

PUBLIC NOTICES

TOWN OF WILLIAMSBURG Office of the Zoning Board of Appeals Haydenville, MA LEGAL NOTICE

A Public Hearing will be held at **6:00 PM on Thursday, August 17, 2017** in the Williamsburg Town Offices, 141 Main St., Haydenville, MA to consider the following: The application of David Nehring and Susan Fortgang of 16 Walpole Rd., Assessors Map G, Lots 65.0 and 65.A and Map K, Lot 14 Williamsburg, MA for Modification of Conditions of the Special Permit granted Nov. 22, 2016, specifically modification of the hours of operation of the venue and to allow amplified music outside the venue building.

Charles Dudek, Chairman
Zoning Board of Appeals
08/03, 08/10/17

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Mortgage given by **Cynthia L. Dickinson** to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Master, Inc., its successors and

assigns, dated October 2, 2009 and recorded with the Hampshire County Registry of Deeds at Book 9983, Page 186, as affected by a Loan Modification Agreement recorded in said Registry of Deeds at Book 10837, Page 171, and as further affected by a Loan Modification Agreement recorded in said Registry of Deeds at Book 12139, Page 78, subsequently assigned to JPMorgan Chase Bank, N.A. by Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Master, Inc., its successors and assigns by assignment recorded in said Hampshire County Registry of Deeds at Book 10837, Page 186; of which Mortgage the undersigned is the present holder for breach of the conditions of said Mortgage and for the purpose of foreclosing same will be sold at **Public Auction at 3:00 PM on August 17, 2017 at 4 Maple Street, Huntington, MA**, all and singular the premises described in said Mortgage, to wit:

Those two pieces or parcels of land situated in Huntington, Hampshire County, Massachusetts, being further bounded and described as follows:

PARCEL I: The land in the Town of Huntington, in the County of Hampshire and the Commonwealth of Massachusetts, bounded and described as follows to wit: Commencing at a stake and stones on the West side of the new street "so-called" opened by Gilbert S. Lewis and "now or formerly" Milton Knights east corner, thence Westerly about seven rods to a stake and stones, thence southerly about four rods to a stake and stone; thence Easterly about seven rods to a stake and stones on said street, thence Northwardly on said street about four rods to the first mentioned bounds. Containing twenty-eight rods of land be the same more or less.

PARCEL II: A certain parcel of land located in Huntington, Hampshire County, Massachusetts, known as Parcel "A" on a plan of land entitled "DIVISION OF PROPERTY, HUNTINGTON, MASSACHUSETTS", Scale 1" = 20' prepared by D.L. Bean, Inc., Surveyors & Engineers, 40 School Street, Westfield, Massachusetts, dated May 6, 1998 and recorded with Hampshire County Registry of Deeds in Plan Book 183, Page 237.

Said Parcel "A" being further described as follows: Beginning at a drill hole found in the Westerly corner of the parcel herein to be conveyed; thence turning and running N. 49° 04' 39" E. for a distance of 28.75 feet to an iron pin found; thence turning and running N. 86° 57' 23" E. for a distance of 93.26 feet to a point; thence turning and running S. 71° 14' 02" E. for a distance of 43.94 feet to an iron pin set; thence turning and running S. 15° 29' 11" W. for a distance of 46.94 feet to a point; thence turning and running N. 74° 30' 50" W. for a distance of 48.00 feet to a point; thence turning and running S. 15° 29' 10" W. for a distance of 24.26 feet to a point; thence turning and running N. 61° 49' 56" W. for a distance of 99.86 feet to an E/pin in lead; thence turning and running N. 67° 00' 03" W. for a distance of 26.15 feet to a drill hole found, which point marks the place of beginning. Containing 6,633 square feet of land, more or less. BEING THE SAME premises conveyed to the mortgagor herein by deed to be recorded herewith.

The premises are to be sold subject to and with the benefit of all easements,

restrictions, building and zoning laws, liens, attorney's fees and costs pursuant to M.G.L.Ch. 183A, unpaid taxes, tax titles, water bills, municipal liens and assessments, rights of tenants and parties in possession.

16-012670/199/NOTOP_DR

TERMS OF SALE:

A deposit of FIVE THOUSAND DOLLARS AND 00 CENTS (\$5,000.00) in the form of a certified check, bank treasurer's check or money order will be required to be delivered at or before the time the bid is offered. The successful bidder will be required to execute a Foreclosure Sale Agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject

any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. The description of the premises contained in said mortgage shall control in the event of an error in this publication. **TIME WILL BE OF THE ESSENCE.**

Other terms if any, to be announced at the sale.

JPMorgan Chase Bank,
National Association
Present Holder of said
Mortgage,
By Its Attorneys,
ORLANDS PC
PO Box 540540
Waltham, MA 02454
Phone: (781) 790-7800
16-012670

07/27, 08/03, 08/10/17

HOW TO SUBMIT PUBLIC NOTICES

All legal notices to be published in the *Country Journal* should be sent directly to notices@turley.com. Jamie Joslyn processes all legal notices for this newspaper and can answer all of your questions regarding these notices. Please indicate the newspapers and publication date(s) for the notice(s) in the subject line of your email. For questions regarding coverage area, procedures or cost, please call Jamie directly at 413-283-8393.

Please check the accuracy of your legal notice prior to submission (i.e., date, time, spelling). Also, be sure the requested publication date coincides with the purpose of the notice, or as the law demands. Thank you.

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Country Journal OBITUARY POLICY

Turley Publications offers two types of obituaries.

One is a free, brief **Death Notice** listing the name of deceased, date of death and funeral date and place.

The other is a **Paid Obituary**, costing \$75, which allows families to publish extended death notice information of their own choice and may include a photograph. **Death Notices & Paid Obituaries** should be submitted through a funeral home to: obits@turley.com.

Exceptions will be made only when the family provides a death certificate and must be pre-paid.

Form 299

Date: August 2, 2017
ATTORNEY GENERAL'S NOTICE Pursuant to G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000

Town of Worthington Case No. 8344
Annual Town Meeting of May 6, 2017
Article # 31

Attorney General's Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing

Pursuant to the provisions of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is mailed, posted or published as required by that section, then instead of disapproving the by-law or amendment by reason of any such defect, the Attorney General may elect to proceed under the defect waiver provisions of G.L. c. 40, § 32. Under those provisions, the Attorney General is **conditionally** authorized to waive any such defect.

Defect Determined in Notice of Planning Board Hearing

The Attorney General has determined that one or more of the notice requirements for the planning board hearing relating to the above Article failed to comply with the notice requirements for such hearing required by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

No zoning...by-law or amendment thereto shall be adopted until after the planning board in a...town has...held a public hearing thereon...at which interested persons shall be given an opportunity to be heard.... **Notice of the time and place of such hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the...town once in each of two successive weeks**, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the...town hall for a period of not less than fourteen days before the day of said hearing. **Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town.**

Based on the materials submitted to this Office, we have identified the following defects: the planning board notice was published only once in a newspaper of general circulation in the Town on February 15, 2016. As such, it was not published in two successive weeks as required by G.L. c. 40A, § 5. In addition, the planning board hearing notice was not sent to the Department of Housing and Community Development, the regional planning agency, and to the

planning board of each abutting city and town as required by G.L. c. 40A, § 5. Apart from these defects, the notice in all other respects appears to satisfy the requirements of the statute.

Attorney General's Election to Proceed Under the Waiver Provisions of G.L. c. 40, § 32

The Attorney General has elected to proceed under the limited defect waiver authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000.

Suspension of Review of Zoning By-Law Amendments

The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore suspended in accordance with the provisions of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000.

Posting and Publication of This Notice

The Town Clerk shall post a true copy of this Notice in a conspicuous place in the Worthington Town Hall for a period of not less than 14 days and shall publish a copy once in a newspaper of general circulation in the Town of Worthington.

Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial

Within 21 days of the date on which this Notice is published in a newspaper of general circulation in the Town of Worthington, any **resident** of the Town of Worthington, or the **owner** of any real property in the Town of Worthington, or any **other party** entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be **actually on file** with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.

Town Clerk's Certification of Compliance with This Notice

After the expiration of the 21-day period, the Town Clerk shall submit to the Attorney General a true copy of this Notice with a certification of compliance with the publishing and posting requirements of the preceding paragraph, and a certification that either (a) no claim was filed within the 21 day period, or (b) one or more claims were filed within the 21-day period. The Town Clerk shall submit to the Attorney General true copies of any such claim(s).

Resumption of Attorney General's Review

Upon receipt of one original copy of this Notice with the Clerk's certification, the 90 day period provided for the Attorney General's review under G.L. c. 40, § 32, shall resume. If no claim is made, the Attorney General has the discretion to waive any such defect; if any claim is made, however, the Attorney General may not waive any such defect.

08/10/17

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1 Email all notices to notices@turley.com

2 Access archives and digital tear sheets by newspaper title.

3 Find a quick link to the state of Massachusetts' public notice web site to search all notices in Massachusetts newspapers.

Public notice deadlines are Mondays at noon, Fridays noon for Monday holidays.

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