

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0179

In re: Amanda Hutchison,  
formerly Amanda Blake,

Petitioner

**ORDER**

A telephonic hearing was held in this matter on July 9, 2010. The Petitioner, Amanda Hutchinson, formerly Amanda Blake participated and was represented by Grady Roberts and Evanya C. Stevens, of Roberts Law, LLC of Atlanta, Georgia. Rural Development was represented by Mary E. Kimball, Accountant for the New Program Initiatives Branch, Rural Development and by Gene Elkin, Legal Liaison, both of St. Louis, Missouri. Diane Green, Secretary to the Chief Judge was also present.

Following the hearing, Ms. Kimball secured a payment history and details of the advances made prior to the sale and transmitted those documents to counsel for the Petitioner. According to the Summary of Teleconference entered on July 9, 2010, upon receipt of the materials, counsel for the Petitioner was to file a status report setting forth the Petitioner's position regarding the debt and citing any authority for the position. It was anticipated that at that point the case would be taken under consideration and a decision issued. On November 1, 2010, Counsel for the Petitioner was given 14 days from the date of entry of the Order to file any further pleading. Nothing further has been received.

Although the Agency asserts that at the time of the transfer of the property to Robert Moore by the Petitioner that the Petitioner owed the Agency \$75,815.03, the Settlement Statement (HUD Form 1) fails to corroborate that amount. Instead, rather than owing the Agency any amount, the Settlement Statement reflects that the Petitioner received cash at the settlement in the amount of \$1,475.00, a fact wholly inconsistent with the Agency's position.

Accordingly, the following Findings of fact, Conclusions of Law and Order will be entered.

### **Findings of Fact**

1. On January 20, 1992, the Petitioner and her then husband Freddie Blake received a home mortgage loan in the amount of \$45,500.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Hampton, South Carolina. RX-1.
2. On July 23, 1999, the property was sold to Robert Moore, who the HUD Form 1 indicates assumed an existing loan in the amount of \$28,025.00. HUD Form 1 dated July 23, 1999.
3. Accordingly to the same HUD Form 1, rather than owing USDA any additional amount, the Petitioner received \$1,475.00 in cash from the sale. *Id.*

### **Conclusions of Law**

1. The Agency has failed in its burden of proof in establishing the existence of any debt to RD, USDA.
2. Amanda Hutchison (formerly Blake) is not indebted to USDA Rural Development in the any amount for the mortgage loan extended to her.

3. All amounts collected from the Petitioner by reason of Treasury offset should be returned to her.

**Order**

For the foregoing reasons, the wages of Petitioner shall **NOT** be subjected to administrative wage garnishment and all amounts collected by Treasury offset shall be refunded to her.

Copies of this Order will be served upon the parties by the Hearing Clerk.

December 2, 2010

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**PETER M. DAVENPORT**  
Chief Administrative Law Judge

Copies to: Roberts Law, LLC  
Mary Kimball  
Dale Theurer

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