



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION  
1350 MAIN STREET  
SPRINGFIELD, MASSACHUSETTS 01103-1629

TEL: (413) 784-1240  
FAX: (413) 784-1244

MARTHA COAKLEY  
ATTORNEY GENERAL  
www.mass.gov/ago

December 2, 2013

**Via Certified Mail, RRR and  
First Class U.S. Mail**

[REDACTED]  
[REDACTED]

Turners Falls, MA 01376

**Re: [REDACTED], Turners Falls, MA 01376  
Notice of Intent to Seek Appointment of a Receiver**

Dear [REDACTED]:

This letter concerns the condition of the residential premises located at [REDACTED], Turners Falls, MA 01376. Public records indicate that you are a record owner of the property. If this is incorrect, please contact me immediately. There are a number of long-standing violations of the State Sanitary Code and other law at this property, which has been abandoned and vacant for a significant period of time.

In its present condition, the property is unfit for human habitation and poses a severe, immediate and continuing threat to the health and safety of trespassers, neighbors and the public in general, in violation of 105 CMR 410.750. For example, the building is not weather-tight leaving it vulnerable not only to rodent and vermin infestation but also to continuing deterioration, structural damage and mold from the elements. Also, there are a significant number of asbestos-like tiles that are not maintained in good repair in violation of the State Sanitary Code and the regulations of the Department of Environmental Protection. Further, the structural instability of the entrance stairways endanger unsuspecting trespassers and emergency personnel. Additionally, the property is not maintained free of rubbish and debris in a clean and sanitary manner, which poses a threat to the health and safety of the general public and also provides a refuge for rodents and vermin.

The State Sanitary Code and other applicable codes and applicable Massachusetts law allows this office and the Town of Montague to petition the appropriate court for the appointment of a receiver. ***Please be advised that, unless you contact this office within seven***



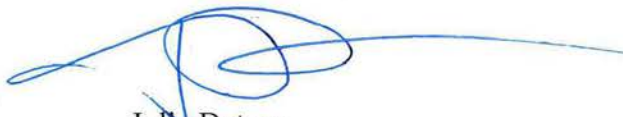
*calendar days, a petition for appointment of a receiver will be filed with the Court pursuant to M.G.L. c.111, §127I (copy enclosed) and the court's general equity jurisdiction.*

The Town has cited you for these violations and although some of the corrections have been made, significant Code violations are still in existence. As of this writing, a corrective plan to return the building to Code compliance has not been submitted to the Town.

Although we are willing to discuss a reasonable resolution of these violations, conditions require that we commence an action in short order to protect the public's interests should you fail or refuse to comply with your obligations under Massachusetts law as the property owner.

We look forward to your prompt reply.

Very truly yours,



Julie Datres  
Special Assistant Attorney General  
617-963-2578

cc: Town of Montague (via e-mail);  
██████████

September 26, 2008

VIA CERTIFIED MAIL

[REDACTED]

Re: [REDACTED], Holyoke, Massachusetts

Dear Attorney [REDACTED]:

We understand that you are the attorney for [REDACTED] Bank, the current owner of the residential premises located at [REDACTED], Holyoke, Massachusetts. We also understand that you are authorized to accept service on behalf of the owner. Please confirm that you are, in fact, the attorney for the owner and that you are authorized to accept service on behalf of the current owner. Otherwise, we will serve [REDACTED] as owner in accordance with applicable law and rules of court.

As you are aware, there are a number of long-standing violations of the State Sanitary Code at the property which has been abandoned and vacant for a significant period of time. The state of the property poses an immediate danger to the public. The building continues to be a serious public health and safety threat. We understand that the City of Holyoke undertook emergency steps to secure the property, as prior efforts to secure the property were breached making this building an attraction and danger to trespassers. According to city officials, the property poses a fire threat in itself and to its neighbors. These dangers, in addition to the apparent risk posed by its structural integrity and health concerns created by trash and potential vermin infestation creates a risk to your neighbors and public. The problems must be addressed by the Estate of Angelo Sintose, as owner, immediately.

The State Sanitary Code and other local and state laws permits this office and the City of Holyoke to petition the appropriate court for the appointment of a receiver. *Please be advised that, unless you contact this office within ten calendar days of receipt of this letter, a petition for appointment of a receiver will be filed with the Court.* While we are certainly willing to work with the owner to resolve this serious issue, the state of the property requires that immediate measures

be undertaken to secure the property and bring this property into full compliance with applicable health, safety, building and fire codes.

Please contact the undersigned, immediately, upon receipt of this letter to discuss how you intend to address the issues. We can meet with you in our Boston office or our Springfield office, whichever is most convenient for the owner.

We are interested in meeting with you and your client, to discuss an amicable resolution of these problems. If you are unwilling to fulfill your legal responsibility to properly maintain the building or are unable to provide an alternative solution which will adequately protect your neighbors, the Office of the Attorney General is prepared to take legal action to seek enforcement of the State Sanitary Code, and may petition the Housing Court pursuant to Section 127I of G.L. c. 111 (copy enclosed) for the appointment of a receiver of the property.

We look forward to your prompt reply.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
Government Bureau/Trial Division  
617-727-2200

May 25, 2008

**[name of record owner]<sup>1</sup>**  
**[street address for mail delivery]**  
**[city, state, zip code]**

RE: **[abandoned property street address, city,] Massachusetts**  
**Health and Safety Code Violations**

Dear [Name]:

I am sorry that you did not appear for our scheduled meeting this morning at (City Hall). City Solicitor Steven Torres and I waited from 11:00 a.m. through 12:10 p.m with the (City) Health Department official for you to arrive, but you did not.

I received your voice mail message from yesterday, asking to remind you of the location of the meeting since you had lost the paper upon which you wrote these details. I was not in the office yesterday and could not return your call. I did send a confirmatory letter with the details you requested, on May 21, 2008. I called you home this morning at approximately 9:40 a.m. and was told that you had been on the road for several hours. I informed the person answering the phone of my identity and said that I was on my way to (city) to meet with you.

Since there has been no other communication from you as of the writing of this letter, we shall proceed with the necessary enforcement action to rectify the problems at your property. As this matter will proceed to the court, you may wish to obtain an attorney. If so, we would be pleased to speak with your attorney or you, personally, if you do not wish to retain an attorney.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
Government Bureau/Trial Division  
617-727-2200

---

<sup>1</sup> Letter sent immediately on the date of the missed meeting, to record events as they occurred. Note, despite this owner's failure to appear, the petitioners offer another opportunity to resolve the matter even as we commence court proceedings. Our intention is to impress upon this owner that we are sincere about exploring amicable resolution, however, given the state of this property, we required her cooperation immediately, within that week.

[Date]

VIA CERTIFIED MAIL

[Name and address of Creditor]

Re: (abandoned property address)

To Whom It May Concern:

This letter concerns the condition of the residential premises located at **[address of abandoned property]** which is owned by **[owner's name]**. Your institution is on record at the Registry of Deeds as being a creditor with a security interest on this property.

This property has several long-standing violations of the State Sanitary Code, including but not limited to the following **[by way of example]**:

1. abandonment with evidence of small fires which pose a serious risk to the health and safety of the abutters and residents of the community;
2. dangerous accumulation of combustible materials in the interior of the property;
3. trash and debris in the yard; and
4. inadequate sanitation facilities and electrical equipment.

On **[date of demand letter to owner]**, we sent notice by certified mail to **[owner]** regarding the status of this property. This letter provided the owner with \_ days notice requiring that he bring the subject property up to Code to avoid enforcement actions through the Housing Court. To date, **[owner]** has given no indication that he intends to undertake the repairs required to bring the property into compliance with the Code.

The Office of the Attorney General is hereby providing you notice, as a creditor with a recorded security interest on the property, that we intend to petition the Housing Court, pursuant to General Laws chapter 111, section 127I (copy enclosed), for the appointment of a receiver for the property at **[address]** on or after **[date of anticipated filing]**.

If you should have any questions regarding the above procedure, or if you plan to have legal counsel attend same, please contact me to discuss the petition process.

Very truly yours,