

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 11-0184
)
Latausha Maye,)
)
Petitioner) **Amended**
) **Decision with Order**
) **Dismissing Pending**
) **Garnishment Proceeding**

On May 18, 2011, at 11:00 AM, EDT, I held a hearing on a Petition to Dismiss an administrative wage garnishment proceeding to collect a debt allegedly owed to Respondent, USDA, Rural Development, for losses it incurred under a mortgage loan it gave to Petitioner, Latausha Maye, and her husband, Corey Maye, to purchase a house. Petitioner represented herself, and USDA Rural Development was represented by Mary Kimball. Petitioner and Mary Kimball were each duly sworn. Various exhibits were offered by Ms. Kimball that were received in evidence (RX-1 through RX-7).

Respondent sustained financial loss on the mortgage loan it gave to Petitioner and her husband to purchase a house located at 863 May Road, Greenville, AL 36037. The loan, dated June 24, 1998, was in the amount of \$37,375.00 (RX-1 and RX-2). The payments on the mortgage were not met and a foreclosure sale was held on April 11, 2001. After selling expenses, USDA received \$16,671.00 from the sale. Prior to the sale, \$40,335.02 was owed by the Petitioner and her husband to USDA for principal, accrued interest and fees. Since the sale, USDA had received \$2,108.54 from the United States

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Treasury Department (RX-5). The amount that was presently owed on the debt was \$20,820.48 plus potential fees to Treasury of \$6,246.14 or \$27,066.62 total (RX-6).

Petitioner is employed by Hwashin-America Corp. as a factory assembler of auto parts and receives [REDACTED] an hour or [REDACTED] bi-weekly net. Her husband is also employed. They have three minor children. Petitioner and her husband have an arrangement by which they each pay various parts of their joint monthly household expenses. She usually pays: gasoline [REDACTED] baby sitter [REDACTED] and food [REDACTED] or [REDACTED] total.

Since that hearing, Petitioner saved up the needed amount of attorney's fees and has filed a petition in Bankruptcy. Respondent has agreed that under these circumstances, the pending proceeding to administratively garnish Petitioner's wages should be and, for that reason, is being dismissed.

ORDER

The Hearing Clerk is directed to enter this order dismissing the pending proceeding to administratively garnish Petitioner's wages and to serve copies of this Amended Decision and Order upon the parties.

Dated:

Victor W. Palmer
Administrative Law Judge