

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

In the Matter of:

First Citizens Bank and Trust,

Petitioner.

Case No. 12-VH-NY-AO-50

Claim No. 7-207073600A

September 28, 2012

ORDER GRANTING DISMISSAL

On September 25, 2012, the Secretary filed a Motion to Dismiss informing the Court that HUD's Quality Assurance Division had rescinded the Indemnification Agreement executed by the lender dated April 20, 2012. HUD therefore seeks to have the instant offset proceeding dismissed without prejudice. Upon consideration, and for good cause shown, the Motion to Dismiss is **GRANTED**. It is hereby

ORDERED that the Secretary shall not seek to collect the claimed debt of Petitioner by means of administrative offset.

This matter of HUDOHA #12-VH-NY-AO-50 is **DISMISSED WITHOUT PREJUDICE**.

/o/ original signature

Vanessa L. Hall

Administrative Judge