

Ex Parte

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SEP 13 2022

Scott G. Weber, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

In re:

Case No. 19-2-01458-06

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.

DECLARATION OF JOHN R. KNAPP, JR. IN SUPPORT OF EX PARTE MOTION TO APPROVE RECEIVER'S SALE OF REAL PROPERTY (CONDOMINIUM TAMAR UNIT #200, LOS CABOS, BAJA CALIFORNIA SUR, MEXICO)

I, John R. Knapp, Jr., state and declare as follows:

1. I am a partner with the law firm of Miller Nash LLP in Seattle, Washington, and counsel to Clyde A. Hamstreet & Associates, LLC, the duly appointed general receiver herein (the "Receiver"). I am a citizen of the United States, over the age of 18 years, and competent to testify herein. I make this declaration from my personal knowledge in support of the Ex Parte

1 Motion to Approve Receiver's Sale of Real Property (Condominium Tamar Unit #200, Los
2 Cabos, Baja California Sur, Mexico) (the "Motion").

3 2. On August 23, 2022, on behalf of the Receiver, I caused the Receiver's Notice of
4 Intent to Sell Real Property (Condominium Tamar Unit #200, Los Cabos, Baja California Sur,
5 Mexico) (the "Notice") to be posted to the Receiver's website in accordance with the Sale
6 Procedures Order (as defined in the Motion). A copy of the Notice is attached hereto as Exhibit
7 A. No objections to the Notice were received within 14 days after the Notice was posted.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 EXECUTED this 13th day of September, 2022, at Seattle, Washington.

11
12 

13 _____
John R. Knapp, Jr.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

In re:

Case No. 19-2-01458-06

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.

RECEIVER'S NOTICE OF INTENT TO SELL
REAL PROPERTY (CONDOMINIUM
TAMAR UNIT #200, LOS CABOS, BAJA
CALIFORNIA SUR, MEXICO)

Clyde A. Hamstreet & Associates, LLC, the duly appointed general receiver herein (the "Receiver"), gives this notice in accordance with paragraph 2 of the Order Establishing Procedures Regarding Receiver's Sale of Real Property in the Ordinary Course of Business and Entry of Comfort Orders Approving Such Sales dated August 8, 2019 (the "Sale Order").

Exhibit 

RECEIVER'S NOTICE OF INTENT TO SELL REAL PROPERTY
(CONDOMINIUM TAMAR UNIT #200, LOS CABOS . . .) - 1

4890-2670-8015.1

MILLER NASH LLP
ATTORNEYS AT LAW
T: 206.624.8300 | F: 206.340.9599
PIER 70
2801 ALASKAN WAY, SUITE 300
SEATTLE, WASHINGTON 98121

1 The Receiver proposes to sell the real property and improvements commonly known as
2 Condominium Tamar Unit #200, Los Cabos, Baja California Sur, Mexico (the "Property"),
3 according to the basic terms set forth in the summary attached as Exhibit A hereto.

4 The following information regarding the proposed sale is provided pursuant to the Sale
5 Order:

6 1. The Property consists of a 1,367 square foot condominium in Los Cabos, Baja
7 California Sur, Mexico. The Property is on the second floor and has three bedrooms, three
8 bathrooms, and one parking spot. There is a slight ocean view, but the main view is of the
9 garden. The Residencial Tamar Condo development is a gated community near the Home Depot,
10 approximately seven minutes from Cabo San Lucas. It has nicely maintained grounds and a
11 community swimming pool.

12 2. The current fee title owner of the Property is AEMEMMX S DE RL DE CV, a
13 subsidiary owned by American Eagle Mortgage 600, LLC and American Eagle Mortgage
14 Mexico 400, LLC.

15 3. The buyer's name is Francisco Sanchez Villalobos.

16 4. To the best of the Receiver's knowledge, the buyer is not related to any of the
17 entities that are the subject of this receivership, to American Equities, Inc., or to Ross Miles.

18 5. There are no known liens currently encumbering the Property.

19 6. The material terms and conditions of the proposed sale are: (a) the cash purchase
20 price is in the amount of \$194,000; (b) the buyer will pay a non-refundable earnest money
21 deposit in the amount of \$30,000, which in the event of the buyer's default will be forfeited to
22 the Receiver as the Receiver's sole and exclusive remedy; (c) closing is estimated to occur on or
23 after September 15, 2022; (d) the buyer will pay for escrow and notary costs; and (e) subject to
24 the occurrence of closing, the Receiver will be obligated to pay, and will pay in connection with
25 the closing, a broker's commission to the buyer's brokers, Chuck Lohrman and Emily Rice,
26 Snell Real Estate, in an amount equal to ten percent (10%) of the gross purchase price.

7. A broker's price opinion done in January 2020 valued the Property at \$121 per square foot, or approximately \$165,000. The Property was listed for sale at \$199,000. The Receiver anticipates that after paying the real estate commission to the buyer's brokers and closing costs, the receivership estate will net approximately \$165,000.

YOU ARE NOTIFIED that unless a creditor or other party with standing notifies the Receiver and the Receiver's attorneys, in writing within 14 calendar days after the date of this notice, that such party objects to the proposed sale transaction, the Receiver intends to consummate the sale transaction described above. Objections to the proposed sale transaction must refer to this notice and be delivered or sent, so as to be actually received by the Receiver within 14 calendar days after the date of this notice, as follows:

AEM Receiver
c/o Miller Nash LLP
Attn: John R. Knapp, Jr.
2801 Alaskan Way, Suite 300
Seattle, Washington 98121
Email: john.knapp@millernash.com
Email: AEMReceiver@Hamstreet.net

DATED this 23rd day of August, 2022.

MILLER NASH LLP

/s/ John R. Knapp, Jr.
John R. Knapp, Jr., P.C., WSB No. 29343

Attorneys for Receiver
Clyde A. Hamstreet & Associates, LLC

Exhibit A

Summary of Basic Terms of Proposed Sale

AEM Receivership Notice of Proposed Sale Transaction

Condominium Tamar Unit #200, Los Cabos, Baja California Sur, Mexico

Description of Property :

A 1,367 square foot, 3 bedroom, 3 bathroom condo with 1 parking spot. This is a 2nd floor condo. There is a slight ocean view, but the main view is of the garden. The Residencial Tamar Condo development is a gated community near the Home Depot, approximately 7 minutes from Cabo San Lucas. It has nicely maintained grounds and a community swimming pool.

Owner:

AEM's Mexican subsidiary, AEMEMMX S DE RL DE CV

Buyer:

Francisco Sanchez Villalobos

Buyer's relationship to AEM:

None

Listing Price

\$199,000

Purchase Price:

\$194,000

Earnest Money

\$30,000

Estimated Closing

Sept. 15, 2022



Broker:

Chuck Lohrman & Emily Rice, Snell Real Estate

BPO Value and Date:

BPO was done in January 2020 and estimated the value at \$121 per square foot, or approximately \$165,000 USD

Liens affecting the property:

None known

Material terms and conditions of sale:

Cash; Broker fee is 10% of the selling price. Buyer to pay for escrow and notary costs.

Receiver's comments:

After paying the real estate commission and closing costs the receiver estimates the sale will net approximately \$165,000 for the estate.

Objections to sale must be made within 14 days of posting. Objections should be emailed to John.Knapp@MillerNash.com and to AEMReceiver@Hamstreet.net.