



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DENIED: July 23, 2010

CBCA 860

HOMESOURCE REAL ESTATE ASSET SERVICES, INC.,

Appellant,

v.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,

Respondent.

James S. DelSordo of Argus Legal, LLC, Manassas, VA, counsel for Appellant.

Richard A. Marchese and John R. Lego, Office of Regional Counsel, Department of Housing and Urban Development, Philadelphia, PA, counsel for Respondent.

Before Board Judges **GILMORE**, **BORWICK**, and **DRUMMOND**.

**DRUMMOND**, Board Judge.

Appellant, HomeSource Real Estate Asset Services, Inc. (HomeSource), and respondent, the Department of Housing and Urban Development (HUD), were parties to contract CPHI-00909 (contract) for marketing and management services for single family properties owned by or in the custody of HUD in Maryland and Washington, D.C. This

appeal is from a contracting officer's final decision asserting the Government's claim of \$293,200 to recover unearned discounts.<sup>1</sup>

HUD has moved for summary relief alleging that it is entitled as a matter of law to recover the unearned discounts. HomeSource no longer opposes the Government's motion and, in a joint stipulation, admits that it owes the Government \$293,918.36. Specifically, HomeSource stipulates that HUD is entitled to a judgment in its favor in the amount of \$233,300 in connection with three properties referred to as case numbers 241-705629, 241-589123, and 241-745337, plus interest from July 26, 2007, through June 30, 2010. HomeSource further stipulates that there is no dispute as to its indebtedness to HUD in the amount of \$69,900 in connection with case numbers 241-620891 and 241-602729 and agrees that HUD was entitled as a matter of law to recover that amount via offset. The parties have not filed a motion to dismiss the case, however; instead, they have asked that we issue a decision resolving it.

#### Decision

There being no dispute as to appellant's indebtedness to the Government in the amount of \$293,200, we hold the Government is entitled to recover that amount from appellant, plus interest as appropriate. The Government's motion for summary relief is granted and this appeal is **DENIED**. CBCA 859 remains before the Board.

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JEROME M. DRUMMOND  
Board Judge

We concur:

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BERYL S. GILMORE  
Board Judge

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ANTHONY S. BORWICK  
Board Judge

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<sup>1</sup> This appeal had been consolidated with CBCA 859, an appeal involving HomeSource's claim of \$571,700 for alleged increased performance costs, unpaid marketing fees, and overzealous inspections. At the request of the parties, the Board is issuing this decision separately.