

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 11-0337

In re: Brandy Azlin (Roberts)  
Petitioner

**Decision and Order**

This matter is before me upon the request of Brandy Azlin, Petitioner, for a hearing to address the existence or amount of a debt alleged to be due, and if established, the terms of any repayment prior to imposition of an administrative wage garnishment. On August 10, 2011, Administrative Law Judge Jill S. Clifton issued a Prehearing Order to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of the debt, and setting the matter for a telephonic hearing. This case was subsequently assigned to me.

The Rural Development Agency (RD), Respondent represented by Ms. Mary Kimball, complied with the Discovery Order and a Narrative was filed, together with supporting documentation RX-1 through RX-10 on August 12, 2011. As a result of my inquiry during the hearing, on October 5, 2011 RD filed an Additional Narrative and RX-4A. Both parties were available for the telephonic hearing. The parties were sworn. Ms. Azlin was assisted during the hearing by her grandmother. At the conclusion of the hearing, I invited Ms. Azlin to forward recent pay stubs and completed financial forms which were mailed with her notice of this hearing. This information would allow me to perform a Financial Hardship Calculation. On September 26, 2011, I called the same

number she provided for the oral hearing and left a message that she was invited to forward the financial documents to me. No further documents have been received from Petitioner. Ms. Azlin's Request for Hearing contained a letter which generally inquired about matters concerning the handling of the foreclosure, her loan guarantee obligations, and the details of the financial matters.

Petitioner lives alone. She has had gainful employment for two years. There are no other garnishments and she has no school loans.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law and Order will be entered.

**Findings of Fact**

1. On June 25, 2007, Brandy Azlin, formerly Brandy Roberts obtained a loan for the purchase of a primary home mortgage loan in the amount of \$49,470.00 from JP Morgan Chase Bank, N.A. to purchase her home on a property located in 3## N. Balt\*\*\*\*\* Allen, OK 748##<sup>1</sup>. RX-1, RX-2.
2. Prior to signing for this loan, on April 2, 2007, Petitioner signed RD Form 1980-21 (Single Family Housing Loan Guarantee). RX-2.
3. The borrower became in default and a Notice of Acceleration was mailed on April 4, 2008. RX-3@ p. 3 of 8.
4. The house was acquired by the lender at foreclosure for \$32,300.00 on February 13, 2009. RX-3 @ p. 3 of 8.
5. On March 23, 2009, prior to the final sale, the property was appraised "As is" for \$12,500. On March 31, 2009, a BPO (Broker's Price Opinion) stated that the property value was \$25,000.00. RX-3 @ p. 3 of 8.

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<sup>1</sup> The complete address is maintained in USDA files.

6. The property was then listed for final sale on April 14, 2009 for \$25,000.
7. The property sold for \$22,000.00 on May 15, 2009. Narrative. RX-3 @ p. 4 of 8.
8. Total lender liquidation costs were \$4,513.60. Narrative, RX-3 @ p. 5 of 8.
9. Total Property sale costs were \$4,087.61. RX-3 @ p. 6 of 8.
10. The principal loan balance for the RD loan was \$48,425.87, plus \$5,220.14 for accrued interest, plus \$1,778.46 for pre-sale advances and additional interest, plus \$8,601.21 for fees for a total of \$64,025.68. Additional Narrative, RX-4A.
11. Treasury has received \$4,017.75. RX-4A.
12. RD has paid \$38,007.93 to Lender under the Loan Guarantee provision. Additional Narrative, RX-4A.
13. Ms. Azlin owes RD a balance due of \$38,007.93 exclusive of potential Treasury fees. Additional Narrative, RX-4A.
14. Ms. Azlin owes potential Treasury fees of \$9,836.91. Additional Narrative, RX-10.
15. Ms. Azlin states that she has been gainfully employed for more than one year. Testimony.
16. No Financial Hardship calculation could be undertaken due to a lack of data from Petitioner.

### **Conclusions of Law**

1. Petitioner is indebted to USDA Rural Development in the amount of \$38,007.93, exclusive of potential Treasury fees for the mortgage loan extended to her.
2. In addition, Petitioner is indebted for potential fees to the US Treasury in the amount of \$9,836.91.

3. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
4. RD may administratively garnish the wages of the Petitioner at this time.

**Order**

For the foregoing reasons, the wages of Petitioner may be subjected to administrative wage garnishment.

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

October 13, 2011

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**James P. Hurt**  
**Hearing Official**

Copies to: Brandy Azlin (Roberts)  
Mary Kimball  
Dale Theurer

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