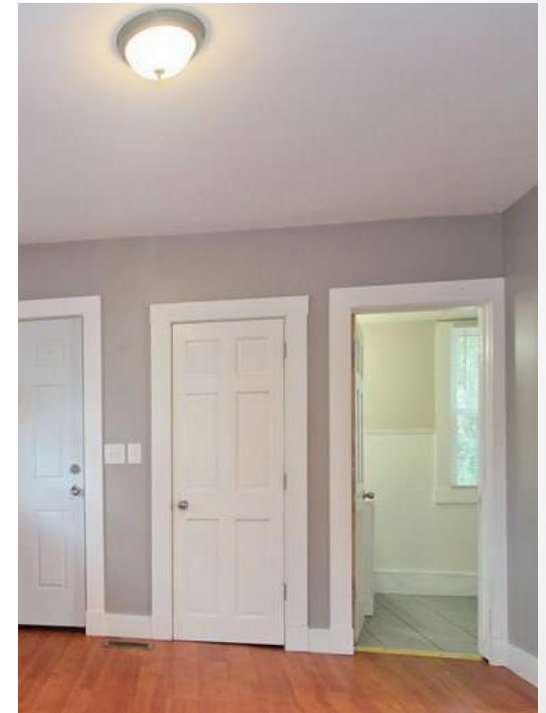


Receivership Training Seminar UMass Center Springfield, MA

November 17, 2021



48 Willard Avenue, Springfield, MA
Before and After

Welcome!



First Assistant Clerk Magistrate Caitlin Castillo
Western Division Housing Court
caitlin.castillo@jud.state.ma.us



Receiverships

Attorney Amber M. Gould
Associate City Solicitor
City of Springfield, MA
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413-787-7298

After a Receiver is Appointed

- Post Property, Clean Exterior, and Secure
- Take care of emergencies, if applicable
- Comprehensive inspection
- Rehabilitation Plan
- Receiver Report
- Receiver Review Hearing
- Receiver Interim Order

MY CLIENT HAS BEEN APPOINTED RECEIVER, NOW WHAT?

Attorney Katharine Higgins-Shea

Lyon & Fitzpatrick, LLP

khigginshea@lyonfitzpatrick.com

413-536-4000

I've Been Appointed Receiver, Now What?

Anthony Witman, Witman Properties
Bob Obear, Pioneer Valley Redevelopers

Receiver Rehab Plans, Reports, and Reviews through the Reviewer's Perspective

Attorney Chrissy Pikula
Assistant City Solicitor
City of Chicopee, MA, et. al.
cpikula@chicopeema.gov
413-594-1520 and 413-531-4608 (cell)
&
Attorney Amber M. Gould
City of Springfield, MA

Rehabilitation Plans

- Receiver may only perform work that has been cited by the City/Town and approved by the Court.
- If work goes beyond the scope of your original rehab plan you must file a motion to amend rehab plan.
- All anticipated work must be included in plan including mowing, plowing, maintenance fee, oversight fees, attorney fees, and auction/sale costs.

Oversight Fees

DO NOT APPLY TO:

- Work the receiver does
- Attorney's Fees
- Insurance
- Permit fees
- Bills: taxes, water, sewer, electric, gas, etc.

Receiver Reports

- Work performed since last report
- Cost of all work performed since last report
- What work is anticipated to be completed by the next inspection date
- Rehab completion date
- Amount of previous lien
- Amount of lien accrued during the last reporting period
- Total lien amount to date

Reports: Required Language

- “All invoices provided in this report have been paid to date.”
- “Outstanding invoices not yet paid are estimated to be \$_____.” *Note: This is the dollar amount of all work that has been done but not yet paid.*
- “Signed under the pains and penalties of perjury on this _____ day of _____, 2021”

Motion to Establish Lien

When a receiver brings a motion to establish lien they must produce a **good faith** estimate on what their total final lien will be. That means anticipating any maintenance and foreclosure costs that might occur before the auction and including any anticipated bills that have not yet come in from their subcontractors.

Dismissing Tenants

COMMONWEALTH OF MASSACHUSETTS

WESTERN DIVISION, S.S.

HOUSING COURT
DEPARTMENT OF
THE TRIAL COURT
CIVIL ACTION
No. 21 -CV-123

CITY OF SPRINGFIELD,
CODE ENFORCEMENT
DEPARTMENT

v.

HOANG K. NGUYEN et al

Re: Premises: 137-139 Commonwealth Ave. Springfield, Massachusetts

NOTICE OF DISMISSAL AS TO JAMES BROWN ONLY

Pursuant to Mass. R. Civ. Procedure 41, the Plaintiff City of Springfield, Massachusetts moves that this Honorable Court issue an order of dismissal for Western Division Housing Court case number 21-CV-123 without prejudice. As grounds for said dismissal, the Plaintiff states that:

Mr. Brown has permanently vacated the premises and the property is vacant.

Receivership through the Mortgagee's Perspective

Attorney Rachelle Willard
WCG Law Group, PLLC
rwillard@wcglawgroup.com
(978-482-7762)

Neighborhood Renewal Division



Receivership Training
Seminar

November 17, 2021

The End Game

Attorney Christopher Johnson
Johnson, Sclafani & Moriarty, Attorneys at Law
chrisjlaw@Comcast.net

The End Game

- a. Land Court Issues
- b. Motion to Foreclose and Establish Lien
- c. How to Set-up an Auction and/or MLS Listing
- d. Motion to Approve Sale
- e. Motion to Dissolve Receivership
- f. What if the owner or bank wants to redeem?

City of Homes Project

Honorable Dina E. Fein
dinaefein@gmail.com

A View From the Bench



Western Division Housing Court
Honorable Jonathan J. Kane