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Santa Clara County Superior Court
191 North First St
San Jose CA 95113

Levying Officer:
Santa Clara County Sheriff's Office
Civil Division
55 W. Younger Avenue
San Jose, CA 95110
P (408) 808-4800
F (408) 280-6876
File No.: **20890570**

SF Co. Court Case No.: **CGC10503332**
SC Co. Court Case No.: **21CV379834**

Plaintiff: **Shirley S. Hwang** vs. Defendant: **Jay C. Shah aka Jay Chandrakant Shah**

SHERIFF'S SALE OF REAL PROPERTY (CCP 701.540)

Date of Notice: 08/25/2021

UNDER A WRIT OF EXECUTION, issued out of San Francisco County Court, 400 McAllister Street, San Francisco, California, 94102, on 08/14/2020, on a judgment rendered in San Francisco County Court on 11/15/2019, in favor of **Shirley S. Hwang** and against **Jay C. Shah aka Jay Chandrakant Shah**, for the sum of \$2,889,902.32.

I HAVE LEVIED upon all the rights, title, claim of interest of the judgment debtors, **Jay C. Shah aka Jay Chandrakant Shah**, in the real property, in the County of Santa Clara, described as follows:

659 S. 15th Street, City of San Jose, County of Santa Clara, State of California 95122 (APN 472-30-061-00)
(See attached Legal Description)

There is no minimum bid for this sale pursuant to CCP 701.620.

This sale is for only a full interest in the above property.

Prospective Bidders should refer to sections 701.510 to 701.680, inclusive, of the Code of Civil Procedure for provisions governing the terms, conditions, and effect of the sale and the liability of default bidders.

PUBLIC NOTICE IS HEREBY GIVEN that I will proceed to sell at public auction to the highest bidder, for cash in lawful money of the United States, all rights, title and interest of said judgment debtors in the above described property to satisfy said execution, with accrued interest and costs on:

September 14th @ 10:00 AM at the Sheriff's Office, 55 West Younger Avenue, San Jose, California 95110
Directions to the property location may be obtained from the levying officer upon oral or written request.

****PROSPECTIVE BIDDERS MUST ARRIVE AND COMPLETE REGISTRATION PRIOR TO THE START TIME.****
****DOORS OPEN FOR REGISTRATION AT 8:30 AM.****

Laurie Smith, Sheriff

J. Toomey #1754, Sheriff's authorized agent

Liens may be present which may or may not survive this levy



County of Santa Clara

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4900



Laurie Smith
Sheriff

TERMS AND CONDITIONS OF SHERIFF'S SALES

1. If you are the highest bidder, you must be prepared to pay in cash, certified check, or cashier's check. Personal checks, company checks, traveler's checks or money orders are **NOT** acceptable. (701.590(a) CCP)
2. If you pay by certified check or cashier's check, the check must be payable to Santa Clara County Sheriff. You may not endorse a check payable to you, or anyone else, over to the Sheriff's Office.
3. The highest bidder must be prepared to pay the full amount of his/her bid at the time of the sale when:
 - (a) the bid amount on real property is \$5,000 or less –or-
 - (b) the bid amount on personal property is \$2,500 or less.
4. If the highest bid for an interest in real property sold exceeds \$5,000, the highest bidder may elect to pay the amount in full or deposit at least \$5,000 or 10% of the bid, whichever is greater; within 10 days (including weekends and holidays) after the date of the sale, pay the balance due plus interest on the balance and costs accruing with regard to the property sold.

If the highest bid for an item, group, or lot of personal property sold exceeds \$2,500, the highest bidder may elect to pay the amount in full or deposit at least \$2,500 or 10% of the bid, whichever is greater; within 10 days (including weekends and holidays) after the date of the sale, pay the balance due plus interest on the balance and costs accruing with regard to the property sold.

The highest bidder is not entitled to possession of the property sold until the amount bid, plus accruing interest and costs have been paid.

If the highest bidder does not pay the amount bid as prescribed above, he/she will forfeit their deposit. (701.590, 701.600 CCP)

5. The judgment creditor may bid against all or part of the judgment, except that unpaid levying costs, preferred labor claims, exempt proceeds, and any other claim required to be satisfied shall be paid in cash or certified check or cashier's check. (701.590 CCP)
6. Prospective bidders should refer to Section 701.600(c) of the Code of Civil Procedures regarding the liability of defaulting bidders.
7. Any person may bid on and purchase property at a Sheriff's sale except employees of the Santa Clara County Sheriff's Department and their immediate families.
8. Before the bidding begins, you will first be qualified as a bidder. You will be asked how you intend to pay for the property and to show satisfactory evidence of your ability to pay. This is done for the benefit of the other bidders. Your cooperation is appreciated.
9. If you are the highest bidder, you must be prepared to do business and complete paperwork immediately. The auctioneer will not wait while you go to the bank for the money.

SALES SUBJECT TO THE RIGHT OF REDEMPTION

The right of redemption applies **only to real property**. When an interest in real property is sold subject to the right of redemption, it means that the debtor, whose interest in the property is being sold, will have a certain amount of time to redeem or buy back his/her property interest. In the meantime, the purchaser will be issued a certificate of sale and a duplicate copy of the certificate will be recorded (729.040 CCP). This certificate does not constitute a transfer of title, but it does grant the purchaser certain rights. (729.090 CCP)

The **redemption period** will depend on the selling price as follows:

- (a) **3 months** after the date of sale if the proceeds of the sale are sufficient to satisfy the secured indebtedness with interest and costs (729.030 CCP)
- (b) **One year** after the date of sale if the proceeds of the sale are not sufficient to satisfy the secured indebtedness with interest and costs (729.030 CCP)

The **redemption price** is the total of the following amounts:

- (1) The purchase price at the sale.
- (2) The amount of any assessments or taxes and reasonable amounts for fire insurance, maintenance, upkeep, and repair of improvements on the property.
- (3) Any amount paid by the purchaser on a prior obligation secured by the property to the extent that the payment was necessary for the protection of the purchaser's interest.
- (4) Interest on the amounts described above from the time such amount was paid until the date the deposit is made.
- (5) If the purchaser has any liens subordinate to the lien under which the property was sold, the amount of the purchaser's lien, plus interest from the date of the sale until the date the deposit is made.

Rents and profits from the property paid to the purchaser or the value of the use and occupation of the property to the purchaser may be offset against the amounts described above. (729.060 CCP)

If a dispute should arise between the purchaser of the property and the person seeking to redeem regarding the redemption price or whether the person is entitled to redeem, the person seeking to redeem may file a petition with the court for a hearing to settle the dispute. The petition must be filed before the expiration of the redemption period. The levying officer must also be given written notice of the hearing. (729.070 CCP)

Concerned parties should refer to Sections 729.020 through 729.090 of the California Code of Civil Procedure for more detailed information concerning the redemption process.