

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH
HOUSING COURT DEPARTMENT

PLYMOUTH, SS.

SOUTHEASTERN DIVISION
DOCKET NO. XXH83CV00XXXX

ATTORNEY GENERAL for the)
COMMONWEALTH OF MASSACHUSETTS)
Petitioner,)
)
v.)
)
[NAME], III HIS ESTATE,)
SUCCESSORS OR ASSIGNS IF ANY,)
NAME(S) as the owner or owners of)
the property located at [ADDRESS],)
Massachusetts; and WELLS FARGO BANK,)
N.A., as Trustee for ABFC 2006-OPT2 Trust,)
ABFC Asset-Backed Certificates, Series 2006-)
OPT2, as mortgagee and party with interest in)
the property located at [ADDRESS])
)
<u>Respondents.</u>)

MOTION OF THE RECEIVER FOR APPROVAL OF SATISFACTION OF
STATUTORY LIEN AND, THEREAFTER, DISCHARGE OF RECEIVER

NOW COMES the Receiver, [NAME], (“Receiver”) and moves pursuant to G.L. c.111, §127I and the general equitable powers of this Court for an order that (i) its statutory lien (pursuant to G.L. c. 111, §127I) be approved as satisfied, and (ii) thereafter, the Receiver be discharged from its duties. The petitioner, the Attorney General, may subsequently dismiss this action.

A proposed Order for the Court’s consideration is submitted herewith.

More specifically the Receiver states:

1. This Court entered its Order on the Petition to Enforce the State Sanitary Code and for Appointment of a Receiver on September X, XXXX (which Order was duly recorded at the Plymouth County Registry of Deeds).

2. The Receiver subsequently complied with its duties and responsibilities for the Property located at [ADDRESS], Massachusetts (the “Property”) by tearing down the Property, as provided for when the scope of the Receivership was amended after it was determined that the entire structure had been compromised. The Receiver’s total lien, including third party costs and legal expenses through discharge was calculated as \$000,000.00 as of May XX, XXXX (which includes costs anticipated in connection with preparation of, and a hearing on, this Motion, and recording the discharge.)
3. The Receiver was entitled to have the statutory lien established and satisfied. The first lienholder, Wells Fargo Bank, N.A, as Trustee for ABFC 2006-OPT2 Trust, ABFC Asset-Backed Certificates, Series 2006-OPT3, will satisfy and redeemed the lien by paying it off in full by the end of business on May XX, XXXX.
4. The Receiver, therefore, requests that it be discharged of its duties and the receivership terminated, effective May XX, XXXX.

WHEREFORE, the Receiver respectfully requests that this Honorable Court allow the within Motion and that it be discharged.

Respectfully submitted,

[NAME], Receiver

By its Attorney,

[NAME], Esquire

Law Firm

[ADDRESS]

May XX, XXXX