

SEARCH WARRANT

G.L. c.276, s1-7

TRIAL COURT OF MASSACHUSETTS

DISTRICT COURT DEPARTMENT
BROCKTON DIVISION
SEARCH WARRANT DOCKET # [REDACTED]

To the sheriffs of our several counties, or their deputies, any State Police Officer, or any Constable or Police Officer of any city or town within our said Commonwealth:

Proof by affidavit, which is hereby incorporated by reference, having been made this day before me, that there is probable cause for believing that the property described below:

- has been stolen, embezzled, or obtained by false pretenses
- is intended for use or has been used as the means of committing a crime
- has been concealed to prevent a crime from being discovered
- is unlawfully possessed or kept or concealed for an unlawful purpose
- is evidence of a crime or is evidence of criminal activity
- other (specify) : is hampering with the quality of life of residents.

You are therefore commanded within a reasonable time and in no event later than seven days from issuance of this search warrant to search the following property for: **Violations of the state sanitary code, fire prevention regulations, building code violations, zoning ordinances and other city ordinances and well as the well being of animals on site.**

At: [REDACTED], **Brockton, MA. 02301** A vacant and abandoned three family property containing 3903 square feet of living space on .146 acres as described in city assessors records.

and which is occupied by and/or in the possession of: [REDACTED]
Ft Mills, SC

You are are not also authorized to conduct the search at any time during the night.

You are are not also authorized to enter the premises without announcement.

You are are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find any such property or any part thereof to bring it, and when appropriate, the persons in whose possession it is found before the BROCKTON DIVISION of the DISTRICT COURT DEPARTMENT.

I have have not previously submitted the same application.

Oct 15, 2012
Date Issued

[Signature]
Signature of Justice, Clerk Magistrate or Assistant Clerk Magistrate

First or Administrative Justice
WITNESS: Paul C. Dawley

Printed Name of Justice, Clerk Magistrate or Assistant Clerk Magistrate
Kevin M. Leach

COPY



Police Department
7 Commercial Street
City of Brockton, Massachusetts 02302-2702

Telephone (508) 941-0200

Docket #-----

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I Scott D. Uhlman a duly sworn Police Officer in the City of Brockton, holding this position for approximately 24 years. I am currently assigned as the Code Enforcement Officer and work with Code Enforcement Task Force as well as the receivership Task Force.

An administrative search warrant is requested for the property located at and known as:

██████████, Brockton. The building is a three story wood frame construction, containing 3903 square feet in living space and was built around 1907. This property is situated on .146 acres of land and at this time is a vacant building in disrepair.

The purpose of the warrant is for inspector(s) of Brockton Fire Department, Brockton Police Department, Brockton Board of Health, Brockton Animal Control and Brockton Building Department which also includes the Plumbing and Wiring Departments, along with two quasi governmental agencies – Brockton Redevelopment Authority including members of the Receivership Task Force, and their agents and representatives and Massachusetts Attorney General's Office be allowed to enter the said property to inspect for violations of the respective codes and make appropriate notes for a possible receivership action.

Inspections will be conducted under powers pursuant to M.G.L. c. 111, § 127A and 105 CMR 410 for health officials, M.G.L. c.143, § 93 and 780 CMR for building officials, M.G.L. c. 148, § 28 and 527CMR for fire officials, M G.L. c. 142, § 13 and 248 C.M.R. 2.01(1) for plumbing inspectors and 527 CMR 12.00 for wiring inspectors

The City of Brockton has established a Housing Receivership Task Force. It is the desire of the city that it take advantage of Chapter 111, Section 127 I of the Massachusetts General Laws, which provides the opportunity to inspect problem residential and commercial properties throughout this urban city of some 92,000 persons.

The housing receivership law is a last ditch effort after it has exhausted all other avenues with egregious properties that have a long history of code violations and in often cases numerous public safety complaints. It is the nuisance properties – the illegal rooming houses, the vacant and abandoned properties – that the city is targeting under this program.

The Task Force unites in a common goal the efforts of the Brockton Fire Department, Brockton Police Department, the Brockton Board of Health, and Brockton Building Department which also includes the

Plumbing and Wiring Departments, along with two quasi governmental agencies – Build a Better Brockton and the Southeast Massachusetts Affordable Housing Corporation. All of who work in conjunction with The Massachusetts Attorney General's Office.

Attached is the City Assessors record. The building is pictured on this document. The footprint of the building is also described on this document.

The building is owned by:



This property is owned by a financial institute who is an absentee owner of parts unknown and the property is vacant and in disrepair.

I or members of the Receivership Task Force have attempted to contact a representative of the owner only to get lost numerous times in a maze of electronic answering devices and therefore could not request permission for the task force to enter the property for inspection of same in order to document conditions for a possible receivership action.

This property is vacant and has been for several years. It is the belief of this officer that the building lacks basic human needs such as electricity, water, fire alarm and fuel for heating systems and in its current condition cannot be inhabited and causes harm to the neighborhood.

From outside observations the building has violations of one or more of the following codes of the building code 780 CMR, the fire code 527 CMR and the state sanitary code 105 CMR as well as a city ordinance designed to control nuisances which include a limit on time a building can be boarded.

Based on the aforementioned facts we ask this court issue said administrative warrant.

Respectfully submitted and signed under the pains and penalties of perjury.

A handwritten signature in cursive script that reads "Officer Scott D. Uhlman".

Officer Scott D. Uhlman
Code Enforcement Officer/License Agent
Brockton Police Department

October 15, 2012

Sworn and Subscribed to before:

Signature of Justice –Clerk Magistrate or Assistant Clerk

Date: _____