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Ex Parte

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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.

EX PARTE MOTION TO APPROVE RECEIVER’S PROPOSED SETTLEMENT WITH KENNETH GEORGE MCQUHAE AND DIANA CAROLINE MCQUHAE, IN THEIR CAPACITIES AS TRUSTEES OF THE KENNETH GEORGE MCQUHAE FAMILY TRUST AND THE DIANA CAROLINE MCQUHAE FAMILY TRUST

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 Settlement Agreement and Release (the “Agreement”) with Kenneth George McQuhae and Diana Caroline McQuhae, in their capacity as trustees of the Kenneth George McQuhae Family Trust and the Diana Caroline McQuhae Family Trust, in order to resolve the Receiver’s claims relating to

1 certain real property in Cowlitz County, Washington, which is bare land in Kelso, Washington,
2 with an abbreviated legal description of 35-8N-1W T-16A, and tax parcel no WE3416002.

3 **II. STATEMENT OF FACTS**

4 On May 10, 2019, the Receiver was appointed pursuant to the Court's Order Appointing
5 General Receiver.

6 On March 5, 2021, the Court entered the Order Establishing Procedures for Seeking
7 Approval of Proposed Settlements (the "Settlement Procedures Order"). The Settlement
8 Procedures Order provides as follows:

9 In situations where the Receiver or other party to a settlement
10 desires an order approving a settlement, the Receiver shall give
11 creditors and other parties in interest at least fourteen (14) calendar
12 days' notice of the proposed settlement by posting on the
13 Receiver's website, www.aeminvestors.com, and by emailing to
14 those persons who have officially requested electronic service of
15 notices and other papers filed in this proceeding, a notice
16 containing the following information: (a) a description of the loan,
17 claim, or other nature of the relationship between the Receiver and
18 each other party to the proposed settlement; (b) the relationship, if
19 any, of each other party to the Assignors, American Equities, Inc.,
20 or Ross Miles; (c) the amount to be received or paid by the
21 Receiver; and (d) a summary of the material terms and conditions
22 of the proposed settlement. If the Receiver gives such notice, and if
23 no creditor or other party in interest notifies the Receiver and the
24 Receiver's attorneys, Miller Nash Graham & Dunn LLP, in writing
25 and to the mailing addresses or email addresses stated in such
26 notice, within fourteen (14) calendar days after such notice is so
given that such party objects to the proposed settlement, the
Receiver may apply for an *ex parte* order approving the settlement
described in such notice.

(Settlement Procedures Order para. 1, at 2.)

On November 4, 2022, the Receiver caused the Receiver's Notice of Proposed Settlement
with Kenneth George McQuhae and Diana Caroline McQuhae, in Their Capacities as Trustees of
the Kenneth George McQuhae Family Trust and the Diana Caroline McQuhae Family Trust (the
"Notice") to be posted to the Receiver's website in accordance with the Settlement Procedures
Order. A copy of the Notice is attached to the Declaration of John R. Knapp, Jr. (the "Knapp

1 Decl.”) as Exhibit A. No objections to the Notice were received within 14 calendar days after the
2 Notice was posted. Accordingly, the Receiver is seeking an order approving the Agreement. The
3 Notice contains a summary of the material terms and conditions of the Agreement.

4 **III. EVIDENCE RELIED UPON**

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

6 **IV. LEGAL ISSUE**

7 Should the Court enter an *ex parte* order approving the Agreement?

8 **V. AUTHORITY AND ARGUMENT**

9 The Court should approve the Agreement. The Receiver has provided 14 calendar days’
10 notice of the Agreement in accordance with the Settlement Procedures Order, and no objections
11 have been received. The Agreement will become effective only upon entry of an order of this
12 Court approving the Agreement. A proposed *ex parte* order is submitted contemporaneously
13 herewith.

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

16 DATED this 22nd day of November, 2022.

17 MILLER NASH LLP

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

22 Attorneys for Receiver
23 Clyde A. Hamstreet & Associates, LLC
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