

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

In the Matter of:

Fitzgerald Rodriguez,

Petitioner.

17-VH- 0198-AG-075

721010036

September 14, 2017

ORDER GRANTING SECRETARY'S MOTION TO DISMISS

On September 13, 2017, the Secretary filed a *Motion to Dismiss* and documentary evidence seeking to dismiss, without prejudice, its action to pursue collection of the subject debt by means of administrative wage garnishment.

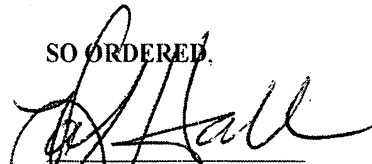
The Secretary states that, "The Petitioner provided HUD with a Certificate of Release of Deed of Trust issued and executed by Bank of America, N.A. on August 11, 2014, which references HUD's mortgage by date and amount, and the book and page where HUD's mortgage was recorded in the Anne Arundel County, Maryland clerk's office." The Secretary further states that, "Bank of America had no authority to attempt to satisfy or release HUD's lien, and though HUD believes that the mortgage satisfaction issued by Bank of America is invalid, HUD is returning this claim to HUD's National Servicing Center for further investigation. (Declaration of Brian Dillon at ¶ 3 – Exhibit A)."

Upon due consideration, and for good cause shown, the *Motion to Dismiss* is **GRANTED**. The stay of referral shall remain in place pending the outcome of the investigation by HUD's National Servicing Center for further investigation.

The matter of HUDOHA #17-VH-00198-AG-075 is **DISMISSED WITHOUT PREJUDICE**.

It should be noted that while the Secretary also sought to dismiss without prejudice efforts against Petitioner by means of Treasury Offset (*Motion*, ¶ 2), likely a mere oversight, the Court in this Order only granted dismissal without prejudice the action to pursue collection of the subject debt by means of administrative wage garnishment.

SO ORDERED.


Vanessa L. Hall
Administrative Judge