

STATE OF RHODE ISLAND
CITY OF CENTRAL FALLS

HOUSING COURT

CITY OF CENTRAL FALLS :
 Petitioner :
v. :
ONE PARCEL OF REAL ESTATE :
COMMONLY KNOWN AS :
37 LINCOLN AVENUE AND LOCATED: :
AT PLAT 4, LOT 79, AN *IN REM* :
RESPONDENT; JASON N. ANDRADE; :
KELLY M. ANDRADE-FLANAGAN; :
AND MTGLQ INVESTORS, L.P. :
 Respondents :
_____ :

C.A. No.: HC-2018-095

ORDER APPOINTING TEMPORARY RECEIVER

This cause came on to be heard upon the Petitioner's Petition for the Appointment of a Receiver and, upon consideration thereof, it is hereby:

ORDERED, ADJUDGED AND DECREED

1. That John Dorsey, Esq., of Providence, Rhode Island be and hereby is appointed as Temporary Receiver (the "Receiver") of the *in rem* Respondent named in the above case caption, (hereinafter the "Property") to maintain the status quo, consistent with this order pending a further hearing to determine whether to appoint a Permanent Receiver under RIGL § 34-44-4 et. seq.

2. That said Temporary Receiver shall, no later than five (5) days from the date hereof, file a bond in the sum of \$10,000.00 with any surety company authorized to do business in the State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform the duties of said office and duly account for all monies and property which may come into the Receiver's hands and abide by and perform all things which the Receiver will be directed

to do by this Court.

3. That said Receiver is authorized to take possession and charge of the Property and assets of the Property, to collect the debts and Property belonging to it and to preserve the same until further order of this Court. Notwithstanding, this Order shall not deprive or restrict any owners' rights to the Properties, or their ability to take actions in the ordinary course with regard to said Properties.

4. The Temporary Receiver is hereby authorized and directed to take the steps necessary in the Receiver's discretion to access the above-listed Respondent Property.

5. That said Receiver is authorized until further Order of this Court, to borrow money from time to time, and be granted a lien for any and all Court-approved fees and expenditures, including the costs of advertising and service and notice as set forth further herein, all in accordance with the authority authorized pursuant to RIGL § 34-44-6 and 34-44-8, and to engage employees and assistants, clerical or otherwise, and to do and perform or cause to be done and performed all other acts and things as are appropriate in and on the Premises to the extent necessary to preserve the status quo and carry out the provisions of this Order. The Receiver shall have no obligation to insure the Premises.

6. That the Receiver shall receive Court approval, *ex parte*, prior to engaging any professionals, including but not limited to brokers, accountants, financial analysts, or counsel other than the Receiver or his firm.

7. That, pursuant to and in compliance with Rhode Island Supreme Court Executive Order No. 95-01, this Court finds that the designation of the aforescribed person for appointment as Receiver is warranted and required because of the Receiver's specialized expertise.

8. That the commencement, prosecution, or continuance of the prosecution of any

action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law, or in equity or under any statute, or otherwise, against the Property or any of its property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against the Property, or the taking or attempting to take into possession the Property, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease or other contract with respect to the Property, by any of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of telephone, electric, gas or other utility service to the Property, by any public utility, without prior approval thereof from this Honorable Court, in which connection said Receiver shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

9. That a copy of this Order Appointing a Temporary Receiver including the summons provision herein shall be served upon the owners of record and the Defendant named herein, and upon any other interested party or mortgagee of title record either by personal service, or residence service or service by certified mail pursuant to Rule 4 of the Superior Court Rules of Civil Procedure returnable to the Central Falls Housing Court sitting at Central Falls, Rhode Island on September 11, 2019, at 5:30 p.m., at which time and place this cause is set down for Hearing.

10. At the Hearing the Court shall address and consider:

- a. The issue of whether the Property or any improvement or building thereon is/are abandoned and either is in a dangerous or unsafe condition or is otherwise in violation of any ordinance or regulation concerning minimum

housing standards as required under RIGL § 34-44-3;

- b. That, at such Hearing, if the Court shall find that the building is either abandoned or a nuisance as set forth in RIGL § 34-44-3, the Court shall determine whether the owner of the building has been afforded reasonable opportunity to begin correcting the dangerous or unsafe condition found or to begin eliminating the violation found and has refused or failed to do so as required per RIGL § 34-44-4;
- c. That at such Hearing, consistent with the provisions of RIGL § 34-44-3 and RIGL § 34-44-4(a), the owner of record and any other interested party or mortgagee or lien holder of titled record shall be permitted to appear and show cause why an injunction should not enter or, alternatively, why a Permanent Receiver should not be appointed to cause to be performed whether by sale of the Premises or by other method, any work and to furnish any material that reasonably may be required to abate abandonment and/or the public nuisance;
- d. That at such hearing, if the Temporary Receiver or Petitioner shall present evidence of abandonment or public nuisance as defined in RIGL § 34-44-1 et. seq., the owner of record and any interested party of record or mortgagee shall be offered the opportunity to undertake the work and furnish the materials as are necessary to abate the public nuisance as required and consistent within RIGL § 34-44-4(b) and (c); and
- e. Whether a Permanent Receiver ought to be appointed, pursuant to the provisions of RIGL § 34-44-4(c), and, if so, whether the person selected to serve as receiver has complied with § 34-44-4(c).

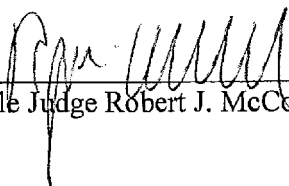
11. In addition to the aforementioned notice, the Temporary Receiver shall give Notice of the pendency of the Petition herein by publishing paragraphs 1 and 9 of this Order Appointing Temporary Receiver once in *The Providence Journal* on or before August 23, 2019, so long as the Receiver's Bond has been filed, which shall satisfy the notice requirement of RIGL § 34-44-3, and the Temporary Receiver shall give further notice by posting notice of this Order on a conspicuous part of the Respondent *in rem* Property.

12. The Temporary Receiver shall not be required to insure the above property. Notwithstanding, as pursuant to R.I. Gen. Laws § 34-44-7, the Temporary Receiver shall have no personal liability of any kind or nature with regard to the above-referenced property or the appointment made herein.

ENTERED as an Order of this Court this 16 day of August, 2019.

ENTERED:

BY ORDER:



The Honorable Judge Robert J. McConnell

Clerk