

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

In re: )  
 )  
Cindy Harris, ) AWG Docket No. 10-0278  
 )  
Petitioner )

**Final Decision and Order**

This matter is before me upon the request of the Petitioner, Cindy Harris, for a hearing in response to efforts of Respondent, USDA’s Rural Development Agency, to institute a federal administrative wage garnishment against her. On August 5, 2010, this case was transferred to my docket.

On July 26, 2010, I conducted a telephone hearing in *In re: Mark A. Harris*, AWG Docket No. 10-0277. During the course of that hearing Rural Development Agency stated that, based on Mr. and Mrs. Harris having made substantial payments on the debt, it would cancel the remaining debt. I accepted Rural Development Agency’s suggested solution and found that Mr. and Mrs. Harris do not owe USDA any remaining balance on the loan assumed for the purchase of the property in Kimberly, Idaho. Furthermore, the ongoing garnishment of Mrs. Harris’ pay to repay this loan will cease. Any amounts “in the pipeline,” including amounts collected while this order is being implemented, shall not be returned to Mr. and Mrs. Harris.

**Summary of the Facts Presented**

1. On December 19, 1997, Mark Harris and Cindy Harris assumed a USDA Farmers Home Administration loan in the amount of \$70,000.00. The loan assumption was used to purchase a residence at 107 Brentwood, Kimberly, Idaho 83341.

2. Mr. & Mrs. Harris defaulted on the loan and a short sale was held on May 15, 2001. The amount owed on the loan at the time of the sale was \$66,468.08 in principal, \$11,763.48 in interest, and \$6,555.64 in fees, for a total amount due of \$84,787.20.

3. USDA received \$53,900.00 from the sale of the house. As of June 17, 2010, receipts from Treasury were \$14,802.32 leaving a balance due USDA on the loan from Mr. & Mrs. Harris of \$16,804.88. Subsequent receipts, through today, leave a balance due USDA of less than \$14,000.00.

4. Cindy Harris' pay is being garnished in the amount of approximately \$220.00 per week.

### **Findings, Analysis, and Conclusions**

1. The Secretary of Agriculture has jurisdiction over the parties, Mrs. Harris and USDA Rural Development Agency; and over the subject matter, which is administrative wage garnishment.

2. All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. § 285.11 have been met.

3. Rural Development Agency stated during the hearing that, based on Mr. and Mrs. Harris having made substantial payments on the debt, it would cancel the remaining debt. I accept Rural Development Agency's suggested solution and find that Mr. and Mrs. Harris do not owe USDA any remaining balance on the loan assumed for the purchase of the property in Kimberly, Idaho.

### **Order**

Mark and Cindy Harris do not owe any balance on the December 19, 1997 loan assumption used to purchase a residence at 107 Brentwood, Kimberly, Idaho 83341.

USDA Rural Development, and those collecting on its behalf, shall not proceed with garnishment. In addition, any garnishment of the pay of Cindy Harris shall cease. This matter is dismissed with prejudice.

Copies of this Decision and Order shall be served upon the parties and counsel for Mrs. Harris by the Hearing Clerk's Office.

Done at Washington, D.C.  
this 6th day of August 2010

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**STEPHEN M. REILLY**  
Hearing Official