *Final Order For Petitioner's Documentary Evidence* (the "*Final Order*"). The *Final Order* directed Petitioner to file documentary evidence, on or before April 28, 2017, to prove that Petitioner is not indebted to HUD in the amounts claimed by the Secretary. Specifically, Petitioner was ordered to file documentary evidence to clarify how funds were disbursed at closing on the sale of his property and to file:

documentary evidence to prove that the "Subordinate Note" language referenced in the letter from Bank of America, dated August 14, 2015, refers to the Subordinate Note to HUD executed by Petitioner on October 19, 2013 in the amount of \$4,547.13. It is not clear from the record whether the \$98,942.23 payoff figure offered by Bank of America is equivalent to the balance owed on the primary mortgage, or whether Bank of America was authorized to act on behalf of HUD on the \$4,547.13 Subordinate Note.

Petitioner failed to file documentary evidence as ordered in the *Final Order*. The *Order* further stated that:

Failure to comply with this Order shall result in the immediate entry of judgment in favor of the opposing party or in the imposition of such other sanctions as the Administrative Judge deems necessary or appropriate in this case. See 24 C.F.R. §26.4(d).

Accordingly, it is

ORDERED, *sua sponte*, that Petitioner's appeal in this case is **DISMISSED**, *without prejudice*. It is

FURTHER ORDERED, that the *Stay of Referral* of this matter to the U.S. Department of the Treasury, entered on December 1, 2016, is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge