

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VOLT ASSET HOLDINGS TRUST XVI,

Plaintiff,

v.

Case No. 1:13-CV-00508-KG-KK

MARIE A. MARTINEZ A/K/A MARIE MARTINEZ,
FELIX J. MARTINEZ A/K/A FELIX JOE MARTINEZ,
FELIX JOE MARTINEZ PUBLIC TRUST, AND
SOUTHWEST FINANCIAL SERVICES INC.,

Defendants,

ORDER CONFIRMING SALE AND SPECIAL MASTER'S REPORT

The Special Master having filed a report with the Special Master's Deed attached, covering the performance of duties as Special Master, and the Court being otherwise advised in the premises, finds that the report of the Special Master and his Deed should be approved,

IT IS, THEREFORE, ORDERED that the Special Master's Report of Sale be and hereby is in all things confirmed and allowed, that the compensation of Special Master be and hereby is set at \$268.75, including tax, that the bid of VOLT Asset Holdings Trust XVI, in the amount of \$180,000.00, is approved and the Sale is confirmed as set forth in the Special Master's Report.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following is the final judgment amount due to Plaintiff VOLT Asset Holdings Trust XVI:

Plaintiff's Judgment	\$445,248.51
Interest to Date of Sale	\$109,054.88
Attorneys' Fees & Costs	<u>\$34,256.51</u>
TOTAL JUDGMENT	\$588,559.90

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sale proceeds of the credit bid be disbursed as follows:

Sales Proceeds:	\$180,000.00
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Disbursements		
To Plaintiff for Judgment		\$144,823.35
To Plaintiff for Attorney Fees and Costs		\$34,256.51
	\$34,256.51	
Total Costs of Sale		\$920.14
Special Master's Fee	\$268.75	
Publication Fee	\$626.39	
Record Special Master's Deed	<u>\$25.00</u>	
Total Disbursement		\$180,000.00

The total amount of proceeds to be disbursed to Plaintiff in satisfaction of said Judgment, after the costs of the Sale have been paid in the amount of \$920.14, is \$179,079.86.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is in the total amount of \$588,559.90; that Plaintiff's judgment is satisfied in the amount of \$179,079.86, with a deficiency judgment herein entered against Marie A. Martinez and Felix J. Martinez in the amount of \$418,380.04.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Special Master execute and deliver to Wilmington Savings Fund Society, FSB, as trustee of Upland Mortgage Loan Trust A, a deed in the form submitted with the Special Master's Report which is approved by this Court, conveying the title to the property located at SR 76 #737 A, Chimayo, Rio Arriba County, New Mexico 87522, and further described as:

A certain parcel of land, lying and being situate within the Santa Cruz Grant, (Projected) Section 26, Township 21 North, Range 9 East of the New Mexico Principal Meridian, in the vicinity of Chimayo, County of Rio Arriba, State of New Mexico, being more partiucularly described as follows, to wit:

Beginning at a point for the northeast corner of the property herein described from which point Angle Point No. 2 of S.H.C. 5489, Tract 10, marked with a U.S.G.L.O. Government Brass Cap, bears N. 84°30'24" E., a distance of 3218.22 feet;

**Thence S. 20°40'58" W., a distance of 119.08 feet to a point;
Thence S. 84° 53'07" E., a distance of 1.56 feet to a point'**

Thence S. 16° 12'33" W., a distance of 136.33 feet to the southeast corner;
Thence N. 81° 33'35" W., a distance of 87.34 feet to the southwest corner;
Thence N. 08° 56'33" E., a distance of 115.95 feet to a point;
Thence S. 85° 21'31" E., a distance of 42.0 feet to a point;
Thence N. 10° 51'12" E., a distance of 41.19 feet to a point;
Thence N. 41° 02'14" E., a distance of 48.65 feet to a point;
Thence N. 23° 28'04" E., a distance of 17.85 feet to a point;
Thence N. 13° 38'01" E., a distance of 31.30 feet to the northwest corner;
Thence S. 83° 50'52" E., a distance of 51.31 feet to the northeast corner, the point and place of beginning.

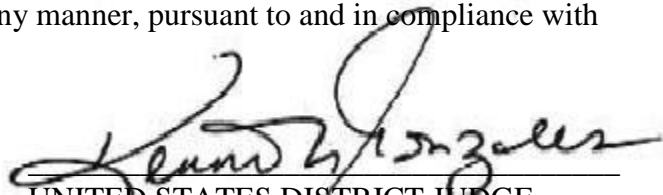
Containing 0.424 of an Acre, more or less,

including any improvements, fixtures, and attachments, such as, but not limited to, mobile homes. If there is a conflict between the legal description and the street address, the legal description shall control. Said conveyance being subject only to the equity of redemption, said redemption period being thirty (30) days for the Defendants, as provided for in the Judgment and Order Appointing Special Master (DOC 159) and that the Special Master, upon delivery of the aforementioned Deed to the purchaser, be discharged without further order of the Court.

IT IS FURTHER THE ORDER OF THIS COURT that this Order shall be an Order of Forcible Entry and Detainer directing the United States Marshal or any other law enforcement agency with jurisdiction to place the purchaser in possession of the Property, and to remove and eject therefrom all and every person or persons holding or retaining the same or any part, immediately and forthwith and without delay and thereafter as is necessary to maintain, keep and defend and cause to be kept, maintained and defended the possession of the property in the possession of the purchaser, all in accordance with this Order.

IT IS FURTHER THE ORDER OF THIS COURT that if personal property remains on the real property after the occupants vacate, the personal property is deemed abandoned and the

purchaser may dispose of the property in any manner, pursuant to and in compliance with applicable law.


UNITED STATES DISTRICT JUDGE

RESPECTFULLY SUBMITTED:

ROSE L. BRAND & ASSOCIATES, P.C.

By /s/Elizabeth Dranttel e-signed
ELIZABETH DRANTTEL
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APPROVED AS TO FORM:

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