



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-221143

December 18, 1985

The Honorable Richard K. Willard
Assistant Attorney General
Civil Division
Department of Justice

Attention: Sharon Y. Eubanks, Esq.

Dear Mr. Willard:

Subject: Mark Davis and Stephanie Davis v. United States Cl. Ct. No. 648-85C

This is in response to your request dated November 14, 1985, for our report on the above-captioned case.

Our records reveal no outstanding claim by or against the plaintiff. Furthermore, we have no factual knowledge regarding the case beyond that contained in the petition, and we have no information that might form the basis for a counterclaim setoff.

However, although our Office has no information concerning the specific facts of this case, we would like to direct your attention to several of our prior decisions that may have some general relevance to the situation described in the complaint. Our decisions in B-181432, February 19, 1976, B-187445, January 27, 1977, B-181432, February 4, 1977, B-181432, October 20, 1978, and B-198310, April 23, 1981, may be of particular relevance. Also see our litigation report B-196491, November 29, 1979, concerning the Court of Claims case--Robo Wash Inc., et al. v. United States.

Further, we would like to point out that in the past several years our Office has been asked to furnish your Department with litigation reports in at least nine cases which involve factual situations that appear to be somewhat similar to the present one. See B-207768, June 17, 1982 (Bank of Pennsylvania v. United States); B-207390, May 21, 1982 (Arretville Bank & Trust Company v. United States); B-207183, April 30, 1982 (People's Bank & Trust Company v. United

States); B-206985, April 16, 1982 (Hamilton Bank v. United States); B-211768, May 31, 1983 (Liberty National Bank, A National Banking Corporation v. United States); B-213711, November 29, 1983 (Union Bank & Trust Company v. United States); B-218972, June 6, 1985 (First Citizens Bank, Luverne, Alabama v. United States); B-214598, March 19, 1984 (J. Bernard Brannan, Jr. v. United States); and B-219561, August 14, 1985 (Terrance and Mary Nelson v. United States). While most of these suits were filed on behalf of banking institutions, we note that the last two cases listed were filed on behalf of prospective borrowers, as is the present case.

If you have any further inquiries concerning this matter, please direct them to Senior Attorney, Alan Belkin at 275-5544.

Sincerely yours,



Robert H. Hunter
Assistant General Counsel