



10:30AM DECEMBER 9, 2020

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**Afro-Indigenous Family Files in US Supreme Court  
to Save Their Historic Family Home;**  
*Hundreds Rally to Physically Defend Kinney Family Home*

**Press Conference: 1pm PST, 12/9/20**  
**Live and via Zoom (email for zoom link)**

**[PORTLAND, Ore]** The battle to save the Afro-Indigenous Kinney family's home continues to grow in the streets and in the courts. Most notably, the three-month long occupation ignited yesterday as growing crowds of supporters arrived in numbers to physically defend and protect the home from a raid and forced removal by Multnomah County Sheriffs and Portland Police Bureau.

On the legal front, the family has filed to have their case heard in the highest court in the land. On November 23, 2020 they filed the case with the US Supreme Court to not just win justice for their family and North Portland home, but to win legal precedent for Black and Indigenous homeowners across the country who've been violently displaced by predatory lending practices.

The saga of the Kinney's home is not simple. While outsiders might assume a family that has had their home foreclosed was either in such dire straits financially or are trying to get the home for free, neither are true for the Kinneys. Their mortgage was entangled in some of the major challenges that led to the 2008 financial collapse, and their case is an example of some of the recent fraudulent practices by the mortgage industry. The family made repeated efforts to clarify the situation and then fight the intended foreclosure through the lenders and the courts, but the judges of two courts still allowed the fraudulent foreclosure to proceed.

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 \$160 million for widespread violations related to their failure to record deeds of trust. The County settled the suit in 2016. At least 10 other counties just in Oregon and countless more across the US also have sued MERS.

In December 2016, the Kinneys received notice that the loan had been transferred from Beneficial to MTGLQ Investors (a subsidiary of Goldman Sachs), 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, but for the following year and a half, they received

a series of what can only be described as “roboletters,” which reassured them in general terms that the matter was being looked into. Because neither of the entities were their original lenders and they were unable to receive confirmation on the current status, they trusted that the servicer was going to provide the information promised to them during the review period.

Meanwhile, 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 the foreclosure on the Kinneys’ 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. They received their final letter from the servicing company on the day of the auction. The Kinneys even tried to bid on their own home at the auction but were refused.

At the auction, their home was reportedly sold to a developer, Urban Housing Development (UHD), which apparently requested the original September 9, 2020 eviction. UHD got the deed in 2018 and attempted to evict the Kinneys when it got the deed despite having already been 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.

In 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 most toxic 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. The Afro-Indigenous Kinney family, longtime owners of the “Red House,” maintain cultural and generational ties to their historic home.

“The tactics we are facing, of sneaky and illegal foreclosure tactics, predatory banking and loans, elected judges who take campaign contributions from the real estate industry, coupled with violence from law enforcement and no real due process, have been used across this historically Black neighborhood to displace Black and poor people,” says homeowner and Indigenous elder Julie Metcalf. “If Black and indigenous lives matter in Portland, this must stop.”

Our fight is greater than just people over property. Ours is a fight for home. This is what LAND BACK means. Black people, Indigenous people—we are told where to go and told where to live. This stops today. The family is asking for community members to continue to show up to 4406 N Mississippi to defend the house. They’re also raising \$250,000 to save the home. Donate at [gf.me/u/yyjwna](https://gf.me/u/yyjwna).

**A PRESS CONFERENCE (ZOOM AND IN PERSON) IS SCHEDULED FOR  
1 PM PST DECEMBER 9, 2020**

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**FOR MORE INFORMATION AND TO ATTEND VIA ZOOM (QUESTIONS CAN BE ASKED VIA CHAT)  
SEND A QUERY TO [REDDHOUSEONMISSISSIPPI@GMAIL.COM](mailto:REDDHOUSEONMISSISSIPPI@GMAIL.COM)**

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