

LEGAL NOTICE TOWN CLERK'S OFFICE  
TOWN OF HOLBROOK  
Tax Possession Auction 2012 DEC 21 A 10:38

TOWN OF HOLBROOK  
MASSACHUSETTS

**To Whom It May Concern:**  
**You are hereby notified that:**

Under the provisions of Massachusetts General Laws Chapter 60 § 77B, and by virtue of the power vested in me as Tax Title Custodian of the Town of Holbrook, it is my intention to sell at public auction on **January 15, 2012 at 10:00 o'clock A.M.** at **Holbrook Town Hall, 50 North Franklin St., HOLBROOK, MA 02343**, the following described properties:

**PARCEL DESCRIPTIONS:**

**PARCEL I – 262 Pond St.**

A parcel of land with dwelling and shed thereon, situated at 262 Pond St., containing about 29,450 sq. ft. as shown on Assessors' Plan 24, Lot 006 Book 4209, Page 581 Norfolk County Registry of Deeds.

**PARCEL II – 69 Weston Ave.**

A parcel of land located at 69 Weston Ave. and structures, if any, shown on Assessors Map: 20 Parcel: 012 Recorded in Norfolk County Registry of Deeds. Book: 3150 Page: 240 Lot: 0. Certificate of Title Number:

**PARCEL III – 109 Woodlawn Rd. and 109R Woodlawn Rd.**

A parcel of land situated at 109 Woodlawn Rd. containing about 9,375 sq. ft. as shown on Assessors' Plan 32 Lot 98-1, Book 4935 Page 71 Norfolk County Registry of Deeds.

and

Land at Woodlawn to Glenside 24,625 square feet more or less, recorded at Norfolk County Registry of Deeds, Book 04935 Page 071, Holbrook Assessors Map 032, Block , Lot 098.

**PARCEL IV – 21 Noonans Lane**

A parcel of land situated at Noonans Lane containing about 5.40 Acres as shown on Assessors Plan 9 Lot 24. Book 4753 Page 711 Norfolk County Registry of Deeds.

The properties were foreclosed by separate Judgments of the Land Court, each of which have been recorded at the Norfolk County Registry of Deeds, the title references to which are as follows: Parcel I - Book 29293, Page 340; Parcel II -

Book 29564, Page 525; Parcel III - Book 29283, Page 197 and Book 21706, Page 174; Parcel IV - Book 29283, Page 171.

**The properties will be sold "as is" with no warranty or representation as to marketability of title, to build-ability, or other productive use, either alone or in combination with other land.** The minimum bid for each of the properties shall be determined by the tax title custodian. The successful bidder(s) at said auction will be required to make a down payment of \$5,000 per parcel purchased. Payment of the balance of the consideration will be due no later than 30 days after the date of said auction, subject to extension by the Tax Title Custodian. Successful bidder(s) will be responsible for payment of pro-rata taxes allocable to the days ensuing in the current fiscal year after the date of such deed(s), per M.G.L. c.44, § 63A, plus any and all recording charges and registry stamps. All payments to the Town are to be made by bank cashiers check or certified check. Successful bidders will be required to execute Statements of Beneficial Interest as required by M.G.L. c. 7, § 40J, Memoranda of Sale, and Certificates of Compliance pursuant to M.G.L. c. 60 § 77B. Upon receipt of the full payment, the Tax Title Custodian shall execute, and deliver such deeds as are necessary to transfer the title of the Town to such properties sold. The Tax Title Custodian reserves the right to reject any and all bids at said auction, if of the opinion that no bid is made which approximates the fair value of the properties, and may adjourn said auction for such periods as he deems expedient.

**Upon receipt of the balance of the consideration** The properties shall be conveyed by Release Deeds, subject to all matters of record, to this Notice of Sale, the Town of Holbrook's Regulations for Auction Sale of Tax Possessions, and to the respective Memoranda of Sale.

The Regulations for Auction Sale are available for inspection at the office of the Town Treasurer, 50 North Franklin St., Holbrook, MA 02343, prior to the auction date. Sample Memoranda of Sale will be made available for inspection on the date and time of the public auction as indicated above. Other terms and conditions may be announced at the time of the auction. **PREREGISTRATION BEGINS AT 9:30 O'CLOCK, A.M.** Questions regarding the auction may be referred to John D. Finnegan, Esq., Tarlow, Breed, Hart & Rodgers, P.C., 101 Huntington Ave., Suite 500, Boston, MA 02199, Tel: 617-218-2000; Fax: 617-261-7673. Walkthroughs of the properties may be arranged by appointment with the Town Treasurer, who may be contacted at 781-767-4316.

PAUL DIGIROLAMO, TREASURER COLLECTOR  
AND TAX TITLE CUSTODIAN FOR  
THE TOWN OF HOLBROOK

Town of Holbrook  
Regulations for Auction Sale of  
Tax Possessions

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1. The properties being offered for sale have been foreclosed by Judgments from the Land Court. The properties will be sold "as is". The Town of Holbrook ("Town"), its Tax Title Custodian, Treasurer-Collector, employees, representative, and/or agents make NO REPRESENTATION AS TO THE CONDITION OF ANY STRUCTURE, OR THE SUITABILITY OF ANY FOR VACANT LAND FOR BUILDING, AND AS TO ALL PARCELS THE INSURABILITY OR MARKETABILITY OF ANY TITLE.
2. Any materials or documents concerning this auction prepared or furnished by the Town or its employees are solely for informational purposes. No warranties or representations are made as to the accuracy or completeness of the information. Prospective purchasers should make their own investigations and draw their own conclusions.
3. Successful bidder(s) will be required to acknowledge that no representations or warranties of any kind whatsoever, other than as may have been set forth in the foregoing Regulations or the Notice of Sale, have been made by or on behalf of the Town of Holbrook concerning: zoning; abutters; environmental matters; septic systems; state of title; common expenses; utilities; operating expenses; current rental income; physical or structural condition of the premises; any leases, tenancies or occupancy arrangements with respect to the premises; the existence on the premises of any hazardous waste, asbestos, lead-based paint, plaster or other lead-based accessible material, or any other materials which may be subject to governmental regulation or restriction; or any other matters whatsoever. The properties shall be conveyed subject to the foregoing conditions, if any, which may or may not be in compliance with any applicable laws, policies or regulations. Without limiting the generality of the foregoing, purchaser(s) may be required to acknowledge and agree that the purchaser(s) shall not have the opportunity to have an inspection of the premises conducted prior to the public auction.
4. **The properties shall be conveyed subject to any person, if any, in actual occupancy.** It will be the responsibility of the successful bidder (s) and not the Town to evict any former owners or any persons upon the respective premises. Title to any personal property located on the respective premises will not be conveyed.
5. Any errors, misstatements or omissions in the descriptions of the properties shall not annul the sales, or be grounds for any abatement or compensation.
6. The Tax Title Custodian will set the minimum bid for each property. The right is reserved to reject any and all bids.
7. The following person(s) shall not be qualified to be successful bidders; (1) the prior owners of any of the properties or his/her/their agents, representatives, assigns or straws; (2) any person currently delinquent in paying his/her own taxes or other charges to the Town of Holbrook; (3) any person who failed to close on the purchase of a property at a previous Public Auction conducted by the Town; (4) any person who was the subject to a tax title foreclosure by the Town; and (5) any person who has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or a person who has ever been convicted of a crime involving the fraudulent filing of a claim for fire

- insurance. Winning bidders will be required to attest that they are not of this status at the time of transfer.
8. Successful bidder(s) must pay a deposit of \$5,000.00 per parcel at the time of said auction, the amount of which is specified in the Notice of Auction. Such deposit shall be in the form of **certified check** made payable to the "Town of Holbrook".
  9. For each property purchased, successful bidder(s) will be required to execute a Disclosure Statement as required by M.G.L. c. 7, § 40J, a Memorandum of Sale, and a Certificate of Compliance pursuant to M.G.L. c. 60 § 77B.
  10. Successful bidder(s) will be responsible for compliance with M.G.L. c.44, § 63A, including payment of pro-rata taxes allocable to the days ensuing in the current fiscal year after the date of closing, plus any and all recording charges and registry stamps.
  11. The premises shall be conveyed by Release Deeds, subject to all matters of record, to these Regulations for Auction Sale, the Notice of Sale, and to the Memoranda of Sale, and, in addition, subject to (i) easements, restrictions, agreements and other encumbrances, if any, to the extent in force and applicable, or to be recorded; (ii) zoning, environmental, septic and building laws; (iii) state excise stamp taxes; (iv) any and all municipal betterments, assessments or liens; (v) any existing environmental contamination; (vi) tenancies and occupancies, notice of which may not be recorded; and (vii) any rights available to interested parties under the laws of the Commonwealth.
  12. Successful bidder(s) will be required to acknowledge that no representations or warranties of any kind whatsoever, other than as may have been set forth in the foregoing Regulations or the Notice of Sale, have been made by or on behalf of the Town of Holbrook concerning the presence or absence of a septic system on the premises, and that no inspection has been conducted by the Town of Holbrook for the same. If a septic system is present, the Buyer shall be required, at its own expense, to inspect the septic system no later than six months from the date of sale, and shall otherwise comply with the requirements of 310 CMR 15.300 through 15.305. It is understood and acknowledged that Town of Holbrook shall have no liability whatsoever in connection therewith.
  13. Successful bidder(s) at said auction will be required to pay the balance of the consideration due to the Town by **certified or bank check(s)** no later than **30 days after the date of said auction**. The sale(s) shall not be deemed complete until the successful bidder(s) shall have made his or her deposit(s), signed the Memoranda of Sale and the balance of the consideration paid to the Town of Holbrook.
  14. The right to retain any such deposit(s) shall belong to the Town if Condition No. 13 is not fulfilled.
  15. The Town of Holbrook reserves the right to tender any of the properties for sale to the second highest bidder(s) under the terms of the Notice of Sale and Auction Regulations but with a sale price equal to such bidder's highest bid in the event that the high bidder fails to perform his/her/its obligations under the Memoranda of Sale.