

Pamela LaFleur

From: Nicholas George
Sent: Wednesday, September 20, 2023 9:47 AM
To: gregorybuteau1@gmail.com
Cc: Pamela LaFleur; Genereux, David
Subject: RE: Greenfield Recorder E-Edition Article
Attachments: 09.12.2023 Auction Ad Revised.pdf

Hello Gregory,

Attached please find a legal ad for the most recent auction that was held at the Town Hall on 9/12/2023. 19 Parcels were available for bid with parcel 31-A2 being pulled from the auction. The results of the auction are as follow:

-6 parcels did not receive a bid. These parcels will be reviewed and re-auctioned at another time. The parcels that did not receive bid were 36-B5, 23C-E14, 25A-E15, 25A-E17, 28A-E6, 33A-A1, and 34B-B4.

-We had received bids for the remaining 13 parcels. Final payment has been received for 11 parcels with the other 2 parcels awaiting final payments.

As stated below, the town has set the gain on sale amounts aside into an agency fund awaiting further instruction from the Department of Revenue and Massachusetts Courts.

Please let me know if there is anything else I am able to assist with.

Nicholas George
Treasurer Collector
Town of Leicester
3 Washburn Square
Leicester, MA 01524
P: 508-892-7002
F: 508-892-7070

From: gregorybuteau1@gmail.com <gregorybuteau1@gmail.com>
Sent: Saturday, September 16, 2023 7:26 PM
To: Nicholas George <GeorgeN@leicesterma.org>
Subject: Greenfield Recorder E-Edition Article

gregorybuteau1@gmail.com sent you this article.

Comment:

Good pm Mr. George. My reason for calling you Thursday, was due to the attached article about the City of Greenfield being sued by a past land owner due to a auction and recent supreme court decision. I am glad Leicester's auction only involved property owned by the Town of Leicester & funds are being set aside based upon DOR direction. Thanks for the discussion. By this email could you forward the auction results, pursuant to the to the public records law. Thank you & have a good day. Greg Buteau 774 289 1373

Thursday, September 14, 2023

GREENFIELD

City sued over property taking

Lawsuit follows ruling that government keeping excess home equity unconstitutional

By MARY BYRNE

Staff Writer

GREENFIELD — The former owner of property taken by the city for back taxes in 2019 and sold at auction two years later has filed a lawsuit against the city seeking compensation for money he believes he was owed following the sale of his home and land on Stone Ridge Lane.

Northampton attorney Michael Aleo of Lesser, Newman, Aleo & Nasser LLP, who is representing Stephen Woodbridge as the plaintiff, alleges the city violated the Takings Clause of the Fifth Amendment "by taking two parcels of property he owned to recover unpaid taxes, but without compensating him for the excess value of the property over and above the monies he owed to the city."

Though a 13-acre parcel of the property at 87 Stone Ridge Lane was retained by the city, a second 6-acre parcel that included Woodbridge's residence — assessed for \$258,400

— sold for \$270,000, according to the complaint filed in U.S. District Court in Springfield on Wednesday afternoon. The property was taken for unpaid taxes from fiscal year 2016 in the amount of \$4,791.74, according to the Franklin County Registry of Deeds.

According to the complaint, the 13-acre parcel of land retained by the city, valued at \$50,200, was taken for \$970.11 in

SEE LAWSUIT A8



The property at 87 Stone Ridge Lane in Greenfield, as seen from the trail system at Rocky Mountain Park. Former owner Stephen Woodbridge has filed a lawsuit against the city seeking compensation for money he believes he was owed following the sale of his home and land.

STAFF PHOTO/PAUL FRANZ

**Legal Notice
Town of Leicester
Office of the Treasurer**

Notice of Sale

Notice is hereby given that on September 12th, 2023 at 9:00 a.m. in the Leicester Town Hall Gym, 3 Washburn Square, Leicester MA 01524, pursuant to the provisions of General Laws, Chapter 60 § 77B, Nicholas George, the Treasurer for the Town of Leicester, intends to sell the hereinafter described parcels of land at public auction. Bidding will end promptly at 12:00 pm.

Parcel No.1 “A Parcel of land with any buildings thereon, containing about 6.12 acres being described as parcel 21-A11 in the office of the Assessors” currently under ownership by the Town of Leicester with the Land Court Decree dated 05/16/2008 and recorded with the Worcester Registry of Deeds at Book 42841, Page 136. Assessed owner: Town of Leicester

Parcel No.2 “A Parcel of land with any buildings thereon, containing about 1.23 acres being described as parcel 21B-E3 in the office of the Assessors” currently under ownership by the Town of Leicester with the Treasurer’s Deed dated 03/03/1983 and recorded with the Worcester Registry of Deeds at Book 7694, Page 161. Assessed owner: Town of Leicester

Parcel No.3 “A Parcel of land with any buildings thereon, containing about 1.69 acres being described as parcel 21B-F2 in the office of the Assessors” currently under ownership by the Town of Leicester with the Treasurer’s Deed dated 03/03/1983 and recorded with the Worcester Registry of Deeds at Book 7694, Page 161. Assessed owner: Town of Leicester

Parcel No.4 “A Parcel of land with any buildings thereon, containing about 0.221 acres being described as parcel 23C-E14 in the office of the Assessors” currently under ownership by the Town of Leicester with the Treasurer’s Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 371. Assessed owner: Town of Leicester

Parcel No.5 “A Parcel of land with any buildings thereon, containing about 0.265 acres being described as parcel 23D-A1 in the office of the Assessors” currently under ownership by the Town of Leicester with the Treasurer’s Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 370. Assessed owner: Town of Leicester

Parcel No.6 “A Parcel of land with any buildings thereon, containing about 0.146 acres being described as parcel 23D-A1.1 in the office of the Assessors” currently under ownership by the Town of Leicester with the Treasurer’s Deed dated 09/24/2001 and recorded with the Worcester Registry of Deeds at Book 24874, Page 212. Assessed owner: Town of Leicester

Parcel No.7 “A Parcel of land with any buildings thereon, containing about 7.12 acres being described as parcel 24-C20 in the office of the Assessors” currently under ownership by the

Town of Leicester with the Land Court Decree dated 07/16/2008 and recorded with the Worcester Registry of Deeds at Book 43148, Page 47. Assessed owner: Town of Leicester

Parcel No.8 "A Parcel of land with any buildings thereon, containing about 0.172 acres being described as parcel 25A-E15 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 371. Assessed owner: Town of Leicester

Parcel No.9 "A Parcel of land with any buildings thereon, containing about 0.23 acres being described as parcel 25A-E17 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 371. Assessed owner: Town of Leicester

Parcel No.10 "A Parcel of land with any buildings thereon, containing about 0.34 acres being described as parcel 25A-E20 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 371. Assessed owner: Town of Leicester

Parcel No.11 "A Parcel of land with any buildings thereon, containing about 0.12 acres being described as parcel 28B-G3 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 371. Assessed owner: Town of Leicester

Parcel No.12 "A Parcel of land with any buildings thereon, containing about 0.403 acres being described as parcel 29A-D10 in the office of the Assessors" currently under ownership by the Town of Leicester with the Land Court Decree dated 10/23/2007 and recorded with the Worcester Registry of Deeds at Book 41962, Page 318. Assessed owner: Town of Leicester

Parcel No.13 "A Parcel of land with any buildings thereon, containing about 0.10 acres being described as parcel 29A-D8 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 02/24/1995 and recorded with the Worcester Registry of Deeds at Book 16890, Page 113. Assessed owner: Town of Leicester

Parcel No.14 "A Parcel of land with any buildings thereon, containing about 0.68 acres being described as parcel 29A-D9 in the office of the Assessors" currently under ownership by the Town of Leicester with the Land Court Decree dated 09/21/2007 and recorded with the Worcester Registry of Deeds at Book 41962, Page 317. Assessed owner: Town of Leicester

Parcel No.15 "A Parcel of land with any buildings thereon, containing about 7.01 acres being described as parcel 31-A2 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 02/24/1995 and recorded with the Worcester Registry of Deeds at Book 16890, Page 113. Assessed owner: Town of Leicester

Greenfield sued by former property owner

LAWSUIT FROM A1

unpaid taxes, interests and other costs. The complaint states Woodbridge is also seeking "the difference between the monies [he] owed to the city and the fair market value of the parcel."

Mayor Roxann Wedegartner previously said the total amount incurred by the city as a result of the tax title-taking process, which includes taxes owed, amounted to nearly \$60,000. According to the complaint, the city calculated its costs in taking the two properties, including past due taxes and interest, to be \$54,098.23.

Wedegartner declined to comment on the lawsuit Wednesday morning before consulting with the city's attorneys, adding that "there is no mechanism in state law at the moment for [the city] to 'give back' money to former property owners on these matters."

The lawsuit comes in the wake of the U.S. Supreme Court decision in May that ruled local government can only retain tax debts owed, and no more, when seizing and selling private property, putting an end to what some describe as "home equity theft." Before this ruling, Massachusetts, along with 11 other states, allowed local governments to foreclose on private property when taxes were overdue and keep all the proceeds, even if the taxes owed were a fraction of that amount.

"It's not like they were doing anything deliberately in violation of that law," said Aleo. "That doesn't mean it wasn't a violation."

Originally, the 6-acre parcel that sold at auction in October 2021 was expected to be sold with the 13-acre parcel adjacent to it, which abuts Rocky Mountain Park and contains a network of trails that previous owners have left open to the public. Concerns about the previously planned auction of the land, however, were raised by the Conservation Commission in a letter to the mayor that was drafted during a meeting in September 2021.

Wedegartner ultimately agreed to delay the auction, while the Conservation Commission met several times to consider options for conserving the land and ensuring it remains available for recreational use. Commissioners discussed the potential of retaining one of the parcels on Stone Ridge Lane, so at the very least, the 13 acres could be retained

by the city.

Following one of those meetings in October 2021, Wedegartner announced that the city would retain, rather than send to auction, the 13-acre parcel. Only the 6-acre parcel with the house would go to auction.

Aleo said prior to the U.S. Supreme Court decision, attorneys across the country were already representing homeowners looking to get back excess value after the sale. The case the Supreme Court ruled on involved a 94-year-old Minnesota woman who owed \$15,000 in back taxes when the county government foreclosed on her condominium. The court ruled that the \$25,000 extra that the county collected when the condo was sold violated the Takings Clause of the Fifth Amendment.

"The [Tyler v. Hennepin County (Minnesota) ruling] ... certainly sent out a flashing signal to people in Mr. Woodbridge's circumstance who, for whatever reason, lost their property due to a taking, whereas prior to Hennepin, you wouldn't necessarily know as a property owner — or for that matter as an attorney — whether that was a legal right," Aleo said.

Municipalities are "scrambling" to try to figure out what is required of them following the Supreme Court decision, according to Aleo. In Greenfield, the Appointments and Ordinances Committee, a subcommittee of City Council, planned to consider two ordinances Wednesday evening related to the tax title-taking process, one of which would require the city to make "reasonable efforts" to compensate property owners for any excess equity taken.

"I would anticipate there are many [complaints to come]," Aleo said. "Any homeowner who had their property taken and is fairly confident that the amount they are owed is less than the value of the property after the taking, they would be wise to consider an action." *Reporter Mary Byrne can be reached at mbyrne@recorder.com or 413-930-4429. Twitter: @MaryEByrne.*

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Parcel No.16 "A Parcel of land with any buildings thereon, containing about 0.401 acres being described as parcel 33A-A1 in the office of the Assessors" currently under ownership by the Town of Leicester with the Treasurer's Deed dated 04/11/2006 and recorded with the Worcester Registry of Deeds at Book 38741, Page 371. Assessed owner: Town of Leicester

Parcel No.17 "A Parcel of land with any buildings thereon, containing about 0.12 acres being described as parcel 34B-B4 in the office of the Assessors" currently under ownership by the Town of Leicester with the Land Court Decree dated 07/21/2006 and recorded with the Worcester Registry of Deeds at Book 39413, Page 121. Assessed owner: Town of Leicester

Parcel No.18 "A Parcel of land with any buildings thereon, containing about 0.92 acres being described as parcel 36-B5 in the office of the Assessors" currently under ownership by the Town of Leicester with the Land Court Decree dated 02/07/2005 and recorded with the Worcester Registry of Deeds at Book 35653, Page 374. Assessed owner: Town of Leicester

Parcel No.19 "A Parcel of land with any buildings thereon, containing about 0.31 acres being described as parcel 41A-B14 in the office of the Assessors" currently under ownership by the Town of Leicester with the Land Court Decree dated 03/07/2007 and recorded with the Worcester Registry of Deeds at Book 40786, Page 273. Assessed owner: Town of Leicester

Parcel No.20 "A Parcel of land with any buildings thereon, containing about 5.1 acres being described as parcel 49-C8 in the office of the Assessors" currently under ownership by the Town of Leicester with the Land Court Decree dated 08/23/2006 and recorded with the Worcester Registry of Deeds at Book 39628, Page 217. Assessed owner: Town of Leicester

Map/Lot	Location	Assessed Value	Sales Price
21-A11	Main	\$15,900.00	\$ 7,000.00
21B-E3	Cherry Valley Park	\$3,000.00	\$ 1,000.00
21B-F2	Cherry Valley Park	\$3,100.00	\$ 1,000.00
23C-E14	Boyd Street	\$8,100.00	\$ 3,000.00
23D-A1	Main Street	\$13,500.00	\$ 6,000.00
23D-A1.1	Main Street	\$6,400.00	\$ 3,000.00
24-C20	Auburn Street	\$18,500.00	\$ 9,000.00
25A-E15	Newfield Street	\$8,100.00	\$ 4,000.00
25A-E17	Somerset Street	\$8,100.00	\$ 4,000.00
25A-E20	Utica Street	\$8,200.00	\$ 4,000.00
28B-G3	Hemlock Lane	\$7,400.00	\$ 3,000.00
29A-D10	Walbridge Road	\$10,500	\$ 6,996.75
29A-D8	Birchwood Drive	\$6,500.00	\$ 3,250.00
29A-D9	Birchwood Drive	\$10,800.00	\$ 7,425.55
31-A2	Peter Salem Road	\$7,200.00	\$ 3,000.00
33A-A1	Logan Street	\$8,300.00	\$ 4,150.00
34B-B4	Stafford Street	\$6,800.00	\$ 3,090.49
36-B5	Stafford Street	\$30,300.00	\$ 15,000.00
41A-B14	Ferncroft Road	\$9,500.00	\$ 4,500.00
49-C8	Parker Street	\$17,600.00	\$ 9,980.30

Sale will be made to the highest bidder at an open and competitive auction; however, the Treasurer may reject any and all bids at the sale or any adjournment thereof which the treasurer, in their sole discretion, deems inadequate. The highest bidder on a parcel will be required to make a deposit of \$500.00 on the day of the auction. This deposit must be in the form of cash, certified check, money order or bank check. No personal checks will be accepted. The remainder of the purchase price must be paid within ten (10) days, by cash, certified check, money order, or bank check. Failure to pay the remainder of the purchase price within ten (10) days will result in the forfeiture of your deposit to the Town of Leicester.

If you wish to obtain further information about any parcel listed, you are encouraged to examine the maps and records at the Town Assessors' Office. The terms and conditions listed below are subject to change.

The terms and conditions listed below apply to the sale of the parcel herein advertised:

1. The Town of Leicester, its Custodian, employees, representatives, auctioneer and/or agents make NO REPRESENTATIONS AS TO THE INSURABILITY OR MARKETABILITY OF THE TITLE OTHER THAN THE TITLE VESTS IN THE TOWN OF LEICESTER BY LAND COURT DECREE OF FORECLOSURE.
2. This parcel is sold "AS IS". The Town of Leicester, its Custodian, employees, representatives, auctioneer and/or agents make NO REPRESENTATIONS AS TO WHETHER OR NOT THIS PARCEL IS SUITABLE FOR YOUR INTENDED USE AND MAKE NO REPRESENTATIONS AS TO THE CONDITION AND/OR HABITABILITY OF ANY STRUCTURE AND/OR BUILDING THAT CURRENTLY EXISTS ON THE PREMISES. Prospective purchasers are responsible for investigating the suitability of this parcel for its intended use prior to auction.
3. This parcel is sold subject to any existing environmental or hazardous waste conditions, if any, including but not limited to lead paint, asbestos, underground oil tanks and/or mold, whether in or at the property, which may or may not be in compliance with any applicable laws, policies or regulations.
4. This parcel is sold subject to any applicable septic/disposal system inspection/upgrade requirements as set forth in the Department of Environmental Protection's Title 3 310 CMR, Section 15.301(f).
5. Any error, misstatement, or omission in the description of the property will not annul the sale or be grounds for any abatement or compensation.
6. Any purchaser who bids on this property needs to be current with their current motor vehicle and real estate taxes. If delinquent, the purchaser will be unable to bid on parcels available.
7. The following person(s) will not qualify to be a successful bidder: (1) the prior owner of the property and/or his or her agent or straw; (2) any person or entity that was party to the foreclosure action of pertaining to the property; and (3) any person currently delinquent in paying his/her own property taxes and/or other taxes or charges owed to the Town of Leicester.
8. The successful buyer will be required to: (1) sign and file a disclosure statement pursuant to M.G.L. c7, §40J giving the names and addresses of all persons who will have a beneficial interest in the property with the Commissioner of Capital Asset Management and Maintenance; and (2) sign under the penalties of perjury an affidavit indicating that no one who would gain equity in the property has been convicted of a crime involving the willful and malicious setting of a fire, or of aiding, counseling or procuring the willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance.
9. The balance of the contract sales price, pro forma taxes (to be calculated pursuant to M.G.L. c.44 §63A), a processing fee of \$500.00, and recording fee of \$155.00 must be paid by certified funds within ten (10) days of the auction. Failure to pay the remainder of the balance within ten (10) days will result in the forfeiture of the deposit to the Town of Leicester and the sale will be made to the second highest bidder.
10. The Custodian reserves the right to reject any bid at the auction or any adjournment thereof which, in his or her opinion, does not approximate the fair market value of the property.
11. A deposit in the amount of \$500.00 is required to register to bid at the auction. The successful bidder's deposit will be held by the Town as a non-refundable deposit on the

sale which shall be forfeited to the Town as liquidated damages in the event the high bidder fails to comply with the terms and conditions of the sale and/or is in default thereof.

Nicholas George
Treasurer Collector