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FILED

2022 JUN 23 AM 9:51 Ex Parte

SCOTT G. WEBER, CLERK
CLARK COUNTY

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

In Re:

AMERICAN EAGLE MORTGAGE 100, LLC; AMERICAN EAGLE MORTGAGE 200, LLC; AMERICAN EAGLE MORTGAGE 300, LLC; AMERICAN EAGLE MORTGAGE 400, LLC; AMERICAN EAGLE MORTGAGE 500, LLC; AMERICAN EAGLE MORTGAGE 600, LLC; AMERICAN EAGLE MORTGAGE MEXICO 100, LLC; AMERICAN EAGLE MORTGAGE MEXICO 200, LLC; AMERICAN EAGLE MORTGAGE MEXICO 300, LLC; AMERICAN EAGLE MORTGAGE MEXICO 400, LLC; AMERICAN EAGLE MORTGAGE MEXICO 500, LLC; AMERICAN EAGLE MORTGAGE MEXICO 600, LLC; AMERICAN EAGLE MORTGAGE I, LLC; AMERICAN EAGLE MORTGAGE II, LLC; and AMERICAN EAGLE MORTGAGE SHORT TERM, LLC.

Case No. 19-2-01458-06

EX PARTE MOTION TO APPROVE RECEIVER'S SALE OF REAL PROPERTY (CONDOMINIUM TAMAR UNIT #201, LOS CABOS, BAJA CALIFORNIA SUR, MEXICO)

I. RELIEF REQUESTED

Clyde A. Hamstreet & Associates, LLC, the duly appointed general receiver herein (the "Receiver"), respectfully moves for an ex parte order approving its proposed sale (the "Sale") of the real property and improvements commonly known as Condominium Tamar Unit #201, Los Cabos, Baja California Sur, Mexico (the "Property").

1 **II. STATEMENT OF FACTS**

2 On May 10, 2019, the Receiver was appointed pursuant to the Court’s Order Appointing
3 General Receiver.

4 On August 8, 2019, the Court entered the Order Establishing Procedures Regarding
5 Receiver’s Sale of Real Property in the Ordinary Course of Business and Entry of Comfort
6 Orders Approving Such Sales (the “Sale Procedures Order”). The Sale Procedures Order
7 provides as follows:

8 In the event the Receiver proposes to sell real property in the
9 ordinary course of business, the Receiver shall give creditors and
10 other parties in interest at least fourteen (14) calendar days’ notice
11 of the proposed sale transaction by posting on the Receiver’s
12 website, www.aeminvestors.com, and by emailing to those persons
13 who have officially requested electronic service of notices and other
14 papers filed in this proceeding, a notice containing the following
15 information: (a) a description of the property to be sold (i.e., a street
16 address, if one, or a legal description); (b) the name of the Estate
17 that owns the property; (c) the buyer’s name; (d) the buyer’s
18 relationship, if any, to the Assignors, American Equities, Inc., or
19 Ross Miles; (e) the amount of the purchase price; (f) a summary
20 description of liens affecting the property; and (g) a summary of the
material terms and conditions of the sale. If the Receiver gives such
notice, and if no creditor or other party in interest notifies the
Receiver and the Receiver’s attorneys, Miller Nash Graham & Dunn
LLP, in writing and to the mailing addresses or email addresses
stated in such notice, within fourteen (14) calendar days after such
notice is so given, (a) the Receiver may consummate the sale
transaction described in the notice without further Court order,
provided that the material terms of such sale are no less favorable to
the Estate than those stated in the notice, and (b) if the Receiver so
desires, the Receiver may apply for an ex parte order approving the
real property sale transaction described in such notice.

21 (Sale Procedures Order para. 2, at 2–3.)

22 On June 7, 2022, the Receiver caused the Receiver’s Notice of Intent to Sell Real
23 Property (Condominium Tamar Unit #200, Los Cabos, Baja California Sur, Mexico) (the
24 “Notice”) to be posted to the Receiver’s website in accordance with the Sale Procedures Order.
25 A copy of the Notice is attached to the Declaration of John R. Knapp, Jr. (the “Knapp Decl.”) as
26 Exhibit A. No objections to the Notice were received within 14 calendar days after the Notice

1 was posted. Accordingly, the Receiver is seeking an order approving the Sale. The Notice
2 contains a summary of the material terms and conditions of the Sale.

3 **III. EVIDENCE RELIED UPON**

4 The Receiver relies on the Knapp Decl. and the files and records herein.

5 **IV. LEGAL ISSUE**

6 Should the Court enter an ex parte order approving the Sale?

7 **V. AUTHORITY AND ARGUMENT**

8 The Court should approve the Sale. The Receiver has provided 14 calendar days' notice
9 of the Sale in accordance with the Sale Procedures Order, and no objections have been received.
10 The buyer's willingness to consummate the Sale is contingent on entry of an order of this Court
11 approving it. A proposed ex parte order is submitted contemporaneously herewith.

12 WHEREFORE, the Receiver respectfully requests that the Court grant this motion and
13 such other relief as is just and proper.

14 DATED this 23rd day of June, 2022.

15 MILLER NASH LLP

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17 _____
18 John R. Knapp, Jr., P.C., WSB No. 29343
19 Joseph Vance, P.C., WSB No. 25531

20 Attorneys for Receiver
21 Clyde A. Hamstreet & Associates, LLC