

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

In the Matter of:

Ronnie Heard

Petitioner.

19-AM-0067-AO-027

7-210135480A

April 17, 2019

RULING AND ORDER OF DISMISSAL

On April 9, 2019, the Secretary filed the *Secretary's Motion to Dismiss* ("Motion"). The Secretary has confirmed that Petitioner in this case has been deceased since October 4, 2017. *Id.*, ¶ 2. The Secretary further states that:

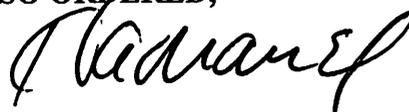
This debt collection proceeding was predicated on Petitioner's failure to repay HUD pursuant to the terms of a Subordinate Note executed by Petitioner in March 2016. Counsel for Petitioner's widow disputes the validity of HUD's security interest in the property that secured Petitioner's indebtedness to HUD. However, this debt collection proceeding is not a foreclosure action, therefore, this is not the proper venue to determine the validity of HUD's Subordinate Mortgage. To the extent that counsel for Petitioner's widow seeks a final resolution on the question of whether HUD retains a security interest in the property that secured Mr. Heard's indebtedness to HUD, HUD's Financial Operations Center is working with HUD's Office of Regional Counsel in Georgia to resolve the matter.

Id., ¶ 3. (citation omitted.) HUD further seeks to dismiss "this . . . matter against Petitioner with prejudice." *Id.*, ¶ 2. Accordingly, the *Motion* is GRANTED. It is

ORDERED that this appeal is **DISMISSED**, *with prejudice*. It is

FURTHER ORDERED that the Stay of Referral previously entered in this case on February 21, 2019, is hereby **VACATED**. It is

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge