

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

DLJ CAPITAL MORTGAGE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 2009-150
	)	
JUNEAU FAULKNER, DORIS FAULKNER,	)	
	)	
Defendants.	)	
	)	
	)	

APPEARANCES:

Alex Moskowitz

Dudley Topper & Feuerzeig
St. Thomas, U.S.V.I.
For DLJ Capital Mortgage, Inc.,

Benjamin A Currence

Law Offices of Benjamin A. Currence
St. Thomas, U.S.V.I.
For Juneau Faulkner and Doris Faulkner.

JUDGMENT

GÓMEZ, J.

Before the Court is the motion of the plaintiff, DLJ Mortgage Capital, Inc. ("DLJ"), for a deficiency judgment.

On October 26, 2009, First Bank of Puerto Rico ("First Bank") initiated this action for debt and foreclosure against Juneau Faulkner and Doris Faulkner (collectively, the "Faulkners"). First Bank and the Faulkners subsequently agreed to a consent judgment (the "Consent Judgment"). On May 25, 2012, the Court approved the Consent Judgment.

The Consent Judgment ordered foreclosure of property owned by the Faulkners, which is described as "Parcel No. 165 Estate Anna's Retreat, No. 1 New Quarter, St. Thomas, Virgin Islands, as shown on a map drawn by Antilles Land Development, Inc., dated January 19, 1967, Public Works Department File No. D9-627-T67" (the "Property"). The Consent Judgment also ordered the Faulkners to pay to First Bank the principal amount of \$95,967.25, interest in the amount of \$17,948.21, late charges in the amount of \$1,927.57, escrow advances in the amount of \$8,878.88, and attorney's fees and costs in the amount of \$15,410.12. The Faulkners' total indebtedness under the Consent Judgment is \$140,132.03. Interest has accrued on that amount at the statutory rate.

Subsequently, First Bank assigned all of its rights and interests in the Faulkners' note and mortgage to DLJ. On May 8, 2014, the Court substituted DLJ as plaintiff in this action.

Pursuant to the Consent Judgment, the United States Marshal sold the Property at a public auction on April 20, 2015. At the public auction, DLJ entered the highest bid for the Property as a credit against its debt judgment. The high bid was \$138,500. This amount is less than the total amount of the judgment by \$1,632.03 plus all accrued post-judgment interest.

DLJ now moves for a deficiency judgment.

The premises considered, it is hereby

ORDERED that pursuant to the terms of the Consent Judgment, DLJ shall have a deficiency judgment against the Faulkners in the amount of \$1,632.03 plus all accrued post-judgment interest.

S_____
Curtis V. Gómez
District Judge