

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Rochelle Stuart,) AWG Docket No. 11-0038
)
Petitioner)

Decision and Order

This matter is before me upon the request of the Petitioner, Rochelle Stuart, for a hearing in response to efforts of Respondent, USDA’s Rural Development Agency, Rural Housing Service, to institute a federal administrative wage garnishment against her for an alleged deficiency on a mortgage issued by Rural Development to Ms. Stuart on property in Marion, Kansas. On January 10, 2011, I issued a Pre-hearing Order setting the date for the hearing and requiring the parties to exchange information concerning the amount of the debt.

Rural Development filed a copy of its Narrative along with exhibits RX-1 through RX-8 on January 13, 2011. Exhibit RX-8 is KS Form RD 1951-2 Satisfaction of Real Estate Mortgage (Kansas). This document, issued by USDA Rural Development, releases the mortgage “[i]n consideration of full payment of the debt secured by the mortgage.” Rural Development recommends cancellation of the debt and refund of the money collected. I agree and so order.

Findings and Conclusions

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

2. Rochelle Stuart satisfied the debt to Rural Development resulting from the mortgage loan on the house in Marion, Kansas as evidenced by Exhibit RX-8, KS Form RD 1951-2 Satisfaction of Real Estate Mortgage (Kansas) dated October 19, 2004..

3. Wage garnishment is not authorized.

4. Rural Development indicates that it collected \$5,168.26 since Ms. Stuart satisfied the debt.

Order

USDA Rural Development Agency, Rural Housing Service, and those collecting on its behalf, are not authorized to proceed with garnishment. All collection activities against Ms. Stuart relating to the mortgage loan on the house in Marion, Kansas shall cease. USDA Rural Development Agency, Rural Housing Service shall refund to Ms. Stuart the \$5,168.26 it inappropriately collected.

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

Done at Washington, D.C.
this 8th day of February 2011

STEPHEN M. REILLY
Hearing Official