

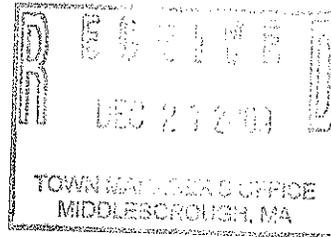
HEARINGS, MEETINGS, LICENSES
2-1-10

ROBERT J. MATHER & ASSOCIATES
ATTORNEYS AT LAW

Robert J. Mather, Esq.
Susan E. Callan, Esq.

98 East Grove Street
Post Office Box 688
Middleborough, MA 02346

(508) 946-0066
FAX (508) 946-4474
www.rjmatherlaw.com



December 18, 2009

Charles Cristello
Middleborough Town Manager
Middleborough Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

Re: 136 Wood Street

Dear Mr. Cristello:

On October 30, 2009 my office conducted a real estate sale in regard to the above captioned property. Prior to the closing we obtained a Municipal Lien Certificate from the town, a copy of which is enclosed herewith. The certificate showed that a substantial amount was due for outstanding water usage. We requested and obtained a final bill from the town of Middleborough, a copy of which is also enclosed. Please note that the bill shows that the amount due is \$7,753.58. Please also note the portion of the bill that I have highlighted in yellow. It states that the amount due after 10/25/2009 is \$7,753.58. As such, we collected this amount from the seller of the property. We drafted a check in that amount on October 30, 2009 and the check was delivered to the town of Middleborough Collector's Office.

We were later informed by the Collector's office that they would not accept this check as payment in full because there was additional interest due in the amount of \$1001.96. We pointed out to the collector's office that we were paying this amount based on a bill received by them which clearly stated that the amount due after October 25, 2009 was \$7,753.58 and that nowhere in the bill did it state that any additional interest was due after a certain date. However, we were informed by the collector's office that there was nothing that they could do and the full amount of the additional interest had to be paid.

This property was purchased by Eugene Main, a Middleborough resident. This was a distressed piece of property that was purchased from a bank that had acquired the property through a mortgage foreclosure. Mr. Main purchase this property with the intent to rehabilitate it. In a normal sales transaction, we always require the seller and buyer to sign a document that states that if any additional taxes or utilities are due they agree to pay that amount after the closing. However, it is the current practice of all lenders that when they sell property that they received in a foreclosure they require the buyers to sign a document stating that there will be no post closing adjustments for any reason. This means that if the town of Middleborough insists on collecting the additional interest, it will have to be paid by Mr. Main.

It is my understanding that the Board of Selectmen has the power to waive the payment of this interest. I sincerely believe that these circumstances warrant such a waiver. The bill that was received clearly stated an amount that was due after a certain date and that amount was delivered to the town within days of the recited date. It would be unfair to the new owner, who relied on a written bill from the town, if he were required to pay this additional interest.

On behalf of Mr. Main I respectfully request that the Board of Selectmen waive the unpaid interest and consider the utility bill paid in full. If you have any questions or require any additional information please do not hesitate to contact me.

Very truly yours,



Robert J. Mather, Esq.

RJM/slf

Encs.

cc: Judy MacDonald
Collector's Office

COPY

MUNICIPAL LIEN CERTIFICATE
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH
OFFICE OF THE COLLECTOR OF TAXES

97872
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
30 OCT 2009 02:25PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 37871 Pg 98
Certificate No: 158

Robert J. Mather & Associates, Attorneys at Law
98 East Grove Street, P.O. Box 688
Middleborough, MA 02346

Date: September 21, 2009

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on September 14, 2009 are listed below.

DESCRIPTION OF PROPERTY

ASSESSED OWNER: Christopher Maudsley, et al
LOCATION of PROPERTY: 136 Wood Street
PARCEL IDENTIFICATION: 065-998
LAND AREA: 1.53 acres
VALUATION: 265,100.00

**FISCAL 2010
NOT ASCERTAINABLE**

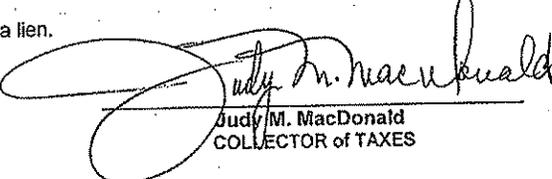
FISCAL YEAR	TAX TITLE FISCAL 2005, 2006, 2007 & 2008	2009
	12,975.78 Paid	
TAX TITLE		
ACTUAL TAX		2,897.55 Paid
UTILITY LIENS / WATER		305.27 Paid
SEWER		230.92 Paid
TRASH		
SEPTIC REPAIR		
COMMITTED INTEREST		
PAYMENTS		
ABATEMENTS/EXEMPTIONS		
CHARGES AND FEES		
INTEREST TO per diem		
Tax Due		

Preliminary taxes general represent no more than 50% of prior year's taxes.
Unpaid Betterments/Special Assessments not yet added to tax: _____ Interest from: _____ to be added.
Improvements voted for which there will probably be betterment's /special assessments: _____
Unpaid utility charges Gas & Electric \$1,219.43 9/17/09 Other unpaid charges: Water \$7,674.58, & Demand \$15.00 6/30/09
All the amounts listed above are to be paid to the Collector No Town Sewer

I have no knowledge of any other outstanding amount that constitutes a lien.

****All utility and unpaid charges subject to final readings.**

Return to: Eugene Main
740 Plymouth Street
Middleboro, MA 02346


Judy M. MacDonald
COLLECTOR of TAXES

Collector of Taxes **Town of Middleborough** Office hours
 Judy M. MacDonald COLLECTOR'S OFFICE 20 CENTRE STREET Monday - Friday
 MIDDLEBOROUGH, MA. 02346 8:45am - 5:00pm
 508-946-2420

UTILITY BILL

C MAUDLSEY & D MCGONAGLE
 136 WOOD STREET
 MIDDLEBORO MA 02346

007-1346-00-01

Service Location

136 WOOD STREET

Statement Date	Payment DUE Date
9/25/2009	10/25/2009

ACCOUNT ACTIVITY

ACCOUNT NUMBER 007-1346-00-01

Previous Balance 7,743.58 Water Meter Read Period 6/30/2009 9/25/2009
 Penalties
 PAYMENTS Trash Billing Period 10/01/2008 12/31/2008
 Adjustments

SERVICE BILLED	CURRENT CHARGE	METER READINGS		
		PREVIOUS	PRESENT	TYPE
Balance Forward	7,743.58			
Water Final	10.00			
Current Charges	10.00			

Customer's

AMOUNT DUE 7,753.58

AMOUNT DUE AFTER 10/25/2009 7,753.58

RETAIN THIS PORTION FOR YOUR RECORDS

tear FOLD tear FOLD tear

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Collector of Taxes **Town of Middleborough** Office hours
 Judy M. MacDonald COLLECTOR'S OFFICE 20 CENTRE STREET Monday - Friday
 MIDDLEBOROUGH, MA. 02346 8:45am - 5:00pm
 508-946-2420

WATER METER READ PERIOD
 6/30/2009 9/25/2009

UTILITY BILL

Service Location 136 WOOD STREET TRASH BILLING PERIOD 10/01/2008 12/31/2008 Account Number 007-1346-00-01

Statement Date	Payment DUE Date
9/25/2009	10/25/2009

ACCOUNT ACTIVITY	
Previous Balance	7,743.58
Penalties	
PAYMENTS	

AMOUNT DUE
 7,753.58

Robert J. Mather & Associates
 MCB Conveyancing Account
 98 East Grove Street
 Middleboro, MA 02346
 508-946-0066

MAYFLOWER CO-OPERATIVE BANK
 MIDDLEBORO, MA 02346
 53-7277/2113

6479

10/30/2009

PAY TO THE ORDER OF Town Of Middleboro \$ **7,753.58

Seven Thousand Seven Hundred Fifty-Three and 58/100***** DOLLARS

Signature

Final water/Acct 007-1346-00-01/Main/8217

006479 21137276 31010346

© 2005 INTUIT INC. # 335 1-800-433-8310

MEMO



JUDY M. MacDONALD
TREASURER AND COLLECTOR

Town of Middleborough
Office of the Treasurer and Collector
20 Centre Street, 3rd Floor
Middleborough, MA 02346-2270
email: jmcndl@middleborough.com

TELEPHONE
(508) 946-2420
(508) 946-2421

FAX
(508) 947-5447

December 22, 2009

Board of Selectmen
Town Hall
Nickerson Ave.
Middleborough, MA 02346

Re: 136 Wood Street

Honorable Board,

In response to a letter from Attorney Robert Mather dated December 18th concerning a final water/trash bill for 136 Wood Street; I am in agreement with one exception.

The Collector's office does not produce or send to the property owner the final utility billing. This is done directly by the Water Department after the meter is read. I have spoken with the clerk at the Water Department and requested that during lien time it will be necessary for the Water Department to contact the Collector's office to check on the date of lien and any interest and fees that are due.

I am sure that in the future coordination of efforts between the Water Department and the Collector's office will remedy the problem that occurred in this case.

Very truly yours,

Judy M. MacDonald
Treasurer/Collector

cc: Charles Cristello, Town Manager
Attorney Robert Mather

January 25, 2010

Board of Selectmen
Town Hall
Middleborough, MA 02346

Dear Members,

On behalf of the Board of Library Trustees, I ask that the Selectmen appoint Mr. William Petrillo of 14 Holly Tree Lane to the vacant seat on the Library's Board of Trustees which expires in February 2011. The seat was formerly held by Ms Janet Parker.

It is also requested that the following Board members be reappointed to three years terms to expire on February 28, 2013:

Mrs. Eleanor Osborne
Mr. Keith MacDonald
Mr. Edward Pratt

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Bowker".

Danielle M. Bowker
Library Director



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

MEMO

TO: The Middleborough Selectmen/Board of Health

FROM: Catherine Hassett

DATE: January 28, 2010

RE: 31 Atwood Avenue

For clarification to the Board of Health, 31 Atwood Avenue is a recent sale without the required Title 5 inspection, that should have been performed on the existing septic system and which would have included the required well testing.

This property is currently not a primary residence but is being used as a rental unit.

Regarding the issue of the second bedroom, the assessor's department confirmed that when this property was inspected in December a woman present at this inspection stated that the unheated porch was going to be converted into a bedroom. If the owner of this property did try to convert this room into a bedroom it would require a building permit which would have to be signed off by the Health Department and would require a Title 5 inspection.

In addition, in similar past hearings for properties, the Board of Health held to the existing bedroom status. Changing this view now would set a precedent and possibly open up issues for future litigation.

It does appear that an abutter to 31 Atwood Avenue was present at the January 25 meeting and may have questions and/or comments regarding the requested variances. Their presence at the next meeting is expected.