

**--Friends of the N. Mississippi Ave. Kinney Family--**

**NEWS RELEASE**

**For immediate release**

**Contact:** William Nitche 503-539-3784 (cell)  
email: w.nietzche1@gmail.com

***Local Family Seeks to Get Their Home Back***

***Multi-year fraud and deceit nightmare culminates in recent eviction at gunpoint***

**Portland, Ore.** – On the morning of September 9, County Sheriff Patrol arrived with assault rifles to a historic home on North Mississippi Avenue. They proceeded to forcibly evict the elderly William Kinney, Jr., his wife, Julie Metcalf, and their two adult sons from their long-time family home. They even handcuffed and detained the two sons in the patrol vehicle while removing the parents from their home.

We are saddened to hear of families losing their homes to foreclosure, but assume they just didn't pay their mortgage. However, the Kinneys only had a relatively small second mortgage and it was not in default. Further, the Kinneys made repeated efforts to clarify the situation and fight the intended foreclosure through the lenders and the courts, but the judges of two courts still allowed the fraudulent foreclosure to proceed.

"I have fought for this community my whole life," said Julie Metcalf Kinney, who ironically has dedicated her life to serving low-income populations sitting on various boards and committees, such as the Urban Renewal Committee of Portland. "I am devastated that my family has had to go through this. It is criminal what this city has done to our people."

Oregon, like many states, offer a "right of redemption" which allows people whose homes have been foreclosed on to buy them back. So after the foreclosure, the Kinneys attempted to exercise their right of redemption through buying back their home just after the foreclosure, but the court denied that as well. The right of redemption does not apply to nonjudicial foreclosures.

Some have raised concerns about allowing banks to use a nonjudicial process to auction off peoples' homes, since it excludes owners from having the right to a jury trial.

"At this moment in time, taking someone's home is an unconscionable, inhumane act," said State Representative Tawna Sanchez. "The Kinneys were removed from their home not just in the midst of a global pandemic, but during the recent air quality emergency. No access to attorneys to take on financial institutions through a convoluted legal process is another example of the many inequities that people of color still face in our state."

The trouble for the Kinneys began in 2004 when they refinanced their second mortgage with Beneficial Oregon to pay off an adjustable rate mortgage that had an increasing interest rate. The first loan was paid off by the new one, but the document (Deed of Reconveyance) listed Mortgage Electronic Registration System, Inc. (MERS) as the beneficiary. In order for the nonjudicial foreclosure to go forward, every assignment of the deed of trust has to be recorded at the county, but the MERS assignment was never recorded with the County.

Multnomah County sued MERS for widespread violations related to their failure to record deeds of trust. The County settled the suit in 2016.

In December 2016 the Kinneys received a notice that the loan had been transferred from Beneficial to MTGLQ Investors, but that they should continue to send payments to Beneficial as the servicer. The loan was evidently assigned from Beneficial Financial 1, Inc. ("BF1"), as successor through merger to Beneficial, to MTGLQ.

The Kinneys then received paperwork from both entities for the next two months each demanding payment, so the family sent a letter seeking to verify the new entity that was servicing the loan. In May 2017 the loan was again sold, this time to U.S. Bank Trust National Association ("U.S. Bank Trust"). It was then transferred to U.S. Bank Trust REO Trust. In May 2018, Clear Recon Corporation was appointed as successor trustee of the 2004 Deed of Trust and they initiated process to foreclose on the Kinney's home. The Kinneys continued—as best they could without legal representation—to challenge the process, but their home was sold via auction as a nonjudicial foreclosure in October 2018. The Kinneys even tried to bid on their own home at the auction but were refused.

Their home was reportedly sold to a developer, Urban Housing Development, which apparently requested the recent eviction.

UHD got the deed in 2018. UHD attempted to evict the Kinneys when it got the deed despite first being served with the Kinneys' federal complaint. However, the eviction was stalled by the Kinneys' federal complaint and a state counterclaim. Those were dismissed in October 2019 and February 2020, respectively.

That same month, February 2020, possession of the Kinneys' home was awarded to UHD. In March 2020 Oregon declared a state of emergency due to COVID-19, which halted the eviction. Then in the middle of this crisis period—Coronavirus pandemic, statewide foreclosure moratorium, and huge fires with the worst air in the world—UHD chose to forcefully turn this family out on the street.

Although local law requires multiple forms of notification prior to evictions, the Kinneys received no notice before the Sheriff Patrol came with guns to forcefully evict them in September.

"I've been neighbors of the Kinneys for about 15 years," said Michael Zeigler. "They have been forced to watch dear friends and neighbors they've known for decades be unceremoniously pushed to the wayside in the name of profit and progress," stated Zeigler. "I stand with the Kinneys because they would stand with me. Without this sense of solidarity there is no such thing as community. Without community there is no neighborhood, no humanity; just business and profit."

William Kinney, Sr., an African-American man from the south, purchased the home with cash in 1955 as he and other African-American families were redlined out of getting loans in that part of town. The house passed to William Kinney, Jr. in the early 1990s.

In recent years, the neighborhood has become one of the most desirable areas in the city, with people moving there from across the country. A few years back, the City Council rezoned the Kinney home and land around it along Mississippi Avenue for large-scale commercial development. Property there has been recently sought after by developers seeking to build large apartment and condominium buildings. The Kinneys are one of the few African American families remaining in the now high-priced neighborhood.

The Kinneys are currently seeking pro bono legal support and intervention from the Governor or others who could potentially reverse the foreclosure and return the home that is rightfully theirs. Any qualified attorneys who are open to providing consultation or other legal assistance are encouraged to contact the family via their website: [redhouseonmississippi.com](http://redhouseonmississippi.com) or via Instagram @redhouseonmississippi.

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link to photos of Kinneys and supporters in front of their home:

[https://drive.google.com/drive/u/1/folders/1\\_dOc3JDBJ\\_coRfCvPxMoqhGkARC4TwYI](https://drive.google.com/drive/u/1/folders/1_dOc3JDBJ_coRfCvPxMoqhGkARC4TwYI)

link to photos of the eviction:

<https://drive.google.com/drive/u/1/folders/1d3IK0CKr7qQj84A5NLUfKOWqzEx1j0Uj>

Go Fund Me page: <https://www.gofundme.com/f/save-the-kinney-family-home>

Twitter: @RHonMississippi

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Email: [redhouseonmississippi@gmail.com](mailto:redhouseonmississippi@gmail.com)