

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-0486
)
Denise Christopher,)
)
Petitioner)

REMAND Order

This matter is before me upon the request of the Petitioner, Denise Christopher, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On August 16, 2012, I held an oral hearing at Petitioner’s request and received oral testimony under oath.

Additionally, Petitioner filed her financial statements subsequent to the oral hearing for use in a financial hardship calculation.

During the hearing, I requested RD to determine the State of Texas statutory requirements for posting the notice of sale. Upon receiving RD’s response, it remained unclear whether the three methods were cumulative or alternative. Several requests for clarification to RD were requested to no avail. A recent check of the records reveals that no clarification as to Texas notice of sale requirements have been filed with the Hearng Clerk’s office.

The record remains unclear whether all procedures for foreclosure were properly followed. Since the amount of the debt turns on whether the judicial sale was properly conducted, this matter remains under a Stay Order until the “Notice of Judicial Sale” issue is resolved as being appropriate under Texas law.

Meanwhile, the Divorce Decree filed in Jasper Couty, Texas on/about July 7, 2010

appears to contain a “hold harmless” clause in favor of Denise Chhrstopher on page 4 thereof which may be time sensitive.

This matter has become stale.

Remand Order

1.The Administrative Wage Garnishment action is REMANDED to Rural Development for further action.

2. This matter shall be removed from the active docket of the Hearing Clerk’s Office as closed.

3. Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk’s office.

JAMES P. HURT

Hearing Official

March 25, 2013

Denise Christopher

Giovanna Leopardi

Dale Theurer