

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT

NORFOLK, ss

DISTRICT COURT DEPARTMENT  
QUINCY DIVISION  
No. XXXX C.a. XXXX

ATTORNEY GENERAL for the  
COMMONWEALTH OF MASSACHUSETTS

Petitioner

v.

[NAME] and [NAME],  
as owners of record of  
and

WILMINGTON SAVINGS FUND SOCIETY, FSB,  
CITIBANK, N.A. and CAPITAL WILSHIRE HOLDINGS,  
INC, as parties with an interest in the property located at [ADDRESS]

Respondents

RECEIVER'S MOTION FOR AUTHORIZATION TO ENFORCE RECEIVER'S  
PRIORITY LIEN BY FORECLOSING THEREON AND TO OBTAIN ORDER  
AUTHORIZING THE FORECLOSURE SALE OF RECEIVERSHIP PROPERTY

Pursuant to G.L. c. 111 sec. 127I and the inherent equitable power of the Court,  
the Receiver appointed, herein moves that he be authorized to enforce the Receiver's  
priority lien by foreclosing thereon and by selling the property located at [ADDRESS]  
(the Receivership Property") through a licensed broker in accordance with the proposed  
order filed herewith. In support of this motion, the Receiver states the following:

1. The Receiver was appointed by the Court for the purposes of correcting the  
violations of Article II of the State Sanitary Code and other illegal conditions at the  
Receivership Property (the Work");

2. The Receiver has completed the Work and, in so doing, has incurred costs, expenses, fees, and loans in the sum of, to date, \$XX,XXX.00, which sum is a priority lien on the Receivership Property (the “Receiver’s Priority Lien”);

3. Upon information and belief, the [NAME] Respondents and the Parties in Interest will not pay the Receiver’s Priority Lien;

4. Therefore, the only manner in which to satisfy the Receiver’s Priority Lien is to foreclose on such lien by selling the Receivership Property.

WHEREFORE, the Receiver requests that the Court grant the following relief:

1. authorize the Receiver to enforce the Receiver’s Priority Lien by foreclosing thereon and by selling the Receivership Property through a licensed broker in accordance with the proposed order filed herewith;

2. after further hearing, authorize the Receiver to disburse the net proceeds of the sale in the following order of priority:

- a. payment of the costs of the foreclosure sale;
- b. payment of the Receiver’s Priority Lien in the sum approved by the Court and such additional fees and expense as approved by the Court;
- c. payment of sums owned to lien holders in the order of priority; and,
- d. payment of the balance, if any, to the [NAME] Respondents as the owners of the Receivership Property.

3. Grant such further relief as this Court deems just and equitable.

Receiver  
By his attorney,

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James J. Cotter, III BBO 101620

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No. Quincy, MA 02171  
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Dated: August , XXXX

Certificate of Service

I certify that on this date, I served the foregoing pleading upon all parties or their attorneys of record and on all lien holders by mailing a copy thereof by first class mail, postage prepaid, and informed them that would present the motion for a hearing in this court on August XX, XXXX at 9:00 P.M.

Signed under the penalty of perjury this    day of August XXXX.

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