

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RNPM, LLC

Plaintiff

vs

CIVIL 12-1824CCC

MARIO LUIS SOTO-SOTOMAYOR, his wife
CATHERINE MARY PEÑA-LEVINE and their
conjugal partnership

Defendants

DEFAULT JUDGMENT

Upon plaintiff's application for judgment (**docket entry 10**), and it appearing from the records of the above-entitled cause that default was entered by the Clerk of this Court against the defendants (for failure to plead or file an answer to the complaint, or otherwise appear in the above cause), plaintiff is entitled to a judgment by default. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The following mortgaged property, described below in the Spanish language, shall be sold at public auction to its highest bidder, without an appraisal or right of redemption for the payment of plaintiff's mortgage within the limits secured by it:

URBANA: Predio de terreno identificado como el solar número Ochenta y Cinco (#85), en el plano de la urbanización Miradero de Humacao, radicado en el barrio Cataño, del término municipal de Humacao, Puerto Rico, con una cabida superficial de Setecientos Uno punto Cincuenta (701.50) Metros Cuadrados, equivalentes a Cero punto Uno Siete Ocho Dos (0.1782) cuerdas; en lindes por el NORTE, con el solar número Ochenta y Cuatro (#84); por el SUR, con el solar Ochenta y Seis (#86); por el ESTE, con la calle Camino de las Vistas y por el OESTE, con los solares número Noventa y Uno (#91), Noventa y Dos (#92) y Noventa y Tres (#93).

Enclava este solar una estructura de dos niveles dedicada a vivienda.

Este solar está afecto por una servidumbre para servicio telefónico con un ancho de Uno punto Cincuenta (1.50) metros y la cual discurre a todo lo largo de la colindancia Este.

Inscrita al Folio Veintinueve (29) del Tomo Quinientos Sesenta y Tres (563) de Humacao, Finca número Veinticinco Mil Trescientos Noventa y Cinco (#25,395), Registro de la Propiedad de Humacao.

2. Upon plaintiff's compliance with Fed. R. Civ. P. 53, the Court may appoint a Special Master to conduct the sale, but the Special Master shall not proceed to carry out the said sale, or do anything in connection with it, until further order by this Court and under the form and conditions to be directed by the Court.

3. The sale to be conducted by the appointed Special Master shall be subject to the confirmation of the Court, and the purchaser or purchasers of the property shall be entitled to receive its possession. The minimum bid to be accepted at the first public sale in accordance with the mortgage deed is \$185,000.00.

4. Any funds derived from the sale to be conducted in accordance with the terms of this judgment and such further orders of the Court shall be applied as follows:

(a) To the payment of all proper expenses attendant upon the sale, including the expenses, outlays and compensation of the Special Master; after the compensation and expenses shall have been fixed and approved by the Court, all expenses shall be deducted from the sum provided in the deed of mortgage for costs, charges and disbursements, expenses and attorney's fees.

(b) To the payment of all expenses or advances made by the plaintiff.

(c) To the payment to plaintiff of the amount of \$177,806.08 in principal, \$56,799.91 in accrued interest as of October 3, 2012, which continues to accrue at the rate of 6.375% per annum until payment in full, accrued late charges, and any disbursements made by plaintiff on behalf of defendants in accordance with the mortgage deed, plus costs, and \$18,500.00 in attorneys' fees.

(d) If after making all those payments there is a surplus, it shall be delivered to the Clerk of the Court, subject to further orders of the Court.

5. Plaintiff may apply to the Court for such further orders, as it may deem advisable to its interests, in accordance with the terms of this judgment.

SO ORDERED AND ADJUDGED.

At San Juan, Puerto Rico, on February 26, 2013.

S/CARMEN CONSUELO CEREZO
United States District Judge