

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, ss.

WESTERN DIVISION HOUSING COURT
Civil Action. No. [REDACTED]

ATTORNEY GENERAL for the
COMMONWEALTH OF MASSACHUSETTS and
TOWN OF MONTAGUE,

Petitioner,

v.

THE ESTATE OF [REDACTED],
LVNV FUNDING, LLC

Respondents.

Re: Premises: [REDACTED]

RECEIVER'S MOTION TO ENFORCE PRIORITY LIEN
AND OBTAIN ORDER AUTHORIZING SALE OF PROPERTY
LOCATED AT [REDACTED] TURNERS FALLS, MASSACHUSETTS
TO SATISFY RECEIVER'S PRIORITY LIEN

Pursuant to the Court's Order for Appointment of Receiver Under G. L. c. 111, §1271 at [REDACTED], Turners Falls, Massachusetts, [REDACTED] Redevelopers, LLC, as Receiver, brings this motion to enforce its priority lien on the receivership property located at [REDACTED], Turners Falls, Franklin County, Massachusetts and seeks an order of the court authorizing it to sell the receivership property to satisfy its priority lien.

Due to serious violation of the State Sanitary Code and a documented inability to correct the violations, in August, [REDACTED], the Court appointed [REDACTED] Redevelopers, LLC as Receiver for the property located at [REDACTED] Turners Falls, Franklin County, Massachusetts. The Receiver, through its employees or agents, in conjunction with representatives of the Plaintiff and Town conducted inspections of the receivership property to determine necessary emergency repairs, and identified major issues that needed to be repaired at the receivership property. As a result of the inspections, the Receiver has incurred significant expense, as

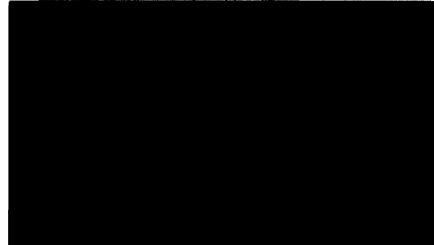
outlined in its reports to the Court, to manage the receivership property, and make necessary repairs. The Receiver states that its lien is \$ [REDACTED], through the date of the last Receiver's Report, dated [REDACTED]

The Receiver currently believes that there are insufficient funds generated from monthly revenue to prevent destruction, waste or loss of the receivership property.

For these reasons, the Receiver respectfully requests the Court enforce its priority lien pursuant to G. L. c. 111 § 1271 and authorize the Receiver to sell the receivership property to satisfy its priority lien. The Receiver has attached a Proposed Order hereto for the Court's consideration.

The Receiver,
[REDACTED] LLC
By Its Attorney,

Date: June [REDACTED]

A handwritten signature in black ink, appearing to read "N. St.", is written over a large black rectangular redaction box.A large black rectangular redaction box covers the area below the signature.

COMMONWEALTH OF MASSACHUSETTS

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WESTERN DIVISION HOUSING COURT
Civil Action. No. [REDACTED]

ATTORNEY GENERAL for the
COMMONWEALTH OF MASSACHUSETTS and
TOWN OF MONTAGUE,

Petitioner,

v.

[REDACTED],
LVNV FUNDING, LLC

Respondents.

Re: Premises: [REDACTED] Turners Falls, Massachusetts

**ORDER AUTHORIZING ENFORCEMENT OF
RECEIVER'S PRIORITY LIEN AND AUTHORIZING
THE RECEIVER TO SELL THE PROPERTY LOCATED AT [REDACTED]
TURNERS FALLS, MA TO SATISFY PRIORITY LIEN**

This matter coming to be heard on the Receiver's Motion to Enforce Priority Lien and Obtain Order Authorizing Sale of Property located at [REDACTED] Turners Falls, Franklin County, Massachusetts (hereinafter the "Receivership Property") to Satisfy Receiver's Priority Lien (hereinafter the "Receiver's Motion"); and it appearing that notices of the Receiver's Motion was appropriately provided under the circumstances and that no other or further notice is necessary; and after final hearing before this court on June [REDACTED]; and upon the entire record of these proceedings; and the Court being sufficiently advised and after due deliberation thereon; and good and sufficient cause appearing therefore:

THE COURT HEREBY FINDS, ORDERS, ADJUDGES AND DECREES THAT:

1. This Court has personal and subject matter jurisdiction over this proceeding and the Receivership Property affected thereby.

2. There exist insufficient funds, including revenue from rents to repair, operate, maintain or manage the Receivership Property. Accordingly, an immediate need exists for the Receiver to sell the Receivership Property to satisfy its priority lien.
3. The Receiver is hereby authorized to sell the Receivership Property to satisfy its priority lien, subject to the following procedure:
 - A. The Receiver shall prepare a Notice of Sale which shall indicate the following:
 - a. the street address and legal description of the property to be offered for sale by public auction;
 - b. the name of the titled owner(s) of the property;
 - c. the date, time and place of the sale; and
 - d. that the Western Division Housing Court has granted the Receiver authorization to sell the property to satisfy its priority lien under G. L. c.111 § 127I.
 - B. At least fourteen (14) days prior to the date of sale, the Receiver shall serve the Notice of Sale on all owners and/or holder(s) of equity of redemption and all other parties having an interest in the real estate (including lenders, mortgagees, and lienors) as of thirty (30) days prior to the date of sale by certified mail, return receipt requested.
 - C. The Receiver shall engage a duly licensed auctioneer to conduct the public auction. The property shall be sold to the highest bidder. The Receiver reserves the right to reject all bids.
 - D. The Receiver shall arrange for publication of Notice of Sale. The Notice must be published once a week for three (3) successive weeks in The Recorder, a newspaper of general circulation in Turners Falls, Massachusetts. The first publication being no later than twenty-one (21) days prior to the sale. The Receiver shall collect tear sheets of the newspaper advertisements to be filed with the Court.
 - E. The Receiver shall prepare a Memorandum of Sale.
 - F. The Receiver shall execute the Memorandum of Sale with the prospective purchaser after completion of public auction sale.

- G. The sale shall be subject to approval by the Court.
- H. The sale shall be subject to the receivership and the prospective new owner shall be subject to approval by the Court under the terms of the receivership order.
4. The Receiver, nor any principal, officer or owner thereof, shall not be prohibited from purchasing the Receivership Property, provided they are the high bidder at public auction.
5. This matter shall be scheduled for further review on _____, [REDACTED].

So entered this _____ day of June, 1 [REDACTED].

Honorable