

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH

HAMPDEN, ss

HOUSING COURT DEPARTMENT
CIVIL ACTION NO. 12-CV-1196

City of Springfield Code Enforcement)
Department, Housing Division)
Plaintiff)
)
v.)
)
Carmen Rivera (owner),)
Bank of America, N.A. (mortgagee))
HAP, Inc., (mortgagee))
Defendants)

MOTION TO APPROVE RECEIVER'S SALE AND TO REMOVE
182 LEBANON STREET, SPRINGFIELD, MASSACHUSETTS
FROM THE RECEIVERSHIP

WHEREAS, the Court approved an Order Authorizing Enforcement of Receiver's Priority Lien and Authorizing the Receiver to Sell the property located at 182 Lebanon Street, Springfield, Massachusetts (hereinafter the Property) to Satisfy the Receiver's Priority Lien;

WHEREAS, the Receiver prepared a Notice of Sale, a copy of which is attached hereto and marked Exhibit A, and served said Notice of Sale on all owners and/or holder(s) of equity of redemption and all other parties having an interest in the Property, including mortgagees and lienors, as of thirty (30) days prior to the date of sale by certified, return receipt requested, mail at least (fourteen) 14 days prior to the date of sale;

WHEREAS, the Receiver engaged the services of David W. Young, a duly licensed auctioneer to conduct the auction of the Property;

WHEREAS, the Receiver arranged for publication of the Notice of Sale in The Republican in Springfield, Massachusetts once a week for three (3) successive weeks, the first publication being no later than twenty-one (21) days prior to the sale. A copy of the tear sheet of the newspaper advertisement is attached hereto and marked Exhibit B;

WHEREAS, in preparation for the sale and in addition to service and publication of the Notice of Sale, an electronic mailing notification was sent to local real estate and legal professionals on September 17, 2013;

WHEREAS, the auction was held on Wednesday, September 25, 2013 at 1:00 P.M. at the Property;

WHEREAS, the Property was sold to Home Equity Assets Realty, LLC, (the Receiver) for the amount of Fifty Seven Thousand Two Hundred and 00/100 (\$57,200.00) dollars, being the highest bidder;

WHEREAS, the Receiver prepared a Memorandum of Sale and executed it with the successful bidder, a copy of which is attached hereto and marked Exhibit C; and

NOW THEREFORE, here comes Home Equity Assets Realty, LLC, the Receiver and requests the Court to: (1) approve the Receiver's sale and transfer of title to the property located at 182 Lebanon Street, Springfield, Hampden County, Massachusetts to Home Equity Assets Realty, LLC; (2) dissolve the receivership as it relates to the property located at 182 Lebanon Street, Springfield, Hampden County, Massachusetts; and (3) grant any other relief it deems appropriate and just.

The Receiver,
Home Equity Assets Realty, LLC,
By Its Attorney,

Christopher C. Johnson, BBO#548416
Johnson, Sclafani & Moriarty
776 Westfield Street
West Springfield, MA 01089
(413) 732-8356 - telephone
(413) 439-0480 - facsimile

NOTICE OF HEARING

Please be advised that the undersigned shall bring the Motion To Approve Receiver's Sale and to Remove 182 Lebanon Street, Springfield, MA from the Receivership before the Hampden County Housing Court on _____ at _____ .M. or as soon thereafter as Counsel may be heard.

Date:

Christopher C. Johnson

CERTIFICATE OF SERVICE

I, Christopher C. Johnson, counsel for Home Equity Assets Realty, LLC, the Receiver hereby certify that on this ___ day of _____, 2013, I served a copy of the foregoing Receiver's Motion to Approve Sale and Remove the Property from Receivership to the following by first class mail, postage prepaid:

1. Lisa C. deSousa, Esq., Associate City Solicitor, City of Springfield Law Department, 95 State Street, 6th floor, Springfield, MA 01103;
2. Bank of America, NA, to its attorney of record, Lori K. Vaulding, Esq., Houser & Allison, 45 School Street, 3rd Floor, Boston, MA 02108;
3. HAP, Inc., 322 Main Street, Springfield, MA 01105; and
4. Carmen Rivera, 18 Mattoon Street, Apt 3R, Springfield, MA 01105.

Date:

Christopher C. Johnson