

# EXHIBIT A

Annette S Bent  
6 Rose Lane  
Oxford, MA 01540

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

HOUSING COURT DEPARTMENT  
WORCESTER HOUSING COURT  
CIVIL ACTION NO.17H85SP003455

U.S. ROF III LEGAL TITLE TRUST  
2015-1, BY U.S. BANK NATIONAL  
ASSOCIATION, as  
LEGAL TITLE TRUSTEE,

Plaintiff

Vs.

BRUCE E. BENT and,  
ANNETTE S. BENT

Defendants

PLAINTIFF'S MOTION  
TO DISMISS DEFENDANTS'  
APPEAL PURSUANT TO  
G.L. c. 239, §5 (h)

PLAINTIFF'S MOTION TO DISMISS DEFENDANTS' APPEAL PURSUANT TO  
G.L. c. 239, §5 (h)

Now comes the Plaintiff in the above-entitled matter and respectfully moves that the Defendants' appeal from this Court's following Orders be dismissed pursuant to G.L. c. 239, §5 (h<sup>1</sup>):

1. The November 18, 2018 Order for Judgment, November 28<sup>th</sup> Entry of Summary Judgment for Plaintiff on its claim for possession of the premises located at 6 Rose Lane, Oxford, MA. And Notice of Required Appeal Bond (copy attached as Exhibit 1);
2. This Court's January 28<sup>th</sup> Order setting of the Appeal Bond at \$10,000, ordering a monthly Use and Occupancy payment of \$886 and denial of Defendants' Motion to Waive Appeal Bond. (Copy attached as Exhibit 2)

As grounds therefore the Plaintiff states the following:

<sup>1</sup> G.L. c. 239, §5 (h) provides in pertinent part: "... If the defendant fails to file with the clerk of the court rendering the judgment, the amount of bond, deposit or periodic payment required by the decision of the reviewing court within 5 days from receipt of notice of the decision, the appeal from the judgment shall be dismissed. ..." (emphasis added)

4/8/19 - all'd. Appeal is dismissed for Defendants failure to comply w/ 289 sec 5 and 6  
to comply by SJ ruling (Mkted)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY,ss

CENTRAL HOUSING COURT  
DOCKET NO. 17H85SP003455

2019 APR 18 P 4:22

_____	)
U.S. ROF III Legal Title Trust 2015-1, by	)
U.S. Bank National Association, as Legal Title	)
Trustee	)
Plaintiff,	)
vs.	)
Annette S. Bent	)
Bruce E. Bent	)
Defendants,	)
_____	)

DEFENDANT'S MOTION FOR RECONSIDERATION AND TO VACATE ORDER OF 4/08/19; To Require Recommencement Per Adjarthey Decision

NOW COMES Defendant Annette S. Bent in the above-entitled matter and respectfully moves this Honorable Court to Reconsider order of Dismissing Defendants' Appeal and Issuing Executon. Bent requests this on two bases:

First, the SJC in Adartey v. Worcester Housing Court in unpublished decision has underscored the already existing requirements that indigency not bar or undermine a litigant's access to justice through the Massachusetts Courts.

Further, the SJC in Adartey v. Worcester Housing Court, affirmed the limitations of what documents may be entered in a case file to commence a Summary Process case under Rule 2. Given Plaintiff's insertion against rule of unauthorized documents in the first Summary Process case against Defendant and the allowed transfer of those documents to commence this second case, Plaintiff is required to recommence this proceeding.

**PROCEDURAL FACTS**

On 8/28/2017, Plaintiff attempted to legally commence this second Summary Process Case against Defendant. As part of filing, it requested transferred of documents from the first Summary Process case to be added to commence this case.

The transferred documents included the purported foreclosure deed with affidavit of sale, the certificate of entry.

On 5/02/2017, the Hilton v. Worcester Housing Court case entered.

On 6/23/2018, Bent joined the Hilton v. Worcester Housing Court Case because her docket shows the insertion of additional documents to the Summons and Complaint. As explained in the intervenor brief this is in explicit contravention of Summary Process Rule 2.

On 12/06/2018, the Honorable Supreme Judicial Court combined the Adjarty and Hilton cases (SJC-12408) for the purpose of argument.

On 1/28/2019, This Honorable Court acknowledged Bent's indigency but ordered an Appeals Bond and Use and Occupancy that was a bar given that it would require Bent and her family to forgo the necessities of life to prosecute her Appeal.

On April 10, 2018 the SJC posted its unpublished decision in case no. SJC-12380 RUTH ADJARTY & others v. CENTRAL DIVISION OF THE HOUSING COURT DEPARTMENT & others, combining its decision by reference with SJC-12408 CHRISTINE HILTON & others v. CENTRAL DIVISION OF THE HOUSING COURT DEPARTMENT of which Bent is apart, stated on Page 18 section 2 Waiver of fees and costs based on indigence:

"The Indigent Court Law exists to 'ensure that the doors of the Commonwealth's courts will not be closed to the poor.' Reade, supra. The equitable and consistent application of this law is therefore critically important to safeguarding every Massachusetts litigant's ability to 'obtain right and justice free!', and without being obliged to purchase it"

On 3/1/2019, stated by Judge Milkey of the Appeals Court "The Judge (Salvidio) appears to have assumed that this deprived her of jurisdiction to consider a waiver of the appeal bond, no matter how indigent the defendants may be, and no matter how meritorious their appellate issues may be."

This Honorable Court had "closed its doors to the poor".

In its April 10<sup>th</sup> unpublished decision, the SJC affirmed the Summary Process Rule 2 exclusions allowing only (i) the Court Promulgated Summons and Complaint (FOOTNOTE 5):

"A sample summary process summons and complaint form is available at <https://www.mass.gov/files/documents/2016/08/pe/summary-process-complaint-rev.pdf> [<https://perma.cc/23R5-N9T4>]. A landlord seeking to evict a tenant must obtain this form from the clerk's office. See Rule 2(a) of the Uniform Summary Process Rules (1993)."

(ii) the Notice to Quit and Proof of Service (FOOTNOTE 6):

"In order to initiate a summary process action, the landlord must file the original summons and complaint, return of service confirming the tenant's receipt of the summons and complaint, and a copy of the notice to quit. Rule 2(d) of the Uniform Rules of Summary Process (1993). Depending on the jurisdiction, the landlord may also be required to file a copy of a certificate of eviction granted by a rent control agency (or an affidavit of exemption) or a copy of an affidavit verifying compliance with local laws governing condominium conversion evictions. *Id.* The landlord must also pay an entry fee, unless that fee has been waived. *Id.*"

(iii) the only reason allowed to be that stated in the Notice to Quit:

"The basis for the landlord's eviction action is limited to the reasons for eviction provided in the notice to quit. *Strychaski v. Spillane*, 320 Mass. 382, 384-385 (1946).

Finally, the SJC confirmed according Summary Process Rule 2, that when anything beyond ("other than") the reason and basis of the Notice to Quit is included, then a "landlord" such as Plaintiff can only evict under a new summary process case unless defendant(s) agree to move:

"Where a landlord seeks to evict the defendant for reasons other than those provided in the notice to quit, the landlord must "recommence the summary process procedure and issue a new notice to quit" explaining the new grounds for eviction, and then file a new summary process summons and complaint if the tenant chooses not to vacate the premises. *Federal Nat'l Mtge. Ass'n v. Nunez*, 460 Mass. 511, 520 n.11 (2011), citing *Strycharski*, *supra.*"

On 4/8/2019, two days before SJC decision in *Hilton v. Worcester Housing Court* was first promulgated for public view, the Worcester Housing Court allowed Defendant's Appeal to Dismiss for nonpayment of extra fees that Bent could not afford without forgoing the necessities of life.

#### ARGUMENT

Most basically, it appears that the new decision to which Bent is a party directly reverses aspects of this Summary Process case.

First, it affirms that the insertion of documents beyond those allowed by Summary Process Rule attempted to establish a basis beyond the allowed wording on the Summons and Complaint. Plaintiff if it wishes to evict must recommence its case.

The Court is reminded that the Hatcher decision clarified and affirmed existing jurisprudence that only what is explicitly authorized under Summary Process statute is allowed in Summary Process:

“see also Cummings v. Wajda, 325 Mass.242,243,90N.E.2d337(1950) \*\*326 (“Summary process is a purely statutory procedure and can be maintained only in the instances specifically provided for in the statute”).”

Second, the SJC has affirmed the controlling nature of the Court Indigency Statutes and the interpretation under Reade v. Galvin of the Constitutional nature of compliance by the Courts with these statutes.

While fee waivers such as those for audio recordings and for appeal bond and Use and Occupancy are considered “extra fees”, the SJC has repeated they are not to be used to bar the ability of an indigent litigant to enter the doors of the Court and prosecute a defense.

Clearly, Bent has been so financially barred.


Given that the Plaintiff had no right to prosecute this case having violated the Summary Process requirements under Rule 2 and improperly attempted to go forward, to bar Bent from Appeal of a case the SJC has just affirmed could never have legally commenced denies her right to appellate review and a violation of the commencement of this case where the SJC has just affirmed that such a review should yield that judgment in this case is void.

Just because Bent’s complaint as to the insertion of unallowed documents was not yet recognized, the meritorious nature of that challenge to the judgment in this case has now be clarified in the 4/10/2019 SJC decision in the Adjarney case and its companion case Hilton to which Bent was a party.

### CONCLUSION

For the above reasons, Bent requests this Court reverse its order as to dismissal of her appeal, issuance of an execution and reopen the case to motion to vacate judgment given the SJC’s instant ruling related to Bent’s case.

Respectfully submitted,

  
Annette S. Bent, Defendant

6 Rose Lane  
Oxford, MA 01540

Date: 04/18/2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished on this 18th day of April, 2019 by 1<sup>st</sup> class mail/ mail to:

Plaintiff  
c/o Attorney Dennis E. McMahon  
McMahon Law Offices  
170 Bonad Road  
Chestnut Hill, MA 02467  
(617)699-0566  
(617)323-4219

Annette S. Bent

Annette S. Bent, Defendant  
6 Rose Lane  
Oxford, MA 01540

Date: April 18, 2019  
~~December 10, 2018~~

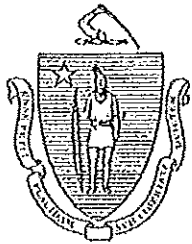


# EXHIBIT B

Annette S Bent  
6 Rose Lane  
Oxford, MA 01540



# EXHIBIT C



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET - SUITE 301  
WORCESTER, MASSACHUSETTS 01608

MAURA HEALEY  
ATTORNEY GENERAL

Tel: (508) 792-7600  
Fax: (508) 795-1991  
[www.mass.gov/ago](http://www.mass.gov/ago)

HAND DELIVERY

September 7, 2018

Maura S. Doyle, Clerk  
Supreme Judicial Court for Suffolk County  
John Adams Courthouse  
One Pemberton Square, Suite 1300  
Boston, MA 02108-1707

Re: Hilton et al. v. Worcester Housing Court,  
Supreme Judicial Court for Suffolk County  
Docket Number SJ-2018-M030

Dear Clerk Doyle:

Enclosed for docketing and filing please find respondent's Opposition to Motion for Preliminary Injunction/Emergency Stay, with Certificate of Service.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Maryanne Reynolds".

Maryanne Reynolds  
Assistant Attorney General  
(774) 214-4407

MR/s

cc: Per certificate of service

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPREME JUDICIAL COURT  
SUFFOLK COUNTY  
DOCKET NO. SJ-2018-M030

CHRISTINE HILTON et al.,

Petitioners-Appellants,

vs.

WORCESTER HOUSING COURT,

Respondent-Appellee.

OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION/EMERGENCY STAY

Before the Court is a motion for preliminary injunctions/emergency stay filed by Christine Hilton, Maria Navedo, and Marjorie Evans (“petitioners-appellants”) and other individuals, which was filed in the Supreme Judicial Court for the Commonwealth and has been referred to this Court for disposition (“Motion”). The core issue presented by the petitioners-appellants in the Motion, and in the underlying petition, is whether the Court’s extraordinary powers under G. L. c. 211, § 3, should be exercised to halt post-foreclosure summary process proceedings in the Central Housing Court due to alleged judicial bias.

The Single Justice (Gaziano, J.) denied the underlying petition on July 25, 2017, and denied various post-judgment relief on August 31, 2017. An appeal from the denial of post-judgment relief is pending before the full Court. The apparent object of the Motion is to obtain relief for the movants during the pendency of the appeal, which they hope to do by drawing the Court’s attention to additional reasons why the petitioners-appellants’ perceive bias, specifically: (1) alleged “ex parte communications” occurring at the beginning of the cases; (2) alleged failure

by the court to require mandated corporate disclosure statements; and (3) alleged reliance on improper evidentiary bases for eviction. Motion at 5-11.

The Motion was filed without leave of court. As more fully explained below, the Motion must be denied.

#### Procedural History

*The G. L. c. 211, § 3, Petition.* In 2017, pursuant to G. L. c. 211, § 3, petitioners-appellants invoked the Court's power of superintendence over lower courts to obtain redress for alleged violations of their constitutional rights to due process and of association during the Housing Court's proceedings. Petition, Docket No. SJ-2017-0174 (05/02/2017 # 3). Central to the petition were claims that the Central Housing Court judges are not impartial in summary process actions due to a bias against self-represented litigants or against members of the Worcester Anti-Foreclosure Team ("WAFT"), an unincorporated association, to which the petitioners-appellants belong. *Id.* They sought a stay of all summary process executions issued against WAFT members and an order governing the manner in which summary process proceedings are conducted when a litigant is self-represented. *Id.* This Court (Gaziano, J.) denied the petition without hearing. Docket (07/25/2017 # 12). The Court also denied all requests for post-judgment relief. Docket (08/31/2017 # 19).

*The Pending Appeal from Denial of Post-Judgment Relief.* Petitioners did not appeal from the denial of their G. L. c. 211, § 3 petition. Instead, and purportedly joined by others,<sup>1</sup> petitioners entered an appeal challenging the denial of post-judgment relief. Docket No. SJC-12406 (10/03/2017 # 1). On February 12, 2018, petitioners-appellants filed their brief and record

---

<sup>1</sup> In the Supreme Judicial Court for the Commonwealth, Respondent has moved to strike the appearance of these other individuals.

appendix. Id. at # 19. On June 11, 2018, respondent-appellee filed its brief and supplemental appendix. Id. at # 24. On July 13, 2018, without leave, a purported “amicus” brief and appendix were filed by lead petitioner-appellant Hilton and others. Id. at # 26. On July 17, 2018, again without leave, an “intervenor” brief and appendix were filed by Hilton and others. Id. at # 27.

*Referral of the Motion, Without Any Accompanying Brief.* On July 18, 2018, the Motion was filed by petitioners-appellants and signatories to the amicus and intervenor briefs. Docket No. SJC-12406, at # 28. It requests that “all their cases and other cases [in the Central Housing Court] . . . be stayed” and that “all evictions be stayed.” Id. at 18. On July 20, 2018, the Motion was referred to this Court for disposition. Id. at # 31.

The Motion refers to “the brief filed herewith.” Id. at 5. No brief appears to have been referred with the Motion to this Court, and no brief was served on the Respondent. See Docket (referencing an order with attached motion). The referenced brief appears to be the purported intervenor brief and appendix filed on July 17, 2018, at Docket No. SJC-12406 (“Intervenor Brief”).

#### Summary of the Motion

*Undisputed Factual Allegations.* The Motion alleges, and the Central Housing Court does not dispute, that: (1) on the day a post-foreclosure summary process action is entered, the Central Housing Court routinely receives, files and docket a copy of any relevant (1)(a) foreclosure deed, (b) mortgage, or (c) assignment of mortgage; and (2) these entry-day documents routinely do not bear certificates of service.<sup>2</sup> Motion at 5 (referring to “communications between Plaintiffs and the [Central Housing Court] at the very beginning of

---

<sup>2</sup> The practice of plaintiff’s filing of a foreclosure deed and assignment of mortgage, upon entry of a post-foreclosure summary process action, appears to be consistent in the other Divisions of the Housing Court department.



these cases”); Central Housing Court Docket Sheets, attached to Intervenor Brief (on file at SJC-12406). The Motion also alleges, and the Central Housing Court does not dispute, that, on the day a post-foreclosure summary process action is entered, the Central Housing Court receives, files and docket a copy of any relevant notice to quit and that such notice should contain “proof of delivery” in accordance with Uniform Summary Process Rule 2(d)(2). *Id.*

*Other Factual Allegations.* Petitioners-appellants make a variety of other general allegations in support of the Motion. Those allegations are noted here.<sup>3</sup> The Motion itself is not supported by affidavit or other evidentiary support.

### ARGUMENT

1. The Motion must be denied for failure to comply with S.J.C. Rule 2:22.

Parties seeking relief under G. L. c. 211, § 3, must “name as respondents and make service upon all parties to the [lower court’s] proceeding.” S.J.C. Rule 2:22. Petitioners-appellants have not complied with this rule. See Docket Nos. SJ-2017-0174 and SJ-2018-M030. Instead, the only party named as a respondent to the petition is a judicial defendant, who is a nominal party. See S.J.C. Rule 2:22 (“Unless otherwise ordered by the single justice, the lower court shall thereafter be treated as a nominal party which may, but need not, appear and be heard.”); *Mani v. United Bank*, 458 Mass. 1027, 1028 n.2 (2011).

Rule 2:22 exists to protect the interests of all parties to a lower court’s proceedings. The rule also operates to promote the fair, orderly and efficient administration of justice. It also

---

<sup>3</sup> They allege: (1) “numerous non-human, non-governmental entities” appear before the Central Housing Court without having filed a Corporate Disclosure statement and that such disclosures should be made “to insure no conflicts of interest” particularly a financial interest (Motion at 5, 10); (2) that summary process plaintiffs submit “affidavits [that] fail the legal requirements of an affidavit” as evidence of the validity of a foreclosure (*id.* at 6); (3) defendants are “present, available for cross examination, and yet the court does nothing” (*id.*); (4) foreclosures are subject to challenge (*id.* at 3-10); and (5) harms from illegal foreclosures include lost family wealth, drop in children’s school performance, homelessness, and other societal ills (*id.* at 13-14).

protects against unnecessary and duplicative participation by the Attorney General. See Soja v. T.P. Sampson Co., 373 Mass. 630, 632 (1977) (where the judicial defendant is not the real party opposing the request for relief, joinder of the party whose substantive interests are actually at stake “protects against unnecessary and duplicative participation by the Attorney General”)

Although the petitioners-appellant are self-represented, they are held to the same standards with regards to this petition as litigants represented by counsel. Higgins v. Federal National Mortgage Association, 479 Mass. 1037 (2018). The absence of “all parties to the [lower court’s] proceeding” is significant. Jordan v. Register of Probate for Hampden County, 426 Mass. 1020 (1998) (“we note that Jordan failed in his petition to name as a respondent his former wife, who was his adversary in the underlying litigation”). The Motion purports to place their interests at stake insofar as it seeks to enjoin or stay the proceedings they initiated and litigated in the Central Housing Court. Moreover, it is incumbent on the plaintiffs in the post-foreclosure summary process action to respond to challenges raised as to why they submit certain documents on the entry day<sup>4</sup> without submitting a certificate of service, and why they may not have filed Corporate Disclosure Statements.

The Central Housing Court disagrees that the receipt, filing and docketing of documents by the Clerk’s office on the day a summary process action is entered constitutes “ex parte communications.” “The term ‘ex parte’ is typically used to describe communications between the fact finder and a party to a proceeding in the absence of other parties.” Duro v. Duro, 392 Mass. 574, 576 n.4 (1984). “It is beyond question that ‘a judge may not rely on his private

---

<sup>4</sup> The Central Housing Court presumes that at entry the plaintiffs file their foreclosure deed and assignment of mortgage to prove they have standing to bring their summary process action in the court. Rental Property Management Services v. Hatcher, 479 Mass. 542, 546 (2018) (where... the plaintiff is neither the owner nor the lessor of the property, the plaintiff has no standing to bring a summary process action).

knowledge of particular facts that are not matters of which he can take judicial notice.” *Id.* at 581, quoting *Furtado v. Furtado*, 380 Mass. 137, 140 n.1 (1980). But, no such concern about private knowledge arises from the practice.

To the extent that the petitioners-appellants wished to challenge any procedure occurring in their cases, they had an opportunity to be heard in the Central Housing Court and to take a direct appeal from any adverse judgment there. See, e.g., G. L. c. 239, § 5; Unif. Summ. Proc. R. 12 (providing for appeal). In fact, the petitioners-appellants had several opportunities to raise their defense to the summary process action in the Central Housing Court.

Despite the assertions made by the petitioners-appellant, the Central Housing Court is following well established principles when they accept the plaintiff’s foreclosure deed and assignment of mortgage for filing. Pursuant to G. L. c. 221, § 14, “[t]he clerks shall...have the *care and custody* of all the records, books and papers which pertain to, or are *filed or deposited in, their respective offices.*” G. L. c. 221, § 14 (emphasis added). This Court has repeatedly stated that, absent a court order or non-payment of a filing fee, the clerk may not refuse a filing. “The clerk acts as ‘a ministerial officer of the courts ... [who] is subject to the direction of the courts in the performance of his duties.’” *Costello v. Board of Appeal of Lexington*, 450 Mass. 1004, 1004 (2007); cf. *Patrick v. Dunbar*, 294 Mass. 101, 104 (1936) (absent order from judge, clerk should not have refused to docket petitioner’s notice of appeal).

The summary process action docket sheets, submitted with the Intervenors’ Brief, make plain that the court’s clerk makes a prompt docket entry identifying the document and the date it was filed, before any judicial action is taken in the matter. Further, the case files are customarily

available during normal business hours for inspection by the parties or public. The practice is transparent, and until recently, without controversy.<sup>5</sup>

2. The Motion must be denied for failure to comply with R. Civ. Proc. 60(b).

While the instant Motion does not seek “post-judgment relief” by name (instead, it seeks “preliminary injunction/emergency stay”), it operates as a motion for post-judgment relief. It should be denied as untimely and otherwise non-compliant with Rule of Civil Procedure 60.

Rule 60 provides in pertinent part: “On motion and upon such terms as are just, the court may relieve a party...from a final judgment, order, or proceeding for the following reasons:... (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b)...or (6) any other reason justifying relief from the operation of the judgment. R. Civ. Proc. 60(b).

Here, the requirements for obtaining relief are not met.

3. No relief is due because there is no likelihood of success on the merits.

Petitioners-appellants’ reliance on Rule of Civil Procedure 65 pertaining to preliminary injunctions is unavailing. Motion at 4. A preliminary injunction is a “significant remedy” that “should not be granted unless the [moving parties] have made a clear showing of entitlement thereto.” Student No. 9 v. Board of Educ., 440 Mass. 752, 762 (2004). “[T]he absence of a likelihood of success on the merits of [a moving party’s] case defeats the request for preliminary injunctive relief.” Campatelli v. Chief Justice of the Trial Court, 468 Mass. 455, 477 (2014).

Here, this Court has already reviewed the merits and entered an adverse judgment. No right to relief from that judgment has been established. Since permanent relief has been denied, preliminary relief is out of the question.

---

<sup>5</sup> No trial court or appellate decision disapproving (or approving) the practice has been brought to respondent’s attention.

Moreover, “[n]o preliminary injunction shall be issued without notice to the adverse party.” Rule 65(b)(1). Here, as explained above, the respondent Central Housing Court is a nominal party. Petitioners-appellants have failed to provide notice of the Motion to the real adverse parties. The Motion admits as much. It states, “Petitioner-Appellants first wonder what harm could be brought to the [Central Housing Court]” by granting their Motion. Motion at 15.

Finally, the Motion raises issues that could be adequately addressed in the normal course of a summary process action. Accordingly, relief under G. L. c. 211, § 3, is unavailable. See Aftasiabi v. Commonwealth, 477 Mass. 1001 (2017); Mani, 458 Mass. at 1028; Parenteau v. Jacobson, 32 Mass.App.Ct. 97 (1992); Haddad v. Gonzalez, 410 Mass. 855 (1991); Costarelli v. Municipal Court of City of Boston, 367 Mass. 35, 41 (1975).

#### CONCLUSION

For the reasons set forth above, the Court should deny the Motion.

Respectfully submitted,

CENTRAL HOUSING COURT,

By its attorney,

MAURA HEALEY  
ATTORNEY GENERAL



Maryanne Reynolds, BBO# 627127  
Assistant Attorney General  
Government Bureau  
Office of the Attorney General  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
Direct Dial: (774) 214-4407  
facsimile (508) 795-1991  
maryanne.reynolds@state.ma.us

Dated: September 7, 2018

CERTIFICATE OF SERVICE

I, Maryanne Reynolds, hereby certify that I have on this day served the above document upon all parties and others by causing a copy to be mail first class, postage prepaid to the following persons:

Ruth Adjartey  
32 Rodney Street  
Worcester, MA 01608

Gerard Hughes  
488 Lake Avenue  
Worcester, MA 01604

Ismail Abdelhamed  
69 East Mountain Street  
Worcester, MA 01606

Christine Hilton  
121 Hampton Street  
Auburn, MA 01501

Vesta Ballou  
781 Ashland Ave.  
Southbridge, MA 01550

Maria Navedo  
43 Burncoat Street  
Worcester, MA 01606

John Schumacher  
2 Main Street  
Clinton, MA

Lori Cairns  
16 Chalmers Road  
Worcester, MA 01602

Jackeline Cucufate  
19 Kingsbury Street  
Worcester, MA 01610

Paul Norris  
19 S Main Street  
Leicester, MA 01524

Marjorie Evans  
P. O. Box 2449  
Worcester, MA 01613

Jean Atkinson  
7 Knowles Rd.  
Worcester, MA 01602

Edna Austell  
124-A Brooks St.  
Worcester, MA 01606

Annette Bent  
6 Rose Ln.  
Oxford, MA 01540

Steven Bourassa  
216 Worcester Rd.  
Princeton, MA 01541

Samantha Farrar  
10 Diamond St.  
Worcester, MA 01610

Patricia Ferreira Bonilla  
44 Shrewsbury Green Dr. B  
Shrewsbury, MA 01545

Kelly Johnson  
18 Baxter St  
Worcester, MA 01602

Felix Kangaru  
14 Moreland St.  
Worcester, MA 01609

Heather Kozac  
230 Paxton St.  
Leicester, MA 01524

Cheryl LeBlanc  
44 Nashua St.  
Fitchburg, MA 01420

Phillippe LeBlanc  
11 Clarendon Rd.  
Auburn, MA 01501

William Marks  
3 Frederick St.  
Worcester, MA 01605

Deb McCarthy  
165 Lovell St. 2  
Worcester, MA 01603

Keith McKenzie  
32 Edgewater Av.  
Shrewsbury, MA 01545

Paulette McKenzie  
32 Edgewater Av.  
Shrewsbury, MA 01545

Miranda Morgan  
1488 Main St. Unit A  
Worcester, MA 01603

Joseph Nuzzolilo  
529 Lake Av.  
Worcester, MA 01604

Cynthia O'Gara  
55 Abington St.  
Worcester, MA 01603

Mychelyne Oliveira  
128 Paine St. 2  
Worcester, MA 01605

Susan Osborne  
69 Elm St.  
North Brookfield, MA 01535

Brian Potter  
335 Goodale St.  
West Boylston, MA 01583

Thomas Saxe  
87 King Philip Rd.  
Worcester, MA 01606



Al Solitro  
6 Evergreen Av.  
West Boylston, MA 01583

Sherry Stanley  
405 Granite St.  
Worcester, MA 01607

Myron Swanston  
98 Prescott St.  
Lancaster, MA 01523

Tracey Tobin  
836 Salisbury St.  
Holden, MA, 01520

Stefani Tubert  
47 Barnard Rd.  
Worcester, MA 01605

Cynthia White  
5 Knowles Rd  
Worcester, MA 01602,

Nunciata Sullivan  
P.O. Box 343  
Wayland, MA 01778

Lila Ortiz  
122 Southgate St.  
Worcester, MA 01603

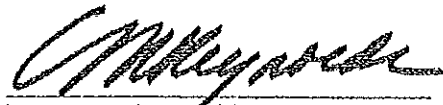
Carl Rellstab  
40 Laurel St.  
Worcester, MA 01605

Carey Souda  
1488 Main St. Unit A  
Worcester, MA 01603

Patricia O'Dell  
18 Baxter St  
Worcester, MA 01602

Linda Potter  
174 Providence Rd.#904  
Grafton, MA 01519

Jasmine Alvarez  
7 Cutler St.  
Worcester, MA 01604



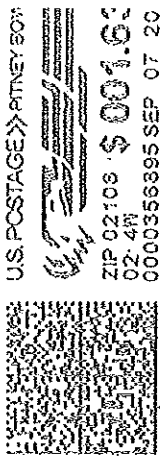
Maryanne Reynolds  
Assistant Attorney General

Dated: September 7, 2018

OFFICE OF THE ATTORNEY GENERAL  
100 WASHINGTON PLACE  
BOSTON, MASSACHUSETTS 02108-1598  
www.mass.gov/ago

OFFICE OF THE ATTORNEY GENERAL  
ONE BURBANK PLACE  
BOSTON, MASSACHUSETTS 02108-1518  
www.mass.gov/ago

Cynthia White  
5 Knowles Rd  
Worcester, MA 01602



# EXHIBIT D

## **Uniform Summary Process Rule 2: Form of Summons and Complaint; Entry of action; Scheduling of trial date; Service of Process**

### **(a) Form of Summons and Complaint**

The form of **Summary Process Summons and Complaint**, as promulgated by the Chief Administrative Justice of the Trial Court, shall be the only form of summons and complaint used in summary process actions. This form of Summary Process Summons and Complaint shall be considered a writ in the form of an original summons as required by G.L. c. 239, § 2. This form shall be available in blank at each of the courts at which summary process actions may be commenced.

### **(b) Service of Process**

Service of a copy of a properly completed Summary Process Summons and Complaint shall be made on the defendant no later than the seventh day nor earlier than the thirtieth day before the entry day, provided, however, that service shall not be made prior to the expiration of the tenancy by notice of termination or otherwise except as permitted by statute. Service shall be made in accordance with **Rule 4(d)** of the Massachusetts Rules of Civil Procedure, provided that if service is not made in hand, the person making such service shall mail, first-class, to the defendant, at the address indicated on the Summary Process Summons and Complaint, a copy of the Summary Process Summons and Complaint; and provided further that return of service, including a statement of mailing where the latter was required, shall be made to the plaintiff only and shall be made in the appropriate space provided on the Summary Process Summons and Complaint. The date of service pursuant to this paragraph shall be deemed the date of commencement of the action subject to proper entry in accordance with the provisions of Rule 2(d).

Service shall be made by those authorized to make service by **Rule 4(c)** of the Massachusetts Rules of Civil Procedure, provided that such service shall be made as required by this section.

### **(c) Entry date; scheduling of trial date**

Entry dates for summary process actions shall be each Monday and cases shall be placed on the list for hearing on the second Thursday following the entry date without any further notice to the parties. Subject to the prior approval of the Administrative Justice of his or her Department, the First Justice of any Division may designate Friday, Monday, Tuesday, and Wednesday as summary process trial days either as alternatives to Thursday or in addition to Thursday. The cases shall be placed on the list for hearing on the second Friday, the second Monday, the third Tuesday, or the third Wednesday after the Monday entry day without any further notice to the parties when such day is designated as a summary process trial day. Summary process actions originally commenced in the Superior Court Department shall be added to the next non-jury list for assignment for trial.

### **(d) Entry of action**

Summary process actions shall be entered by filing with the clerk of the court in which the action is to be heard the following documents:

- (1) The original of the properly completed form of Summary Process Complaint and Summons, a copy of which has been served on the defendant, with return of service recorded thereon;
- (2) a copy of any applicable notice(s) of termination of the defendant's tenancy of the premises upon which the plaintiff(s) relies where such notice is required by law and any proof of delivery of such notice upon which the plaintiff(s) plans to rely at trial;
- (3) in jurisdictions wherein rent control is in effect a copy of a certificate of eviction granted by the appropriate rent control agency, or an affidavit of exemption;
- (4) in jurisdictions wherein local laws governing condominium conversion evictions are in effect, a copy of any applicable affidavit of compliance with such local laws;
- (5) any entry fee prescribed by law unless waived.

On the appropriate portion of the Summary Process Summons and Complaint the reason(s) for eviction shall be indicated by the plaintiff(s) in concise, untechnical form and with sufficient particularity and completeness to enable a defendant to understand the reasons for the requested eviction and the facts underlying those reasons.

(e) Method and time for filing

Filing of the Summary Process Summons and Complaint and necessary accompanying documents, if any, shall be by delivery in hand or by first-class mail to the clerk. Filing by mail is complete upon receipt by the clerk. Papers and documents required in accordance with the preceding paragraph shall be filed together no later than the close of business on the scheduled Monday entry day. Late filing of the summons and complaint shall not be permitted without the written assent of the defendant or the defendant's attorney.

Commentary

The procedure for commencing a summary process action under this rule can be summarized in the following three steps:

First a plaintiff wishing to institute an action must secure and complete the required form. One item he must indicate on the form is the date of the hearing. In order to determine this, the plaintiff must choose an entry day (any Monday, prior to which he can get effective service on the defendant and return of service. The hearing date will be on the second Thursday following the Monday entry day selected (unless Friday, Monday, Tuesday, or Wednesday, as a day other than or in addition to Thursday, is approved for that court). Although cases originally commenced in the Superior Court Department are at first scheduled for a hearing on the second Thursday after the entry day, it is likely that such Superior Court cases would have to be rescheduled as provided in section (c).

Second, the plaintiff must have a copy of the completed Summary Process Summons and Complaint properly served on the defendant and get the original of this form back from the process server showing a return of service. Service must be made not later than the seventh

day nor earlier than the thirtieth day before Monday entry day chosen. Therefore, service could be made on the Monday of the week prior to a Monday entry day. Note that Rule 2(b) provides that service is not to be made prior to the expiration of the tenancy except as permitted by law. See G.L. c. 186, §§ 11, 12; G.L. c. 239, § 1; see also, *Hodgkins v. Price*, 137 Mass. 13.

Third, the plaintiff must file with the court the original of the completed Summary Process Summons and Complaint (showing return of service), the entry fee and possible certain other documents. This filing constitutes entry of the action. Filing must be made no later than the close of business on the Monday entry day. Note that if filing is by mail, the documents must arrive in court by the Monday entry day. The hearing will be on the second Thursday (or second Friday, second Monday, third Tuesday, or third Wednesday, if so designated) following the Monday entry day.

This three-step procedure is required to allow flexibility in the time for commencing these actions yet at the same time to provide an automatic hearing date that can be predetermined and communicated to the defendant with the summons and complaint. Commencement of the summary process action under these rules occurs when proper service of the Summary Process Summons and Complaint is completed, subject, however, to the proper entry of the action.

It should be noted that the clerk should not refuse to accept a summons and complaint for failure to file documents which may be required by Rules 2(d)(2), (3) or (4). It is a matter for the determination of the court as to whether such documents are required. It should be noted further that the requirement in Rule 2(d)(3) that a certificate of eviction, if any is necessary, be filed and served with the Summary Process Summons and Complaint satisfies the requirement of District Court Administrative Regulation No. 3-73 and the statutory law it reflects. That regulation requires that a certificate of eviction, issued before the commencement of the action, be filed with the court before any judgment will be entered.

Rule 2(d) requires that the plaintiff state the reason(s) for eviction on the summons and complaint. While the substantive law of the Commonwealth may not always require a reason for termination of a tenancy, it does require a reason for eviction. That reason might be simply that a tenant is holding against the right of the landlord after the tenancy has been terminated. When the termination of the tenancy itself requires some reason -- e.g. breach of lease, termination in a rent control jurisdiction, nonpayment of rent -- the reason for the termination must be provided. See G.L. c. 239, §§ 1, 1A.

It should be noted that the provisions of Mass. R. Civ. P. 6(a), concerning holidays, are applicable to summary process actions. Therefore, if the entry day or the day for filing answers is a holiday, the entry or filing day would be the next day on which the court is open for business. However, if the plaintiff selects a hearing date which is a holiday, the hearing would be scheduled either the next business day after the holiday or one week later on the following Thursday (or Friday or Monday, if applicable). In rent control jurisdictions, a certificate of eviction is a prerequisite to the commencement of a summary process action. The granting of a certificate of eviction by a rent control board is subject to judicial review.

In *Gentile v. Rent Control Board of Somerville*, 365 Mass. 343 , 350 f.n. 7, the Supreme Judicial Court stated that, if a complaint is filed challenging the issuance of the certificate of eviction, in many instances that complaint and any related summary process action may be consolidated for trial. Therefore, the court should consider the possibility of consolidation in such cases in order to avoid piecemeal litigation.



# EXHIBIT E

SUPREME JUDICIAL COURT  
FOR THE COMMONWEALTH OF MASSACHUSETTS

---

MARJORIE EVANS, . Case #SJC-12337

Plaintiff/Appellant, .

v. . December 6, 2018

FEDERAL HOME LOAN MORTGAGE .  
CORPORATION *and another*, .

Defendants/Appellee, .

---

RUTH ADJARTEY, *et al.*, .

Plaintiffs/Appellant, .

v. . Case #SJC-12380

WORCESTER HOUSING COURT, .

Defendant/Appellee, .

---

CHRISTINE HILTON, *et al.*, .

Plaintiffs/Appellant, .

v. . Case #SJC-12380

WORCESTER HOUSING COURT, .

Defendant/Appellee, .

---

**CASCADE HILLS TRANSCRIPTION, INC.**

1271 NE Highway 99W, #453, McMinnville, Oregon 97128

(541) 900-1266 ~ Email: [hagerruthann@aol.com](mailto:hagerruthann@aol.com)

---

*Pate 2*  
*December 6, 2018*

**TRANSCRIPT OF ARGUMENT  
BEFORE THE HONORABLE CHIEF JUSTICE RALPH D. GANTS,  
THE HONORABLE BARBARA A. LENK, ASSOCIATE JUSTICE  
THE HONORABLE ELSPETH B. CYPHER, ASSOCIATE JUSTICE  
THE HONORABLE SCOTT L. KAFKER, ASSOCIATE JUSTICE**

**INVOLVED PARTIES:**

*Po Se* Plaintiff/Appellant: MARJORIE EVANS  
Defendant/Appellee: FEDERAL HOME LOAN MORTGAGE CORP.  
Defendant/Appellee: WORCESTER HOUSING COURT

**ATTORNEY APPEARANCES:**

For Federal Home Loan Mortgage Corp. RENEAU LONGORIA, ESQ.  
BRIAN LINEHAN, ESQ.  
JOHN A. DOONAN, ESQ.  
For Worcester Housing Court: MARYANNE REYNOLDS, ESQ.

---

**CASCADE HILLS TRANSCRIPTION, INC.**  
1271 NE Highway 99W, #453, McMinnville, Oregon 97128  
(503) 900-1266 ~ Email: [hagerruthann@aol.com](mailto:hagerruthann@aol.com)

---

TRANSCRIPT OF PROCEEDINGS

--o0o--

1  
2  
3 THE CLERK: Court, all rise. Court is now open. You  
4 may be seated. SJ-2017-0176, (indiscernible -- away from  
5 microphone).

6 THE COURT: All right. Good morning. Let me set the  
7 parameters. This is a bit unusual as a hearing. We have three  
8 related cases. You may have noted that there were seven  
9 justices hearing the other cases. There are four now. Each of  
10 the three, I understand, were single justices on one of the  
11 three cases and, therefore, they are recused from hearing this  
12 case because they are evaluating the decision of the single  
13 justice. And it is our practice that, of course, a single  
14 justice does not sit on a matter in which we are reviewing his  
15 or her decision and because they are related cases that means  
16 that each of the three have recused themselves from this  
17 decision.

18 So as you also may have seen if you were watching the  
19 argument we generally give 15 minutes per side. With regard to  
20 the arguments I gather that Mr. Kenneally has worked hard with  
21 you in terms of organizing your time so that we're going to  
22 begin with the Worcester Housing Court and then Federal Home  
23 Mortgage and then we'll hear from a number of the self-  
24 represented petitioners. There will be a -- there's a light  
25 and a time limit. The practice is that is the time that we

1 give you. . If there are questions from the bench, but only if.  
2 there are questions from the bench, do we allow you to go  
3 beyond the time period, which means that if you are answering a  
4 question from a judge you, of course, may finish that question.  
5 If a judge has further questions, I allow the judges to ask  
6 further questions. But the limit of the argument is  
7 presumptively the time that will be on -- before you on the  
8 time limit and that is going to differ because to render it --  
9 it equal for each of the sides.

10           So with that, we may proceed. So I gather,  
11 Ms. Reynolds, you are beginning on behalf of the Worcester  
12 Housing Court.

13           MS. REYNOLDS: May it please the Court, Your Honor,  
14 my argument will concentrate on the appeal. There are, of  
15 course, miscellaneous motions that have been referred to the  
16 quorum, but I will rest argument on those papers unless  
17 questioned, so as to the appeal itself.

18           This -- this court should affirm the single justice  
19 rulings in both cases that I'm arguing, that being the *Adjartey*  
20 case and the *Hilton* case. My brother will be concentrating on  
21 the *Evans* case.

22           The two reasons -- primary reasons to affirm the  
23 single justices in *Adjartey* and *Hilton* cases are that the  
24 single justices neither erred nor abused their discretion when  
25 they dismissed or denied the petitions.

1           As we argued before the single justice, Section 211,  
2 Section -- Chapter 211, Section 3, powers of this court are  
3 extraordinary and to be exercised sparingly as needed, not  
4 merely as another level of appellate review. And the petitions  
5 don't meet their standard. They don't meet the standard for  
6 several reasons. One, as in the *Adjartey* papers it's  
7 themselves. The petitioners have admitted -- it's in the  
8 appellate record at page 135 -- that all petitioners could have  
9 appealed the denial of any access to a CD.

10           Even if they had not made that admission, it is clear  
11 that appellate review of the issues raised in the petitions is  
12 available in a variety of manners, both interlocutory and at  
13 the end of the cases. There are various statutes all cited in  
14 the briefs.

15           And further --

16           THE COURT: Before we leave that issue, assuming for  
17 the moment that you might be right about the fact that the  
18 avenue of appeal is not to the single justice, but to the  
19 appeals court on that, is there an issue of superintendence  
20 that's appropriate for us to address in terms of the clarity of  
21 the process to obtain a CD?

22           MS. REYNOLDS: No, Your Honor.

23           THE COURT: Sorry?

24           MS. REYNOLDS: No, there's not. There's no need for  
25 this court to exercise superintendent's powers to clarify how

1 one obtains a CD.

2 THE COURT: And what do you say right now is the  
3 procedure as we speak?

4 MS. REYNOLDS: The procedure is to -- to go -- so I'm  
5 assuming we're in the context of an indigent applicant or --

6 THE COURT: Of course.

7 MS. REYNOLDS: Yes. The procedure would be to fill  
8 out a form requesting the CD and pay the fee. If there's not  
9 an ability to pay the fee, then there -- to request waiver of  
10 the fee under the indigency statutes, Chapter 342 -- 261,  
11 excuse me -- and, of course, most of the CDs that are requested  
12 in this matter are under this court's ruling considered extra  
13 costs, not normal costs. So a hearing may be required to  
14 determine whether those particular costs should be waived.

15 THE COURT: Where have we determined that the cost of  
16 the cassette copy is an extra cost?

17 MS. REYNOLDS: It's a 2003 ruling of this court. It  
18 was -- and Chief Justice Marshall was with the court. I  
19 have -- I could submit as a post-argument --

20 THE COURT: So we've decide -- because -- is that one  
21 of the cases in your brief because I just -- which case is it?

22 MS. REYNOLDS: It's not -- I could not find a case  
23 for it. It seemed to be simply a memo of -- there's statutory  
24 authority under Chapter 261 for this court to set the costs --  
25 what the costs will be and to determine these things. And I'm

1 not sure -- I could not find the process that --

2 THE COURT: So it's not -- it hasn't been done in a  
3 decision. It's done in some kind of -- you're saying it  
4 appears in some kind of issuance of the court that's not a  
5 formal decision, though?

6 MS. REYNOLDS: Right. It's in the form similar to  
7 what I've seen in recent years of this court's approval of a  
8 rule where all of the justices said that this is how it shall  
9 be.

10 THE COURT: So it's pursuant to our superintendent's  
11 authority if it's part of our -- if it's related to our rule-  
12 making, correct?

13 MS. REYNOLDS: Yes. As I understand it this court  
14 has had rule-making authority that even predates the  
15 Massachusetts Constitution, so I'm not sure that it's  
16 necessarily part of the 2011-3 authority. It may just be  
17 inherent authority that this court has. But it is a 2003  
18 decision.

19 And then several years after that -- because  
20 originally the forms were all paper -- and then several years  
21 after the original ruling, there was a form -- the paper form  
22 was re-issued for electronic submission and that sort of  
23 carried forward that same decision as to what's a normal cost  
24 or an extra cost. I'd be happy --

25 THE COURT: Don't think it's time to revisit that?



1 MS. REYNOLDS: The Central Housing Court would have  
2 no position on that. That's a matter of this court within this  
3 court's discretion. That's a policy matter and certainly  
4 within this court's discretion to do so. We just don't take a  
5 position on that.

6 THE COURT: Okay.

7 MS. REYNOLDS: The petition should also be -- excuse  
8 me -- the single justice decision should also be affirmed  
9 because even if the subject matter of the petitions was a  
10 proper subject matter for this type of extraordinary relief,  
11 the petitions themselves were properly denied as a matter of  
12 law because the petitioners failed to name as respondents all  
13 of the parties in the Central Housing Court proceedings below  
14 that they wish to "unwind." That requirement is found in Rule  
15 222 and, therefore, there's no basis for the single justices to  
16 grant relief.

17 I'd also mention that this court is loathe to second-  
18 guess single justice decisions, not to address claims as  
19 systemic error and that that's well established. The *Abernathy*  
20 case cited in my brief and you are familiar with others.

21 Further, I would say that even in this court the  
22 briefing has failed to rise to the level of proper appellant  
23 argument. As argued in my brief that they just seemingly sort  
24 of ignore what the single justice had done and they haven't  
25 spoken to why the single justice erred or abused discretion.

1 And so for the failure to properly present appellant argument  
2 it's a further reason to affirm.

3 If there are no further questions, I will ask you to  
4 affirm and rest on my brief. Thank you.

5 THE COURT: All right. Thank you.

6 Mr. Linehan, you have seven minutes.

7 MR. LINEHAN: Good morning, Your Honor. May it  
8 please the court, my name is Brian Linehan on behalf of Federal  
9 Home Loan Mortgage Corporation.

10 If the court does not have any specific direction I'd  
11 like to begin with the issue of mootness of Ms. Evans' appeal.  
12 This is raised in a motion to dismiss and also raised in the  
13 respond -- appellee's brief as well. The matter of *Petrillo v.*  
14 *Petrillo Aufiero* seems to be dispositive of this -- this issue.  
15 In the *Petrillo* case, the occupants were defendants in a  
16 summary process case. The landlord obtained a judgment of  
17 possession. Prior to the levy of the execution of the judgment  
18 of possession the occupants filed a petition to a single  
19 justice of this court under 211, Section 3. That petition was  
20 denied. They then filed an appeal of that denial.

21 A day after they filed their notice of appeal, the  
22 landlord levied upon his execution and removed the occupants  
23 from the property and this court held that because the  
24 occupants were no longer in possession of the property and they  
25 had been removed and the eviction had been completed that this

1 court could no longer grant the relief it was requested in the  
2 petition which was a stay of the execution. Now --

3 THE COURT: And it's your view that that's the only  
4 relief sought by Ms. Evans?

5 MR. LINEHAN: That is the -- Ms. Evans' petition  
6 sought preliminarily a stay of the execution and she filed two  
7 other 211, Section 3, petitions to stay the execution. And in  
8 furtherance of that request she makes a number of challenges to  
9 the conduct of the Housing Court, the rulings of the Housing  
10 Court, and also of the parties as well.

11 However, in essence she was seeking a stay of the  
12 execution. And Justice Budd did deny that petition and that  
13 was on May 4th. And later that day Freddie Mac later upon its  
14 execution removed Ms. Evans from the property, thus completing  
15 the eviction. So this court now lacks power to grant  
16 Ms. Evans' request.

17 Now, also in the appeal --

18 THE COURT: Now, you know that she has claimed that  
19 this was in violation of a bankruptcy stay?

20 MR. LINEHAN: I do, Your Honor. However, it should  
21 be noted that so the -- the review stand for the single justice  
22 denial is for abuse of discretion. In the *Conkey v.*  
23 *Commonwealth* case sets forth a two-prong application of that  
24 standard. First, Ms. Evans has to claim a violation of her  
25 substantive rights and a -- that that violation could not be

1 remedied through the normal appellate process or through  
2 adequate alternative remedies.

3           With respect to the bankruptcy stay, there is a  
4 pending adversary proceeding in the Bankruptcy Court where  
5 Ms. Evans can resolve any and all claims of a violation of the  
6 automatic stay.

7           Now, whether or not Ms. Evans' claims have merit is  
8 irrelevant for the purposes of this court's determination as to  
9 whether Justice Budd abused her discretion, the point is that  
10 Ms. Evans is now proceeding in the Bankruptcy Court to resolve  
11 those issues before Judge Panos who in the transcript excerpts  
12 attached to Ms. Evans' reply brief specifically says that he  
13 will retain jurisdiction over any claims under 362(k) of the  
14 Bankruptcy Code.

15           And so Ms. Evans does have an adequate alternative  
16 remedy for resolving those bankruptcy issues. And the same  
17 goes for her claims -- her challenges to the underlying summary  
18 process judgment. He filed a motion to vacate that judgment  
19 arguing the judgment was void. However, although she noticed  
20 an appeal of the denial of that judgment, she failed to pay the  
21 use in occupancy payments and her appeal was dismissed. Now,  
22 that use in occupancy payment did initially go up to the single  
23 justice of the appeals court. It was initially both used in  
24 occupancy payment and a bond. The single justice struck the  
25 bond, remanded it back to the Housing Court for a determination

1 as to the fair value for use in occupancy, which was set at  
2 \$1,062.

3 Ms. Evans failed to pay that. Her appeal was  
4 dismissed. If she wished to challenge the underlying judgment  
5 of the Housing Court, she could have paid that use in occupancy  
6 and proceeded with her appeal. And that is specifically set  
7 forth in the case decision in *Wallace*, as well as the *Appeal*  
8 *Bond* case as well, I believe, which was filed as a notice of  
9 supplemental authority of this court. In those cases there was  
10 a pending appeal and the court recognized you have the avenue  
11 to challenge the underlying judgment. You could have proceeded  
12 with your appeal and you failed to do so and the defendants in  
13 those cases then could not come to this court as either an  
14 alternative appellate remedy or an additional layer of appeal.  
15 That's not the purpose of Chapter 211, Section 3.

16 Ms. Evans also claimed violations of her rights under  
17 the American With Disabilities Act. Similarly, she could have  
18 remedied those through an immediate right of an interlocutory  
19 appeal. That's set forth in the *McDonough* decision. Ms. Evans  
20 is a witness testifying on her own behalf in the summary  
21 process case, which the *McDonough* decision is unclear whether  
22 it applies to parties as well, but as she's a witness, the  
23 standard seems to apply. And in that case Ms. Evans -- let me  
24 back up. Ms. Evans challenges to the rulings of the Housing  
25 Court are that the Housing Court conduct a hearing and asks her

1 to discuss her disability on the record and she felt that that  
2 was a violation of the HIPAA rights and she felt that her  
3 request for an accommodation was reasonable and was improperly  
4 denied.

5           However, in *McDonough* this court did set forth the  
6 standard in that if there is a request for an accommodation  
7 and that is either contested or there's a question as to the  
8 reasonableness of that request, the judge is required to  
9 conduct a hearing and make inquiry as to the nature of the  
10 disability and the relevance of the request on the record.  
11 It's specific in that decision. And the reason that that  
12 inquiry has to be on the record is because the judges denying  
13 that request then has to issue written findings sufficient to  
14 permit appellate review. And that decision in *McDonough*  
15 specifically states that because that could affect the overall  
16 substantive rights under the American Disabilities Act, if the  
17 request is denied there is an immediate right to interlocutory  
18 review by a full panel of the appeals court.

19           So when the Housing Court denied Ms. Evans' request,  
20 Ms. Evans could have within 30 days filed a notice of appeal  
21 and taken that up to the appeals court, which she failed to do.  
22 And she failed to prosecute her appeal at the underlying  
23 summary process judgment where she could have raised that issue  
24 as well.

25           And so because she had adequate alternative remedies

1 to resolving the issues that she outlines in her brief,  
2 Ms. Evans' petition under Chapter 211, Section 3, is not proper  
3 exercise of the court's general superintendent's power, And I  
4 can see that I'm almost out of time, so if the court does not  
5 have any questions I can rest on the briefs.

6 THE COURT: All right. Thank you.

7 MR. LINEHAN: Thank you very much.

8 THE COURT: Ms. Evans. Which one is Ms. Evans? Oh,  
9 there you are. Ms. Evans, you have five minutes.

10 MS. EVANS: Thank you. First, I wanted to address  
11 the issue *ex parte* communication that was submitted by the  
12 appellee to this court on October 5th, I believe it was, of  
13 this year. After the court scheduled oral arguments they  
14 submitted documents to this court *ex parte* and in the  
15 certificate of services page they asserted that they issued it  
16 to the petitioner. Petitioner never received any documents  
17 from the appellee and the -- recently they submitted an  
18 opposition to a motion to -- the petitioner submitted saying  
19 that they had sent it to the address that the appellee just  
20 testified that on May 4th they executed an execution and  
21 evicted her from her home.

22 So if they sent out documents to that address knowing  
23 that that -- the petitioner would not receive those documents,  
24 then those document -- they just admitted that they submitted  
25 documents *ex parte* because they have no reason to believe that

1 I would receive those documents at the address that he just  
2 said they executed an eviction notice on me for.

3 THE COURT: And have you furnished them with an  
4 address that is a proper address?

5 MS. EVANS: In fact, the certificate page has my PO  
6 Box number that they've been sending me material including  
7 their brief. I've received a number of mail from them. But  
8 for some reason when they wanted to submit this document to the  
9 court and mislead the court that they sent it to me. They  
10 somehow found their way to sending it to the address that they  
11 know that they should know that 580 days ago. They  
12 unlawfully -- unlawfully executed an execution that was  
13 obtained -- it was void *ab initio* because it was obtained  
14 during the stay. They continued during the stay to conspire  
15 with the Housing Court judges and the Housing Court judge,  
16 Judge Theophilis on April 11th, a day after the appellee went  
17 to the Bankruptcy Court and asked the bankruptcy -- misled the  
18 Bankruptcy Court, as a matter of fact, that they didn't know,  
19 they weren't sure they were under automatic stay.

20 The bankruptcy stay -- the Bankruptcy Court confirmed  
21 that they were under a stay and the Bankruptcy Court refused  
22 to -- this -- the findings that it was not going to lift the  
23 14-day stay that was left.

24 While they were in court at the Bankruptcy Court they  
25 already had a state court hearing. So while they're in the



1 court asking the court to explain to them, to -- you know, for  
2 an emergency determination hearing to determine if they're  
3 still on their stay, they have a hearing scheduled for the very  
4 next day, April 11th, to reissue an execution that they know --  
5 they explained to the bankruptcy that they had this hearing and  
6 they went to the court on the 11th. And that execution  
7 reissued during the stay and because they did that they  
8 violated the automatic stay. And in turn, they didn't just  
9 violate the stay. They also disobeyed the federal bankruptcy  
10 judge's order not to lift the stay.

11 And he's sitting here saying that they executed --  
12 he's actually admitting that he did these things because if  
13 they executed anything on May 4th using that execution that  
14 they obtain on April 11th, it's a violation and they must  
15 reverse the actions that they took on May 4th.

16 THE COURT: What he has said to us is that if there  
17 is a violation of the Bankruptcy Court stay that there  
18 apparently is still a pending bankruptcy action and that --

19 MS. EVANS: Yes.

20 THE COURT: -- you may seek relief in the federal  
21 Bankruptcy Court.

22 MS. EVANS: Right.

23 THE COURT: So why is he wrong about that? Why is he  
24 wrong as to that being a remedy?

25 MS. EVANS: He's not necessarily wrong about that.

1 What he's wrong about is that they were able to levy -- he's  
2 misrepresenting their ability to come to petitioner's home on  
3 May 4th with an execution that they obtained during the stay  
4 and break her door down, break her home -- enter her home, send  
5 paid police officers to search it. Then they turn around and  
6 send men in to take her stuff, throw them in plastic bags and  
7 boxes. That is what he's misrepresenting. They had no ability  
8 to do that because they obtained a void *ab initio* execution  
9 during the stay.

10           And the appellee also knows that this case, the case  
11 that I've raised, the 211-3 petition, is about judicial and  
12 professional misconduct. It's not just about the bankruptcy.  
13 It's about the many violations that has happened in the -- in  
14 the state court during this case. He also knows that because  
15 Judge Horn (phonetic), as he stated, issued a default judgment  
16 with -- when she violated petitioner's rights at every turn.  
17 She violated on May 25th, June 1st, June 6th, and even the day  
18 of the trial. Petitioner requested continuance of good cause  
19 because her attorney had suffered a heart attack less than two  
20 weeks before the trial and she wanted to retain new counsel.  
21 Judge Horn denied her.

22           The petition -- the appellee did not turn over  
23 discovery documents that they were supposed to turn over that  
24 she needed to make her case. In fact, that was the reason she  
25 had to obtain counsel is because she was having trouble getting

1 the discovery. Five times -- five times Judge Horn issued an  
2 order that the appellee should turn over discovery documents to  
3 her and five times they refused.

4           Then she asked for the continuance. She also filed a  
5 motion asking for the case to be dismissed because they were  
6 not following the discovery rules. They -- the judge denied  
7 that. Went back on June 1st and she -- because of all the --  
8 the things that were going on, she has medical disabilities  
9 that were being -- being exacerbated. Petitioner went back to  
10 the court at a hearing and asked again Judge Horn for a  
11 reasonable accommodation on the title to -- of the ADA.  
12 They -- Judge Horn -- she had a doctor's letter from a  
13 neurologist who specialized in neurology. Judge Horn denied  
14 it.

15           And then the day of the trial petitioner was so --  
16 her medical disability was so exacerbated she went to the court  
17 to partake in that case, but was too sick to do so. Illness  
18 from all the disparate treatment she had been receiving up  
19 until that point from the Housing Court, from Judge Horn in  
20 particular, caused her disability to be so exacerbated that she  
21 could not participate in her case the way that she wanted to.  
22 And because appellee did not turn over discovery documents, she  
23 did not have the documents she needed to build her case and  
24 because her attorney suffered a heart attack, she did not have  
25 the help she needed to prepare the case. She again --

1 THE COURT: All right. I'm --

2 MS. EVANS: -- filed a motion --

3 THE COURT: I understand. I'm afraid your time is  
4 actually more than up.

5 MS. EVANS: Yes.

6 THE COURT: We -- so thank you and we'll hear from  
7 Ms. Hilton.

8 MS. EVANS: Okay. Thank you.

9 THE COURT: And Ms. Hilton, you have five minutes  
10 with regard to a separate case. Yes, you may proceed.

11 MS. HILTON: Your Honor, thank you for your time.  
12 For the record, we are under the protocol of the court. We  
13 want to inform the court we requested more time in a special  
14 format given that we are dozens of *pro se* litigants. We cannot  
15 represent each other. We were not denied our format  
16 requested -- request submitted November 7th. So arguably we  
17 are here because the Worcester Housing Court specifically  
18 strips us of our right to self-represent. It does let us argue  
19 laws or jurisprudence. It refuses to recognize, address legal  
20 argument. Literally we are told not to speak and denies us our  
21 notes.

22 This court must make clear that the clerk telling us  
23 that only a few can rep -- excuse me -- present is not to be  
24 taken as acquiescence that a court may strip *pro se* litigant of  
25 their full range rights to represent as fully as any lawyer.

1           The case I am lead litigant on commenced because of  
2 extensive quizzing of litigants by the judges in the Worcester  
3 Housing Court. Seeking to drop charges on us for unlicensed  
4 practice of the law what was rampant, decision written included  
5 dropping charges. And I had just received in writing that the  
6 court had opened the investigation on the WAFT (phonetic)  
7 members. We have never been told that it was closed. By the  
8 time this arguing is done there will a video -- it will be  
9 video record and we have never represented ourselves as  
10 lawyers. We need this court to state as soon as possible that  
11 this court will look very unfavorably if this oral argument is  
12 used to back criminal charges. We need these clarifications by  
13 the time this tape is available. We recognize that any written  
14 decision from this court will take much longer.

15           THE COURT: I have one particular question. In your  
16 case do you have the \$50 CD in your particular case?

17           MS. EVANS: I have it.

18           THE COURT: So they asked you to pay the \$50 for the  
19 CD?

20           MS. EVANS: Oh, actually, no. No, I don't -- I'm  
21 sorry. I thought you meant the evidence I tried to submit.

22           THE COURT: I'm trying to understand --

23           MS. EVANS: Sure.

24           THE COURT: -- what -- whether your particular case  
25 involves that issue or not. I know it's in the *Adjarthey* case.

1 MS. EVANS: I'm indigent and --

2 THE COURT: Right. I -- but were you asked to -- did  
3 you try to get the CD and the \$50?

4 MS. EVANS: I did try to get the CD and I wanted to  
5 get the recording of each hearing, but I couldn't --

6 THE COURT: I'm just trying to understand --

7 MS. EVANS: -- order it.

8 THE COURT: -- the basis of the \$50 rule. It seems  
9 to me it's based on an affidavit form as opposed to any legal  
10 analysis, but I also --

11 MS. EVANS: An affidavit form.

12 THE COURT: -- have to try and understand whether it  
13 involves and not a rule of the SJC, but just literally an  
14 affidavit -- a form affidavit.

15 MS. EVANS: It is a form.

16 THE COURT: But is it raised in your case? I know  
17 it's raised in the *Adjartey* case. I'm just trying to  
18 understand if it appears in your case.

19 MS. EVANS: Yeah, that's not my main focus.

20 THE COURT: I understand it's not your main focus,  
21 but I'm just trying to know which cases that applies, so it  
22 would be useful if I knew it applied to the particular one-year  
23 bringing.

24 MS. EVANS: Yeah. No, I did not.

25 THE COURT: Okay.

1 MS. EVANS: Because I didn't have the \$50, to be  
2 honest. That is true. Thank you.

3 THE COURT: Okay. You may proceed.

4 MS. EVANS: Okay. Sorry. In the preamble of the  
5 Massachusetts State Constitution it states:

6 "It is the duty of the people therefore in framing a  
7 constitution of judgment to provide for an equitable mode  
8 of making laws, as well as for an impartial interpretation  
9 and a faithful execution of them that every man may at all  
10 times find his security in them."

11 Sadly, this is not the case of the people of  
12 Massachusetts who must represent themselves in the Worcester  
13 Housing Court as *pro se* litigants and members of WAFT. The  
14 denial of judgment and disparate treatment of *pro se* litigants  
15 against paid attorney is an egregious act that happens all too  
16 often and I'm hoping this court will not allow this abuse to  
17 continue.

18 The fallout from this treatment is not only damaging  
19 to us on an individual level, but this has a ripple effect in  
20 the entire justice system in Massachusetts. This is what I  
21 thought you were referencing. I'm sorry. I was kind of  
22 nervous.

23 I tried to get my video evidence in for review, which  
24 clearly shows my foreclosure action was void. So in turn the  
25 foreclosure deed and affidavit is void. Since a foreclosure is

1 a physical and auditory event, I needed the -- that evidence to  
2 prove that clear point. It was only one person there  
3 representing anyone on the opposition side. I tried five times  
4 to submit my video evidence to the Worcester Housing clerks and  
5 the Honorable Judge Theophilis with service, affidavits and  
6 even a motion. My evidence was even attested by the  
7 videographer. It was denied. And I even gave the court the  
8 Rules of Evidence from this court in my motion and in court,  
9 but no luck.

10 THE COURT: Okay. Thank you.

11 MS. EVANS: Thank you very much.

12 THE COURT: And Mr. Schumacher. And you also have  
13 five minutes and you may proceed.

14 MR. SCHUMACHER: Thank you, Your Honor. Good  
15 morning, Your Honors. I think it's still this morning -- I  
16 guess it's afternoon. Good afternoon, Your Honors.

17 The Worcester Housing Court refuses to address the  
18 standing requirement in a summary process case. Even when it  
19 is raised, and especially when it is raised by *pro se*  
20 defendants, this has been a repeated problem for the *pro se*  
21 defendants trying to seek justice of the Worcester Housing  
22 Court.

23 THE COURT: Now, when you say the standing  
24 requirement, I assume you're familiar with our *Hatcher*  
25 decision.



1 MR. SCHUMACHER: Yes.

2 THE COURT: And are you saying that they -- that  
3 after the *Hatcher* decision they are not recognizing the  
4 obligations that the decision sets forth?

5 MR. SCHUMACHER: Correct. I raised the issue several  
6 times, but I think it was May 5th in 2014 I used some of the  
7 very same case law that Your Honor has coded in the *Hatcher*  
8 decision, and made the same arguments and they were ignored,  
9 and they continued to be sporadically applied or not -- not  
10 upheld.

11 I think the crux of my biggest concern here for my  
12 participation in this is the simple fact that Your Honors'  
13 decisions are not receiving the traction that they should in  
14 the lower court. And the rules are not being followed  
15 consistently for *pro se* versus attorney-represented cases.

16 So yes, unfortunately your decisions are not reaching  
17 the lower court and this is an alarming problem, not only for  
18 those you are listening to today but for many others that have  
19 to go into that courtroom. But I'll return to my written  
20 statements here.

21 In fact, two of the -- I will say this, though, two  
22 of the cases that were referred to in my brief back in 2014, I  
23 mean, I can imagine four and a half years later, we're still  
24 fighting over the paramount requirements and importance --  
25 critical importance of standing. I quoted from *Ratner* and

1 Hogan and also from *HSBC Bank* and *MSP*. Again, those were cases  
2 Your Honor has referred to in the *Hatcher* decision. So it  
3 would be wonderful. I mean, much of this challenge would be  
4 alleviated if simply your decisions saw the light of day in  
5 terms of not just theory but application in the lower court.

6 For example, when I made the arguments of Worcester  
7 Housing Court regarding the plaintiff's lack of standing  
8 several times, it's the central part of my argument under my  
9 60(b) motion of May 5, 2014, which I just referred to. I even  
10 cited several key cases, such as the one I mentioned.

11 I specifically walked the court through each element  
12 of the plaintiff's lack of standing in the matter, as well as  
13 the lack of subject matter jurisdiction. Rather than affirming  
14 and refuting any of these points, the subsequent decision of  
15 the court made no reference by these elemental issues -- no --  
16 yeah, no reference to these elemental issues, which are  
17 dispositive of the ownership of the property and critical to  
18 the transfer of rights of property.

19 Repeatedly when I made arguments in various stages of  
20 my case, I would refer to Your Honor's decisions, other higher  
21 courts' decisions national and appellate decision -- appellate  
22 court decisions. And rather than receiving a decision from the  
23 court either affirming or denying and explaining why these  
24 cases may or may not be applicable in mine, they were  
25 completely ignored and overlooked as if I had never raised it

1 in the first place. And instead other issues were presented  
2 and other decisions were unnecessarily relevant whatsoever at  
3 times to the arguments before the bench. This is frustrating  
4 for those of us who are trying to seek justice and traction of  
5 the laws that you yourselves render from the bench here in  
6 Boston.

7           The Worcester Housing Court failed to address  
8 legitimate issues and defenses I raised and controlling case  
9 law made by this honorable court. This constitutes a dangerous  
10 breakdown of our judicial system and a failure of justice and  
11 due process for everyone.

12           How does a *pro se* litigant obtain an opportunity to  
13 be heard in the courts of our Commonwealth? I am here with my  
14 peers as a last resort in our plea to have our -- your esteemed  
15 attention and action. Your decisions must be properly  
16 enforced. Any abrogation of these rules and edicts elicit a  
17 critical erosion of due process and justice. Please help us.  
18 Please help us enforce your laws and protect our rights under  
19 the rule of law so that our most basic constitutional rights  
20 are protected and, indeed, implemented.

21           It is now December 6, 2018, as I mentioned. Four and  
22 a half years ago I made these very same arguments at the  
23 Worcester Housing Court, which fell upon deaf ears. Hopefully  
24 your decisions today will help bring us up to speed.

25           THE COURT: All right. Thank you, sir.

1 MR. SCHUMACHER: One last quick thing.

2 THE COURT: Yes, go ahead.

3 MR. SCHUMACHER: Thank you. The allegations of the,  
4 affiliation of our group and defending our rights have been  
5 brought to a very challenging stance in the Worcester Housing  
6 Court. We are being told that we are being observed for  
7 criminal action, of practicing law without a license, among  
8 other things.

9 Our understanding, Your Honor, of what we are doing  
10 is protected by First Amendment rights of the Constitution of  
11 the United States and also state law.

12 THE COURT: Who is telling you this?

13 MR. SCHUMACHER: Judge Horne, Your Honor. Sadly, I  
14 witnessed it many times, including my own case. As part of our  
15 mutual aid we often try to go to the courtroom for support and  
16 sit quietly in reserve. When a defendant is presenting their  
17 arguments and their brief and the memorandum in oral argument  
18 form, often they're stopped by the judge and interrogated as to  
19 how they obtained this information and constructed the brief.  
20 And several times there have been physical -- I mean, verbal  
21 chastisement that, indeed, they suspect that there's been a law  
22 practice without a license and criminal action is being  
23 pursued.

24 This, Your Honor, is most -- most grievously  
25 distracting to the defendant who is before the bench seeking

1 justice and defense.--

2 THE COURT: Are the questions -- are the questions  
3 directed at the person whose house is being -- you know, whose  
4 apartment is being taken or are they directing it at someone  
5 else trying to speak on behalf of that person?

6 MR. SCHUMACHER: Usually, at the cases that I've  
7 seen -- and I've seen over half a dozen times when this has  
8 happened -- the defendant will be at -- engaged in arguing  
9 their motion.

10 THE COURT: Right.

11 MR. SCHUMACHER: The judge, usually Judge Horan will  
12 stop them and question their ability to right such a thing or  
13 present such a thing and where did they obtain this, and warn  
14 them about criminal proceedings pending and that she and her  
15 colleagues were prepared to go to the district attorney and  
16 orchestrate actions against the group.

17 We're there to defend against the most fundamental  
18 right, our home rights of life, liberty and happiness --  
19 property rather under the state constitution. We're there to  
20 be ostracized and interrogated with a sideshow of allegations  
21 that have nothing to do with our specific defense. And  
22 compounded with the fact that what we do present is often  
23 ignored is just, you know, saltwater upon the wound.

24 If such a thing were happening, and I do not believe  
25 for a second it is, there are better means to pursue that than

1 to compromise the defense of an individual who is doing their  
2 utmost under great duress and financial hardship to protect and  
3 preserve their home and their family.

4 THE COURT: All right. There are no further  
5 questions. Thank you.

6 MR. SCHUMACHER: Thank you.

7 THE COURT: Ms. Bent (phonetic). Miss Annette Bent?  
8 Ah, there you are. Take your time. And you too -- you too  
9 have five minutes.

10 MS. BENT: And Your Honor -- and I want to thank you  
11 for taking time to hear us because we're not accustomed to  
12 that.

13 Today I want to speak to you about the fact two ex  
14 parte documents being put into our file. I know I'm in Exhibit  
15 F.

16 THE COURT: Exhibit F?

17 MS. BENT: F. Yes. And I am going to be referring  
18 to the deed in the affidavit and certificate of entry and power  
19 of attorney.

20 These documents are slipped into files without  
21 knowledge, which the Worcester Housing Court has admitted  
22 to putting into our files without service or without proper  
23 motion, affidavit or entry form. We don't get to see them. We  
24 don't know they're there until we go through this. Sorry. And  
25 the summary process rule says that they're only allowed to put

1 in summons and complaint and a notice to quit. Your Honor,  
2 this is a huge problem. The documents are no good. Even if we  
3 don't know this, the courts have the responsibility to look at  
4 standing. And if they would look at this, they would see that  
5 they are no good because they don't own the property and then  
6 nobody has looked at 55 examples. And if I could just quickly  
7 refer to these documents, they are my own and I can tell you --  
8 just show you a little bit.

9 In the deed they put in a foreclosure deed with an  
10 affidavit. So you have the deed and here's the affidavit.  
11 Okay. So they're supposed to be based on personal knowledge.  
12 Something you experience, you receive here, you touch here,  
13 you're there. This affidavit is signed by Michael Driscoll who  
14 swears to -- on his personal knowledge to what happened at the  
15 auction. However, all you need to do is go to the certificate  
16 of entry and -- thank you -- certificate of entry, which is  
17 also the possession saying that he stepped on the property.

18 Well, the name on that is John McCarthy. That is not  
19 the person who signed the affidavit. That party was not at the  
20 auction. This party who claims to have been at the auction to  
21 represent the bank, so we know that this is not an affidavit  
22 because the signer was not at the auction, was not on a  
23 personal knowledge. This affidavit is not an affidavit, so  
24 that means what they gave the court was not a deed and an  
25 affidavit as it was required by *prima facie* showing. It's that

1 that's a deed.

2           However, the problem continues. If the Court would  
3 now please look at the power of attorney that was associated  
4 with certificate of entry, you'll see that, yes, it identifies  
5 Mr. McCarthy, the guy who stepped on the property. He is the  
6 party that was supposed to represent the bank, but he didn't  
7 represent the bank yet.

8           If you look at the signature on the power of  
9 attorney, it's after the fact. Certificate of entry says that  
10 he stepped on the property on August 26 and he didn't have any  
11 authority from the bank until September 30th which creates yet  
12 one further big problem because whoever was there for the bank  
13 when the bank claims to have bought it back is the one who  
14 signed the document to buy the property, what's called  
15 memorandum of sale, which means with this guy who signed it,  
16 but he didn't represent the bank yet. So the bank didn't  
17 buy -- buy it back at auction.

18           And, Your Honors, you don't have to know me and you  
19 don't have to know any of us. You just have to line up the  
20 documents from the Registry, that they file it at the same time  
21 when they filed the foreclosure deed that shows the deed, then  
22 you have the no-good affidavit not on personal knowledge. This  
23 guy, he wasn't even there. And the guy who was there didn't  
24 have the authority yet. He's the one who signed to buy back  
25 the home.



1           These documents shown, not only don't they have their  
2 *prima facie* case but, in fact, they did not buy this property  
3 back. They have no standing and they are not the owner.

4           So not only is the Worcester Housing Court biased  
5 allowing them to put in documents with no service, no motion,  
6 no affidavit or anything which we never would be allowed to do,  
7 but those documents if the judges would just even look at them  
8 on -- in their -- on their own like they're supposed to do, to  
9 test for standing, they would know that the bank does not own  
10 this property. And this is true, Your Honors, for every case  
11 that anybody from WAFT has ever looked at. To the best of my  
12 knowledge, the ones that I have seen, except for one. It was a  
13 local bank and the party who stepped on the property was  
14 actually the bank.

15           THE COURT: All right. Ms. Bent, anything else,  
16 because your time is up.

17           MS. BENT: Oh, sorry.

18           THE COURT: Okay. Thank you.

19           MS. BENT: Thank you.

20           THE COURT: And I know there was some uncertainty as  
21 to whether we would allow Ms. Alevira (phonetic) to be heard,  
22 but we shall allow Ms. Alevira to be heard. And I believe you  
23 have an interpreter with you? And I will give you five -- in  
24 view of the interpreter I guess I'll give you five minutes,  
25 plus another minute because of the time taken with regard to

1 the interpreter. So, Ms. Alevira, you may proceed.

2 MS. ALEVIRA: All right. Thank you. I  
3 have disability for the long time in the case. But I was --

4 THE COURT: Well, let me ask you. Are you more  
5 comfortable speaking in Portugese or in English because we have  
6 an interpreter here if you're more comfortable in Portugese.

7 MS. ALEVIRA: In English.

8 THE COURT: Okay.

9 MS. ALEVIRA: I have -- right, English.

10 THE COURT: Okay. And if you need -- if you're  
11 struggling for a word and you know it in Portugese, the  
12 interpreter is there to assist you.

13 MS. ALEVIRA: Okay. Thank you. But I always --  
14 after a year struggling, I find myself faced with a treatment  
15 and I got my way back to a normal life and to -- I met the --  
16 Judge Hora (phonetic). I lost my ability to live in community.  
17 I lost my confidence, myself. I had my dignities stolen from  
18 me. I was at the -- your -- for three days on the morphine  
19 without food and I missed the pretrial conference. And I put a  
20 motion to postpone because I have the right to have a jury  
21 trial and the judge just said that when I had -- when he heard  
22 that tape, I wasn't present, I was at the hospital, she said to  
23 the clerk it was suspect and disingenuous, that I was in the  
24 hospital, and if -- I should check out and leave the hospital  
25 if I really want to participate in the conference trial.

1 I don't know why she say that. I never met her  
2 before of the court. And I'm not a criminal and she say that I  
3 was suspect and disingenuous. I was not discriminated I guess  
4 by the judge, but it was insult. Deny -- the judge denied my  
5 motion to postpone just because it was suspect and  
6 disingenuous. I had provided her with all my papers from the  
7 doctors, but she denied anyways. But the judge who was going  
8 to offer the plaintiff officers to postpone just because he  
9 couldn't reach his client and she ask, "Would you like to  
10 postpone?" but I was in the hospital in bad shape because it  
11 was suspecting decision, yes.

12 The plaintiff never provide any proof or evidence  
13 that they bought my house. The court -- the Worcester Housing  
14 Court didn't have any documentation showing that they bought my  
15 house. I give her the deed in my name, my husband name, and I  
16 told her the house was mine. It was for my family and that she  
17 just say, well, they have the deed, right? Asked -- addressed  
18 to the lawyer. And I asked -- I cop -- for all the  
19 documentation on the court. They never provided her, she never  
20 had any proof, anything from them that they bought my house:

21 Just because when -- went to the court and say,  
22 "Well, I bought her house." "Okay. The house is yours." And  
23 I don't think so, this is the way a court or judge work.

24 I can -- to just kind of know to make money. I come  
25 here because I never was (indiscernible) back to the

1 (indiscernible). If you try, this -- your rights -- you end up  
2 dead. So I'm never -- I leave my family, I leave my country,  
3 my friends so I could have a life with dignity and I didn't  
4 find it here.

5 I'm trying not losing my hope in this season and that  
6 this country is good. I don't want just one person ruin my  
7 dreams. I'm trying -- if someone ask me what I want the most  
8 in my life, I just said that I wish she was here so she'd hear  
9 from me and she'd see all the pain she's causing. Not just me,  
10 but a lot of people. My kids is struggling, asking, "Why we  
11 lose our house?" They born there. They raised there for 14  
12 years. And why we can't buy it back. She took all the  
13 memories and everything.

14 And I have all the papers from the bank, all the  
15 wrong stuff but she even couldn't have the time to look at.  
16 She (indiscernible) my rights. When I asked for the CD I have  
17 a (indiscernible) to do it, depression. And I need it here  
18 home so I can prepare myself for a trial on this. She just say  
19 that it won't be necessary. If you want, she can repeat  
20 everything again in court. She put me in the front of the  
21 whole court so everybody knows I was indigent because I  
22 couldn't work at the time. Just to say no, to deny something  
23 is a minimum compared to what the -- a lot of stuff. I just  
24 needed a CD and I had to go in front of the court and explain  
25 that I'm indigent. So she denied -- she denied my rights to

1 have a reasonable accommodation, which at the bankrupt's court,  
2 Judge Panos understand and treat me well with respect. And I  
3 never couldn't understand why -- why she was doing that and  
4 Robison (phonetic) never deny and said that.

5 THE COURT: Okay. Ms. Alevira, thank you, and I --  
6 we will now adjourn. Thank you so much.


7 THE CLERK: All rise.

8 MS. ALEVIRA: Thank you.

9 THE CLERK: This court is now adjourned.

10 \* \* \* \* \*

11 I certify that the foregoing is a true and accurate  
12 transcript from the digitally sound-recorded record of the  
13 proceedings.



1/28/2019

RUTH ANN HAGER  
Certified Transcriber  
Federal C.E.R.T. \*\*D-641  
CASCADE HILLS TRANSCRIPTION, INC.  
1271 NE Highway 99W, #453  
McMinnville, Oregon 97128  
(541) 871-5566  
Email: [hagerruthann@aol.com](mailto:hagerruthann@aol.com)

# EXHIBIT F

# SUPREME JUDICIAL COURT

THE COMMONWEALTH OF MASSACHUSETTS

DOCKET No. SJC-12406

CHRISTINE HILTON, ISMAIL ABDELHAMED, RUTH ADJARTEY, VESTA BALLOU, LORI CAIRNS, JACKELINE CUCUFATE, MARJORIE EVANS, GERARD HUGHES, MARIA NAVEDO, PAUL NORRIS, JOHN SCHUMACHER, JEAN ATKINSON, EDNA AUSTELL, ANNETTE BENT, STEVEN BOURASSA, SAMANTHA FARRAR, PATRICIA FERREIRA BONILLA, KELLY JOHNSON, FELIX KANGARU, HEATHER KOZAC, CHERYL LEBLANC, PHILIPPE LEBLANC, WILLIAM MARKS, DEB MCCARTHY, KEITH MCKENZIE, PAULETTE MCKENZIE, MIRANDA MORGAN,, JOSEPH NUZZOLOLO, CYNTHIA O'GARA, MYCHELYNE OLIVERIA, SUSAN OSBORNE, THOMAS SAXE, AL SOLITRO, SHERRY STANLEY, MYRON SWANSTON, STEFANI TUBERT, TRACEY TOBIN, CYNTHIA WHITE, NUNCIATA SULLIVAN, LILA ORTIZ, CARL RELLSTAB, CAREY SOUDA, PATRICIA O'DELL, LINDA POTTER, BRIAN POTTER, JASMINE ALVAREZ,  
PETITIONERS-APPELLANTS,

v.

WORCESTER HOUSING COURT,  
DEFENDANT- APPELLEE.

A REVIEW OF A DENIAL OF  
CHAPTER 211 SECTION 3 PETITION

## SUPPLEMENTAL AND INTERVENORS' RECORD APPENDIX, PART

---

Jean Atkinson 7 Knowles Rd. Worcester, MA 01602, Edna Austell 124-A Brooks St. Worcester, MA 01606, Annette Bent 6 Rose Ln. Oxford, MA 01540, Steven Bourassa 216 Worcester Rd. Princeton, MA 01541, Lori Cairns 16 Chalmers Rd. Worcester, MA 01602, Samantha Farrar 10 Diamond St. Worcester, MA 01610, Patricia Ferreira Bonilla 44 Shrewsbury Green Dr. B Shrewsbury, MA 01545, Christine Hilton 121 Hampton St. Auburn, MA 01501, Kelly Johnson 18 Baxter St Worcester, MA 01602, Felix Kangaru 14 Moreland St. Worcester, MA 01609, Heather Kozac 230 Paxton St. Leicester, MA 01524, Cheryl LeBlanc 44 Nashua St. Fitchburg, MA 01420, Phillippe LeBlanc 11 Clarendon Rd. Auburn, MA 01501, William Marks 3 Frederick St. Worcester, MA 01605, Deb McCarthy 165 Lovell St. 2 Worcester, MA 01603, Keith McKenzie 32 Edgewater Av. Shrewsbury, MA 01545, Paulette McKenzie 32 Edgewater Av. Shrewsbury, MA 01545, Miranda Morgan 1488 Main St. Unit A Worcester, MA 01603, Joseph Nuzzolilo 529 Lake Av. Worcester, MA 01604, Cynthia O'Gara 55 Abington St. Worcester, MA 01603, Mychelyne Oliveira 128 Paine St. 2 Worcester, MA 01605, Susan Osborne 69 Elm St. North Brookfield, MA 01535, Brian Potter 335 Goodale St. West Boylston, MA 01583, Thomas Saxe 87 King Philip Rd. Worcester, MA 01606, Al Solitro 6 Evergreen Av. West Boylston, MA 01583, Sherry Stanley 405 Granite St. Worcester, MA 01607, Myron Swanston 98 Prescott St. Lancaster, MA 01523, Tracey Tobin 836 Salisbury St. Holden, MA 01520, Stefani Tubert 47 Barnard Rd. Worcester, MA 01605, Cynthia White 5 Knowles Rd Worcester, MA 01602, Nunciata Sullivan P.O. Box 343 Wayland, MA 01778, Lila Ortiz 122 Southgate St. Worcester, MA 01603, Carl Rellstab 40 Laurel St. Worcester, MA 01605, Vesta Ballou 781 Ashland Ave. Southbridge, MA 01550, Carey Souda 1488 Main St. Unit A Worcester, MA 01603, Patricia O'Dell 18 Baxter St Worcester, MA 01602, Linda Potter 174 Providence Rd.#904 Grafton, MA 01519, Jasmine Alvarez 7 Cutler St. Worcester, MA 01604

---

Dated: July 17, 2018

**MASSACHUSETTS SJC- 12406**  
**SUPPLEMENTAL AND INTERVENOR APPENDIX**  
**Table of Contents**

<b>Exhibit A: Osborne, Susan, 14H85SP000755</b>	<b>APP 001-018</b>
A. Docket	
B. Foreclosure Deed	
C. Certificate of Entry	
D. Certificate of Appointment	
E. Affidavit	
<b>Exhibit B: Swanston, Betty, 15H85SP003287</b>	<b>APP 019-029</b>
A. Docket	
B. Foreclosure Deed	
C. Certificate of Entry	
D. Power of Attorney	
E. Affidavit	
<b>Exhibit C: Ballou, Mark, 16H85SP000150</b>	<b>APP 030-070</b>
A. Docket	
B. Foreclosure Deed	
C. Certificate of Entry	
D. Power of Attorney	
E. Affidavit	
F. Documents copied from Worcester Housing Court file	
a. Complaint to Determine Military Status	
b. Affidavit Regarding Note	
c. Foreclosure Deed	
d. Certificate of Entry	
e. Power of Attorney	
<b>Exhibit D: Oliveira, Mychelyne, 16H85SP002533</b>	<b>APP 071-118</b>
<b>Oliveira, Luciano</b>	
A. Docket	
B. Foreclosure deed	
C. Certificate of Entry	
D. Power of Attorney	
E. Affidavit – Mychelyne	
F. Documents copied from Worcester Housing Court file	
a. Foreclosure Deed	
b. Affidavit Regarding Note	
c. Affidavit Regarding 35B	
d. Affidavit Regarding 35C	
e. Mortgage	
f. Assignment of Mortgage	



**Exhibit E: Cairns, Lori G., 16H85CV000735**

**APP 119-134**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit F: Santiago, Andrea, 16H85SP003725**

**APP 135-146**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Appointment

**Exhibit G: Hilton, Christine, 16H85SP004737**

**APP 147-168**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit H: Alvarez, Jasmine, 16H85SP004790**

**APP 169-179**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit I: Freienbergs, John, 16H85SP004781**

**APP 180-222**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Mortgage
  - f. Assignment of Mortgage

**Exhibit J: Marks, William, 16H85SP00477**

**APP 223-244**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit K: Bent, Annette, 16H85SP004973**

**APP 245-265**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit L: Burgwinkle, Everette, 16H85SP000686**

**APP 266-306**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Documents copied from Worcester Housing Court file
  - a. Affidavit Regarding Continuing Noteholder Status
  - b. Affidavit Regarding 35B & 35C
  - c. Mortgage
  - d. Assignment of Mortgage

**Exhibit M: Atkinson, Jean, 17H85SP000936**

**APP 307-323**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit N: Rellstab, Carl, 17H85SP000938**

**APP 324-347**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit O: Tubert, Stefani, 17H85SP001332**

**APP 348-385**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Appointment
- E. Affidavit
- F. Documents copied from Worcester Housing Court file

- a. Foreclosure Deed
- b. Affidavit Regarding Note
- c. Affidavit Regarding 35B
- d. Affidavit Regarding 35C
- e. Mortgage
- f. Assignment of Mortgage

**Exhibit P: Potter, Linda, 17H85SP001472**

**APP 386-403**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Appointment
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed

**Exhibit Q: Tobin, Tracy, 17H85SP001585**

**APP 404-448**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note Post-Sale
  - c. Affidavit Regarding Note Pre-Sale
  - d. Mortgage
  - e. Assignment of Mortgage

**Exhibit R: Bonilla Ferreira, Patricia, 17H85SP001671**

**APP 449-461**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit S: Buron, Pamela, 17H85SP001660**

**APP 462-479**

**McCorkle, Joseph**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit T: Ashline, John P, Jr. 14H85SP001758**

**APP 480-500**

- A. Docket
- B. Docket
- C. Foreclosure Deed
- D. Certificate of Entry
- E. Power of Attorney

**Exhibit U: Saxe, Thomas, 17H85SP002061**

**APP 501-544**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - f. Foreclosure Deed
  - g. Affidavit Regarding Note
  - h. Affidavit Regarding 35B
  - i. Affidavit Regarding 35C
  - j. Mortgage
  - k. Assignment of Mortgage

**Exhibit V: Driscoll, Gregory, 17H85SP002046**

**APP 545-604**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit regarding note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Mortgage
  - f. Assignment of Mortgage

**Exhibit W: McKenzie, Keith, 17H85SP002077**

**APP 605-645**

**McKenzie, Paulette, 17H85SP002077**

**McKenzie, Shane, 17H85SP000333**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Assignment of Mortgage

**Exhibit X: Prempeh, Phyllis, 17H85SP002254**

**APP 646-666**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed

**Exhibit Y: Bourassa, Steven F., 17H85SP002485**

**APP 667-679**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Appointment
- E. Affidavit

**Exhibit Z: Austell, Edna, 17H85SP002605**

**APP 680-727**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B & 35C
  - d. Mortgage
  - e. Assignment of Mortgage

**Exhibit AA: Solitro, AL, 17H85SP002599**

**APP 728-773**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

- E. Documents copied from Worcester Housing Court file
  - a. Order of Notice
  - b. Affidavit Regarding 35B & 35C
  - c. Amended Complaint to Determine Military Status
  - d. Foreclosure Deed
  - e. Assignment of Bid
  - f. Affidavit of Continuing Noteholder Status
  - g. Affidavit of Compliance

**Exhibit BB: Kangaru, Felix**

**APP 744-825**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit CC: LeBlanc, Phillippe, 17H85SP002591**

**APP 826-876**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding 35B
  - c. Affidavit Regarding 35C
  - d. Mortgage
  - e. Assignment of Mortgage

**Exhibit DD: Nguyen, Lam, 17H85SP002628**

**APP 877-914**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Mortgage
  - f. Assignment of Mortgage

**Exhibit EE: Nuzzolilo, Joseph, 17H85SP002963**

**APP 915-960**

- A. Docket
- B. Foreclosure deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Assignment of Mortgage

**Exhibit FF: Ortiz, Lila, 17H85SP003036**

**APP 961-1009**

**Ortiz, Richard**

**Torres, Maria**

- A. Docket
- B. Foreclosure deed
- C. Certificate of Entry
- D. Certificate of Appointment
- E. Affidavit
- F. Transcript of hearing for eviction of tenant Maria Torres

**Exhibit GG: Crotty, James 17H85SP003336**

**APP 1010-1048**

**McCarthy, Debbie**

**Hidenfelter, Megan and Matthew, 17H85SP003337**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Mortgage
  - f. Assignment of Mortgage

**Exhibit HH: Hackert, Leslie, 17H85SP003335**

**APP 1049-1102**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Authorization
- E. Affidavit

- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B & 35C
  - d. Mortgage
  - e. Assignment of Mortgage

**Exhibit II: LeBlanc, Cheryl, 17H85SP003377**

**APP 1103-1137**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit JJ: Vickers, Laurie, 17H85SP003609**

**APP 1138-1154**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit KK: Warren, Carol, 17H85SP003640**

**APP 1155-1178**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed

**Exhibit LL: Stanley, Sherry, 17H85SP003787**

**APP 1179-1215**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Documents copied from Worcester Housing Court file
  - a. Affidavit of Sale
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B & 35C
  - d. Foreclosure Deed
  - e. Mortgage

**Exhibit MM: Johnson, Kelly, 17H85SP004090**

**APP 1216-1255**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Appointment



- E. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding Note
  - c. Affidavit Regarding 35B
  - d. Affidavit Regarding 35C
  - e. Assignment of Mortgage

**Exhibit NN: Alarcon, Yessenia, 17H85SP004118**  
**Rivas, Manuel, 17H85SP004117**

**APP 1256-1315**

- A. Docket 17H85SP004117
- B. Docket 17H85SP004118
- C. Foreclosure Deed
- D. Certificate of Entry
- E. Certificate of Appointment
- F. Affidavit
- G. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed\*
  - b. Affidavit
  - c. Affidavit Regarding Note\*
  - d. Affidavit Regarding 35B & 35C\*
  - e. Mortgage\*
  - f. Assignment of Mortgage

*\*Documents from Worcester Housing Court upon second retrieval in 2018 were missing all or portions of the marked documents*

**Exhibit OO: Sullivan, Nunciata, 17H85SP004229**

**APP 1316-1335**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit
- F. Documents copied from Worcester Housing Court file
  - a. Foreclosure Deed
  - b. Affidavit Regarding 35b & 35c

**Exhibit PP: White, Cynthia,**

**APP 1337-1362**

- A. Docket
- B. Power of Attorney
- C. Foreclosure Deed
- D. Certificate of Entry

**Exhibit QQ: Farrar, Beverly, 17H85SP005071**

**APP 1363-1377**

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit RR: Farrar, Brian and Samantha, 17H85SP005070** APP 1378-1396

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit SS: Hawley, Andrea, 17H85SP005253** APP 1397-1410

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Certificate of Appointment

**Exhibit TT: Morgan, Miranda, 18H85SO000012** APP 1411-1421

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney
- E. Affidavit

**Exhibit UU: O'Gara, Cynthia** APP 1422-4439

- A. Docket
- B. Foreclosure Deed
- C. Certificate of Entry
- D. Power of Attorney

**Exhibit VV: Additional Affidavits** APP 1440-1444

- G. Joseph Nuzzolilo
- Tracey Tobin

**Exhibit WW: 2013 and 2014 Briefs Showing 'Affidavits of Sale' not Affidavits**

- A. Shane O'Connell, represented - 2013
  - B. John Schumacher, pro se - 2014
- APP 1445-1480

**Exhibit XX: Previous Lower Court Attempts at Addressing Ex Parte Documents**

- A. Guzman- Gayflor Motion for Reconsideration on Ruling APP 1481-1562
- B. Guzman- Gayflor Motion to Order Corporate Disclosure
- C. McKenzie Motion to Order Corporate Disclosure
- D. Atkinson Stay Eviction for Due Process Violations
- E. Ortiz Ex Parte Filing, February 27, 2018
- F. White - Plaintiff's Memorandum In Support of Motion for Summary Judgment
- G. Bourassa Ex Parte Filing, May 17, 2018

**Exhibit YY: Ex Parte Lawyers and Law Firms Listing**

# EXHIBIT K

Bent, Annette (Exhibit K)

*#16H85SP004973 U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee v. Bent, Bruce E. et al*

*Judge: Honorable Diana Horan, Chief Judge, Worcester Housing Court*

On 12/16/16, attorney Brian Michael Kiser, Esq. of Marinosci Law Group, P.C. filed the papers to commence case #16H85SP004973. Attorney Kiser, as shown on the attached docket, filed the summons and complaint, paid the surcharge, and filed the Notices to Quit.

On 12/19/16, attorney Kiser also filed the "Foreclosure Deed" in the file. No service, no affidavit or other motion to properly enter a piece of documentary evidence was filed with the "Foreclosure Deed".

The defendants in this case attaches their affidavit here that they never had knowledge of, nor received any service of, nor had any opportunity to refute the validity of this "piece of evidence" in this case.

They only became aware of the filing this October 2017 when it was brought to their attention by another member of the Worcester Anti-Foreclosure Team. They have never had it brought to their attention by the Court or by the opposing party, and have never had any chance to challenge the evidentiary value of this document.

Nor did they have, the opportunity to, address the prejudicing of the unopposed, improper entry of a piece of purported evidence in their case, nor were they ever aware of, nor could counter the prejudicial nature of having such purported evidence in front of the Judge. This has exacerbated the Judge's stated bias is contradiction to the settled law of the Commonwealth that she has stated numerous times on the record that she gives extra weight to registered documents.

These documents easily shown to be invalid and not evidencing a legal foreclosure.

11/02/16, after the effective promulgation date of 209 CMR 18.21 A's requirement of affidavits only being affidavits if based on personal knowledge, the foreclosing entity U.S. ROF III Legal Trust 2015- U.S. Bank National Association, as Legal Title Trustee had recorded a document named foreclosure deed.

Attached as part of this "foreclosure deed" is a document misnamed affidavit that had been executed on 09/20/16, recorded at Worcester County Registry of Deeds, book # 56247, page # 284 on 11/02/16 date.

On 11/02/16 date, as well, the foreclosing entity, U.S. ROF III Legal Trust 2015- U.S. Bank National Association, as Legal Title Trustee had a document named Certificate of Entry recorded at Worcester County Registry of Deeds, book # 56247, page # 278.

This "Certificate of Entry" identifies John McCarthy as the representative of U.S. ROF III LEGAL TRUST 2015-1 U.S. Bank National Association at the auction and who also claimed to have stepped on the property "peaceably, openly, and unopposed". The Worcester Anti-Foreclosure Team has evidence that they were opposed.

On 11/02/16, also, the foreclosing entity, U.S. ROF III Legal Trust 2015- U.S. Bank National Association, as Legal Title Trustee had a Power of Attorney that authorized the acts of John McCarthy as the representative of Harmon Law Offices, but that was executed on 09/30/16, 35 days after the attempted

foreclosure auction date of 8/26/16. This was recorded at Worcester County Registry of Deeds, book # 56247, page # 277.

The signature on the document entitled Affidavit Michael Driscoll, as an employee of Harmon Law Offices PC.

The last paragraph of the slightly embellished statutory form for MGL Chap. 244 §15 "affidavit" includes language that states that the foreclosing entity, U.S. ROF III Legal Trust 2015- U.S. Bank National Association was the highest bidder at the attempted auction.

An auction is a purely visual and auditory event. The signer on the document titled "Affidavit" was not the identified (and apparently unauthorized) "representative" of the foreclosing entity at the attempted auction.

Therefore, the "affidavit" signatory did not have personal knowledge of what was attempted at that purported auction.

Therefore, this person could not sign the document named, "Affidavit" on personal knowledge as an absolute legal requirement under 209 CMR 18.21A.

The "affidavit" is therefore not an affidavit.

As such an affidavit is a required element of a prima facie showing in a purported post-foreclosure eviction case, Plaintiff had no prima facie case to evict based on the publicly recorded documentation.

**16H85SP004973 U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee vs. Bent, Bruce E et al**

Case Type Housing Court Summary	Initiating Action: SP Summons and Complaint - Foreclosure	Property Address 6 Rose Lane Oxford MA 01540
Case Status Active	Status Date: 12/16/2016	
File Date 12/16/2016	Case Judge:	
DCM Track:	Next Event:	

All Information Party Event Docket Disposition

<b>Party Information</b>											
U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee - Plaintiff											
Alias	<table border="1"> <tr> <td>Party Attorney</td> <td>Kiser, Esq., Brian Michael</td> </tr> <tr> <td>Attorney</td> <td>673022</td> </tr> <tr> <td>Bar Code</td> <td>Marinosci Law Group, P.C.</td> </tr> <tr> <td>Address</td> <td>275 West Natick Rd Suite 500 Warwick, RI 02886</td> </tr> <tr> <td>Phone Number</td> <td>(401)234-9107</td> </tr> </table> <p style="text-align: right;"><a href="#">More Party Information</a></p>	Party Attorney	Kiser, Esq., Brian Michael	Attorney	673022	Bar Code	Marinosci Law Group, P.C.	Address	275 West Natick Rd Suite 500 Warwick, RI 02886	Phone Number	(401)234-9107
Party Attorney	Kiser, Esq., Brian Michael										
Attorney	673022										
Bar Code	Marinosci Law Group, P.C.										
Address	275 West Natick Rd Suite 500 Warwick, RI 02886										
Phone Number	(401)234-9107										
Bent, Bruce E - Defendant											
Alias	<table border="1"> <tr> <td>Party Attorney</td> <td>Pro Se</td> </tr> <tr> <td>Attorney</td> <td>PROPER</td> </tr> <tr> <td>Bar Code</td> <td>Phone Number</td> </tr> <tr> <td>Address</td> <td></td> </tr> </table> <p style="text-align: right;"><a href="#">More Party Information</a></p>	Party Attorney	Pro Se	Attorney	PROPER	Bar Code	Phone Number	Address			
Party Attorney	Pro Se										
Attorney	PROPER										
Bar Code	Phone Number										
Address											
Bent, Annetta S - Defendant											
Alias	<table border="1"> <tr> <td>Party Attorney</td> <td>Pro Se</td> </tr> <tr> <td>Attorney</td> <td>PROPER</td> </tr> <tr> <td>Bar Code</td> <td>Phone Number</td> </tr> <tr> <td>Address</td> <td></td> </tr> </table> <p style="text-align: right;"><a href="#">More Party Information</a></p>	Party Attorney	Pro Se	Attorney	PROPER	Bar Code	Phone Number	Address			
Party Attorney	Pro Se										
Attorney	PROPER										
Bar Code	Phone Number										
Address											

Events						
Date	Session	Locality	Location	Type	Result	
01/09/2017 02:00 PM	Dudley Session		Dudley Session	Summary Process Trial	Continued	
01/17/2017 02:00 PM	Worcester Session		Worcester Housing Court	Summary Process Trial	Continued	
01/17/2017 02:00 PM	Worcester Session		Worcester Housing Court	Motion Hearing	Held	
01/24/2017 09:00 AM	Worcester Session		Worcester Housing Court	Summary Process Trial	Held	

Docket Information		
Docket Date	Docket Text	File Ref Nbr.
12/16/2016	SP Summons and Complaint - Foreclosure	1
12/16/2016	SURCHARGE (M.G.L. c. 185, § 19C), Entry of Action filed (Section 486 - M.G.L. c. 185, § 19) SURCHARGE	
12/16/2016	Summary Process: MGL Chapter 185C Section 19; Chapter 262 Section 2	



9/30/2017

Massachusetts Trial Court

Docket Date	Docket Text	File Ref Nbr.
12/16/2016	Notice to quit filed	2
12/19/2016	Scheduled Event: Summary Process Trial Date: 01/09/2017 Time: 02:00 PM Result: Continued	
12/19/2016	Foreclosure Deed	3
01/09/2017	Motion by Annette S Bent to file late answer and discovery allowed as to answer - denied as to discovery and jury trial on 1/17/17	4
01/09/2017	Motion of Annette S Bent to dismiss denied On 1/13/17	5
01/09/2017	Event Resulted The following event: Summary Process Trial scheduled for 01/09/2017 02:00 PM has been resulted as follows: Result: Continued Reason: Court Action	
01/10/2017	Alternative Dispute Resolution Outcome Referral Date: 01/09/2017 Referral Source: Referral Event: Summary Process Trial Jan 9, 2017 2:00:00 PM Referral Status: Did Not Enter Process Referral Specialist: Shaerin, Elaine	
01/10/2017	Scheduled Event: Summary Process Trial Date: 01/17/2017 Time: 02:00 PM Result: Continued	
01/10/2017	Scheduled Event: Motion Hearing Date: 01/17/2017 Time: 02:00 PM Result: Held	
01/17/2017	Event Resulted The following event: Motion Hearing scheduled for 01/17/2017 02:00 PM has been resulted as follows: Result: Held	
01/17/2017	Event Resulted The following event: Summary Process Trial scheduled for 01/17/2017 02:00 PM has been resulted as follows: Result: Continued Reason: Court Action	
01/17/2017	Referred to Housing Specialist	6
01/17/2017	Answer of Bruce E Bent, Annette S Bent	7
01/18/2017	Scheduled Event: Summary Process Trial Date: 01/24/2017 Time: 09:00 AM Result: Held	
01/24/2017	Event Resulted The following event: Summary Process Trial scheduled for 01/24/2017 09:00 AM has been resulted as follows: Result: Held / TUA	
01/24/2017	Assignment of Mortgage	8
01/24/2017	Taken under advisement	
01/24/2017	Exhibits filed by Bruce E Bent, Annette S Bent A-C	
01/30/2017	Notice of Docket Entry from Appeals Court	9
02/06/2017	Findings and Order	10
02/07/2017	After notice and opportunity to appear for the following event: 01/24/2017 09:00 AM Summary Process Trial the above entitled matter is dismissed for the following reason(s): * Judgment of Dismissal.	11

Case Disposition	
Disposition	Date
Findings and Order	02/06/2017

APP240

9/30/2017

Massachusetts Trial Court



# Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

## Recording Information

Document Number : 126344  
Document Type : FD  
Recorded Date : November 02, 2016  
Recorded Time : 03:32:37 PM  
  
Recorded Book and Page : 56247 / 280  
Number of Pages(including cover sheet) : 8  
Receipt Number : 965603  
Recording Fee (including excise) : \$923.00

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 11/02/2016 03:32 PM  
Ctrl# 161493 20238 Doc# 00126344  
Fee: \$798.00 Cons: \$175,000.00  
\*\*\*\*\*

Worcester South District Registry of Deeds  
Anthony J. Vigliotti, Register  
90 Front St.  
Worcester, MA 01608  
(508) 798-7717

**MASSACHUSETTS FORECLOSURE DEED BY CORPORATION**

U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee  
a national association duly established under the laws of the United States of America and  
having its usual place of business at 60 Livingston Ave EP-MN-WS3D St. Paul MN 55107, Attn:  
Structured Finance Services – PROF

the current holder by assignment of a mortgage

from Annette S. Bent and Bruce E. Bent

to Ameriquest Mortgage Company

dated March 24, 2004 and recorded with the Worcester County (Worcester District) Registry  
of Deeds at Book 33207, Page 213 as affected by a modification agreement recorded with said  
records at Book 36062, Page 365

, by the power conferred by said mortgage and

every other power for ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 (\$175,000.00)  
DOLLARS

paid, grants to U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal  
Title Trustee of 60 Livingston Ave EP-MN-WS3D St. Paul MN 55107, Attn: Structured Finance  
Services – PROF, the premises conveyed by said mortgage.

Property Address: 6 ROSE LANE, OXFORD, MA 01540

201311-0568

Foreclosure Deed MA/Bent, Annette / Bent,  
Bruce

APP252

WITNESS the execution of said national association this 13<sup>th</sup> day of October, 2016

U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee by Fay Servicing, LLC as Attorney in fact\*

By: [Signature]  
Name: Brandy Tucker  
Title: Foreclosure Specialist IV

\* For signatory authority see Limited Power of Attorney recorded in the Worcester County (Worcester District) Registry of Deeds at Book 53760 Page 27

State of Illinois

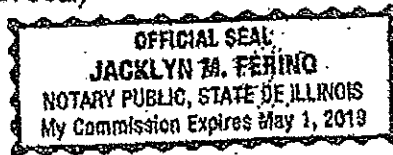
COOK County, ss. Oct 13, 2016

On this 13 day of October, 2016, before me, the undersigned notary public, personally appeared BRANDY TUCKER, proved to me through satisfactory evidence of identification, which were personally known (form of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose as the free act and deed of U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee.

Capacity: (as Foreclosure Specialist (title) of Fay Servicing, LLC as Attorney in fact

For U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee.)

[Signature] (Affix Seal)  
Notary Signature



My commission expires: 5-1-19

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1989

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

AFFIDAVIT

I, Michael Driscoll Esquire, of Harmon Law Offices, PC as attorneys for U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee, make oath and say that the principal and interest obligation mentioned in the mortgage above referred to were not paid or tendered or performed when due or prior to the sale, and that on behalf of U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee this office caused to be published on August 5, 2016, August 12, 2016 and August 19, 2016 in the Webster Times, a newspaper having a general circulation in OXFORD, a notice of which the following is a true copy. (See attached Exhibit A)

This office also complied with Chapter 244, Section 14 of the Massachusetts General Laws, as amended, by mailing the required notices certified mail, return receipt requested.

Pursuant to said notice at the time and place therein appointed U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee sold the mortgaged premises at public auction by Paul Mulkerron a licensed auctioneer, to U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee for ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 (\$175,000.00) DOLLARS bid by , U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee being the highest bid made therefor at said auction.

By: [Signature]  
Michael Bliscoll Esquire

Commonwealth of Massachusetts

Middlesex, ss.

September 20, 2016

On this 20 day of September 2016, before me, the undersigned notary public, personally appeared Michael Bliscoll, Esquire proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Capacity: (as \_\_\_\_\_)

for \_\_\_\_\_

[Signature] (Affix Seal)  
Notary Signature

My commission expires: 2/13/20



**Exhibit A**

**NOTICE OF MORTGAGEE'S SALE  
OF REAL ESTATE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Annette S. Bent and Bruce E. Bent to Ameriquest Mortgage Company, dated March 24, 2004 and recorded with the Worcester County (Worcester District) Registry of Deeds at Book 33207, Page 213 as affected by a modification agreement recorded with said records at Book 36062, Page 365, of which mortgage the undersigned is the present holder by assignment from Citi Residential Lending Inc., as attorney-in-fact for Ameriquest Mortgage Company to Mortgage Electronic Registration Systems, Inc. dated December 12, 2008 and recorded with said registry on January 8, 2009 at Book 43657 Page 387 and by assignment from Mortgage Electronic Registration Systems, Inc. to JPMC Specialty Mortgage LLC dated April 8, 2013 and recorded with said registry on April 18, 2013 at Book 50754 Page 280 and by assignment from JPMC Specialty Mortgage LLC to U.S. Bank National Association, as trustee for PROF-2013-S3 REMIC Trust VI dated September 15, 2014 and recorded with said registry on September 26, 2014 at Book 52841 Page 274 and by assignment from U.S. Bank National Association, as trustee for PROF-2013-S3 REMIC Trust VI to USROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee dated July 28, 2015 and recorded with said registry on August 11, 2015 at Book 54142 Page 191, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 3:00 p.m. on August 26, 2016, on the mortgaged premises located at 6 ROSE LANE, OXFORD, Worcester County, Massachusetts, all and singular the premises described in said mortgage,

**TO WIT:**

The land in said Oxford, being Lot #13 on a Plan to show division of property in Oxford, Mass. Owned by Edward P. Lacky and Frances K. Lacky, drawn by Kenneth Shaw, Surveyor, dated February 23, 1956, more specifically described as follows:

Beginning at a point on the easterly side of Rose Lane at an iron pipe at the southwesterly corner of the premises herein conveyed and at the northwesterly corner of the premises of Wilkins; Thence S. 73 degrees 51' E. one hundred sixty-four and 58/100 (164.58) feet by Lot #12 and Lot #11 on said plan to an iron pipe at land now or formerly of Rogers:

Thence N. 11 degrees 49' W. one hundred two and 07/100 (102.07) feet by land of said Rogers to a point;

Thence N. 80 degrees 45' W. one hundred thirty-six and 91/100 (136.91) feet by Lot #14 on said plan to a point on the easterly side of Rose Lane;

Thence S. 9 degrees 15' W. seventy-five (75) feet along the easterly side of Rose Lane to the point of beginning. Containing 11,396 square feet, more or less.

Subject to restrictions or record, if applicable.

Subject to the right given to the Worcester County Electric Company and New England Telephone and Telegraph Company. Being Lot #13 as shown on plan recorded with Worcester District Registry of Deeds Plan Book 214, Plan 55.

Exhibit A

For title reference see deed recorded with said Registry of Deeds in Book 24592, Page 2. For current title see BK 33207-210.

For mortgagor's(s)' title, see deed recorded with Worcester County (Worcester District) Registry of Deeds in Book 33207, Page 210.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Five Thousand (\$5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California Street, Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Other terms, if any, to be announced at the sale.

U.S. ROF III LEGAL TITLE TRUST  
2015-1, BY U.S. BANK NATIONAL  
ASSOCIATION, AS LEGAL TITLE  
TRUSTEE

Present holder of said mortgage  
By its Attorneys,  
HARMON LAW OFFICES,  
P.C.

150 California Street  
Newton, MA 02458  
(617) 558-0500  
201311-0568 - TEA

August 5, 2016  
August 12, 2016  
August 19, 2016

ATTEST: WORC Anthony J. Vigliotti, Register



Worcester South District Registry of Deeds  
Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

Document Number	: 126343
Document Type	: POSSN
Recorded Date	: November 02, 2016
Recorded Time	: 03:32:37 PM
Recorded Book and Page	: 56247 / 277
Number of Pages(including cover sheet)	: 3
Receipt Number	: 965603
Recording Fee	: \$75.00

Worcester South District Registry of Deeds  
Anthony J. Vigliotti, Register  
90 Front St  
Worcester, MA 01608  
(508) 793-7717

CERTIFICATE OF ENTRY

We hereby certify that on the 26 day of August in the year two thousand sixteen, we were present and saw

John McCarthy, attorney-in-fact and agent of U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee (see Power of Attorney or similar certificate of authorization to be recorded herewith.)

the current holder of a certain mortgage given by Annette S. Bent and Bruce Bent

to Ameriquist Mortgage Company

dated March 24, 2004, and recorded with the Worcester County (Worcester District) Registry of Deeds at Book 33207, Page 213 and a modification agreement recorded with said records at Book 36062, Page 365, make an open, peaceable and unopposed entry on the premises situated in OXFORD, Massachusetts, described in said mortgage, for the purpose, by him/her declared, of foreclosing said mortgage for breach of conditions thereof.

Nikki Breedlove, Witness  
NIKKI BREEDLOVE

Stanley K. Pritch, Witness

THE COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss

August 26 2016

On this 26th day of August 2016, before me, the undersigned notary public, personally appeared NIKKI BREEDLOVE, proved to me through satisfactory evidence of identification,

which were Personal Knowledge (form of identification), to be the person who signed the preceding or attached document in

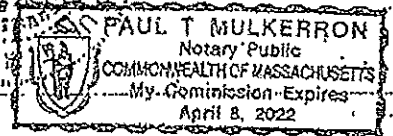
my presence, and who swore or affirmed to me that the contents of the documents are truthful and accurate to the best of (his) (her) knowledge and belief.

*Paul T. Mulkerron*

(Affix Seal)

Notary Signature

Paul T. Mulkerron, My Commission Exp 4/8/2022



Worcester County, ss

August 26 2016

On this 26<sup>th</sup> day of August 2016, before me, the undersigned notary public, personally appeared STANLEY PLOCKNEY, proved to me through satisfactory evidence of identification, which were

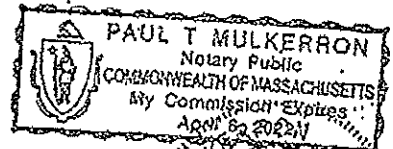
Personal Knowledge (form of identification), to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the documents are truthful and accurate to the best of (his) (her) knowledge and belief.

*Paul T. Mulkerron*

(Affix Seal)

Notary Signature

Paul T. Mulkerron, My Commission Exp 4/8/2022



ATTEST: WORC Anthony J. Vigliotti, Register

# Worcester South District Registry of Deeds Electronically Recorded Document

---

This is the first page of the document – Do not remove

---

## Recording Information

Document Number	: 126342
Document Type	: PA
Recorded Date	: November 02, 2016
Recorded Time	: 03:32:37 PM
Recorded Book and Page	: 56247 / 274
Number of Pages(including cover sheet)	: 3
Receipt Number	: 965603
Recording Fee	: \$75.00

Worcester South District Registry of Deeds  
Anthony J. Vigliotti, Register  
90 Front St  
Worcester, MA 01608  
(508) 798-7717

Power of Attorney

Be it known that U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee does hereby constitute and appoint John McCarthy or any attorney employed by Harmon Law Offices, P.C., 150 California Street, Newton, MA 02458, its attorney in fact for the limited and specified purposes of making entry upon the premises located at 6 ROSE LANE, OXFORD, Massachusetts 01540 on which U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee holds a mortgage, for the purposes of foreclosing said mortgage for breach of condition thereof, and further to execute documents necessary and directly incidental to the foreclosure auction. U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee further ratifies any and all previous actions taken by John McCarthy or any said attorney employed by Harmon Law Offices, PC pursuant to said purposes.



WITNESS the execution of said national association this 30 day of Sept., 2016

U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee by Fay Servicing, LLC as Attorney in fact\*

By: [Signature]  
Name: Crystal Dunbar  
Title: Foreclosure Specialist

\* For signatory authority see Limited Power of Attorney recorded in the Worcester County (Worcester District) Registry of Deeds at Book 53760 Page 27

State of ILLINOIS

WOODRIDGE County, ss. SEP 30, 2016

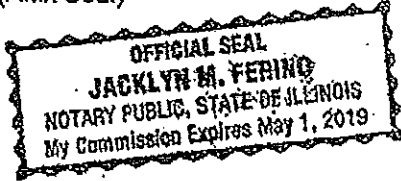
On this 30 day of Sept, 2016, before me, the undersigned notary public, personally appeared Crystal Dunbar, proved to me through satisfactory evidence of identification, which were [Identification] (form of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose as the free act and deed of U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee.

Capacity: (as Foreclosure Specialist (title) of Fay Servicing, LLC as Attorney in fact

For U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee.)

[Signature] (Affix Seal)  
Notary Signature

My commission expires: 5-1-19



Annette S. Bent  
6 Rose Lane, Oxford, MA 01540

I, Annette S. Bent, do attest and aver to the following:

1. I am a defendant in the Worcester housing court in a summary process case after an attempted and illegal foreclosure.
2. I did receive a notice to Quit prior to the case.
3. I was served a court notice, (Summons and Complaint) by throwing it in the bushes and by mail.
4. It is a two-sided notice not accompanied by any other legal document.
5. I just found out that unbeknownst to me on my docket and apparently in my court file appears a foreclosure deed.
6. I was never served this document nor was I told by the other side that it would be entered in my file.
7. I wasn't aware of it until it was brought to my attention by other members of the Worcester Anti Foreclosure Team.

I so swear,

Annette S. Bent

Date: 10/18/17

Annette Bent  
6 Rose Lane, Oxford, Ma 01540  
Phone number: (508) 373-4139

Worcester COMMONWEALTH OF MASSACHUSETTS  
(County), s.s.

On this 18 day of October, 2017, before me, the undersigned notary public, personally appeared Annette S. Bent who proved to me through  (mark an X) satisfactory evidence of identification, which was RMV MA License or was  (mark an X) known to me to be the person(s) who signed the preceding document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Nunciata A. Sullivan  
Notary Public

Printed Name: Nunciata A. Sullivan

My Commission Expires: 11/6/2020



NUNCIATA A. SULLIVAN  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
November 6, 2020

# EXHIBIT L