

STATE OF RHODE ISLAND  
CITY OF WARWICK

MUNICIPAL COURT

CITY OF WARWICK  
*Petitioner,*

v.

MICHAEL J. PAPPAGALLO, JR;  
ROSEMARY PAPPAGALLO; AND  
ONE PARCEL OF REAL ESTATE  
COMMONLY KNOWN AS  
70 JOHN WICKES AVE,  
PLAT 221, LOT 0040,  
AN IN-REM RESPONDENT,  
*Respondents.*

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Docket No.: PM2000280

**ORDER APPOINTING PERMANENT RECEIVER**

This cause came to be heard on the Petition for Appointment of Receiver for the above captioned Respondent Property, and it appearing that the notice provided by the Order of this Court previously entered herein has been given, and upon consideration thereof, the Court makes the following findings of fact:

**FINDINGS OF FACT**

1. That notice of the instant proceedings was properly given;
2. That the Plaintiff City of Warwick has established to the satisfaction of this Court that the Property is abandoned and a public nuisance under § 34-44-1 et. seq.;
3. That all parties in interest including title owners of record; lien holders of record; mortgagees of record have been afforded notice and failed to show cause that they could or would abate the abandonment or public nuisance;
4. That the appointed Receiver identified below has established factually a viable plan of rehabilitation of the Property;
5. That the appointed Receiver identified below has demonstrated that based upon the Receiver's intended abatement plan there is no need for and the Receiver is excused from posting security for the work to be performed in a plan of rehabilitation;
6. That the appointed Receiver identified below has the capacity and experience to ensure performance of the rehabilitation; and

7. The Court finds that the Receiver and plaintiff City have met their burdens of proof under §§ 34-44-3 and 34-44-4.

Whereby it is hereby:

**ORDERED, ADJUDGED AND DECREED:**

1. That John A. Dorsey, of 55 Pine Street Providence, Rhode Island, be and hereby is appointed Permanent Receiver (the "Receiver") of the Property, and of all the estate, assets, and effects of the Property of every name, kind, nature and description, with all the powers conferred upon the Receiver by the Rhode Island General Laws, including but not limited to all such powers identified in Rhode Island General Law § 34-44-6(1)-(9), by this order, or otherwise, and with all powers incidental to the Receiver's said Office.
2. That said Receiver shall, no later than five (5) days from the date hereof, file herein a bond in the amount of \$10,000.00 with corporate surety thereon authorized to do business in the State of Rhode Island conditioned that the Receiver will well and truly perform the duties of said office.
3. That said Receiver be and hereby is authorized, empowered and directed to take possession and charge of said estate, assets, effects, and Property, including cash surrender valued of any insurance owned by Property, and to preserve the same, and is hereby vested with title to the same; to collect and receive the debts, property and other assets and effects of said Property, including such cash surrender value, with full power to prosecute, defend, adjust and compromise all claims and suites of, by or against said Property and to appear, intervene or become a party in all suits, actions or proceedings relating to said estate, assets, effects and property as may in the judgment of the Receiver be necessary or desirable for the protection, maintenance and preservation of the Property and assets of said Property.
4. That this appointment is made in succession to the appointment of Temporary Receiver heretofore made by order of this Court, and the Receiver shall take and be vested with the title to all assets, property and choses-in-action which have heretofore accrued to the Temporary Receiver with power to confirm and ratify in writing such agreements as are entered into by such Temporary Receiver and to carry out and perform the same.
5. That the Receiver is authorized, in the Receiver's discretion, to employ such persons as may be desirable for the foregoing purposes and, in connection therewith, to use such moneys as shall come into the Receiver's hands in possession, as far as the same shall be necessary, for the above purposes and for the purpose of completing the plan of rehabilitation until further Order of this Court.
6. That the Receiver is authorized to incur expenses for goods and services and to purchase for cash such supplies and materials as in the Receiver's discretion may be desirable or necessary for preservation of the Property and completion of the plan of rehabilitation. The Receiver shall have no obligation to insure the Respondent Property.

7. That said Receiver be and hereby is authorized and empowered to sell, transfer and convey said Receiver's right, title and interest and the right, title and interest of said Property in and to any real property or personal property, tangible or intangible, for such sum or sums of money as to said Receiver appears reasonable and proper, at private sale or sales, provided, however, that approval is first given for such sale or sales by this Court on *ex parte* application by the Receiver, or after such notice as the Court may require.

8. That the Receiver is hereby authorized and empowered to sell at public auction any or all of the assets referred to in Paragraph 7 subject to the specific authority, terms and conditions as may be authorized by further order of this Court. In the event that the Receiver shall seek an order from this Court to authorize the sale of the assets referred to in paragraph 7, then in such event the Receiver may also be authorized to engage an auctioneer and to insert such display ads within or without the State of Rhode Island as the Receiver deems proper advertising for such sale. Such a public auction sale conducted by said Receiver in accordance with the provisions of this paragraph shall be considered and is hereby declared to be a commercially reasonable sale, and such sale shall constitute compliance with the requirements of a commercially reasonable sale as set forth in Article 9 of the Uniform Commercial Code as enacted in Rhode Island.

9. That said Receiver be, and hereby is, authorized and empowered, as soon as there are sufficient funds available, to pay all City, State and United States taxes of any kind, nature and description.

10. In fulfillment of any reporting requirements, the Receiver shall file Reports, as and when the Receiver deems necessary or advisable under the circumstances, or, in any event, as and when required by Order of this Court.

11. That the Receiver shall continue to discharge said Receiver's duties and trusts hereunder until further order of this Court; that the right is reserved to the Receiver and to the parties hereto to apply to this Court for any other or further instructions to said Receiver and that this Court reserves the right, upon such Notice, if any, as it shall deem proper, to make such further orders herein as may be proper, and to modify this Order from time to time.

12. The Receiver shall have no obligation to insure the above property. Notwithstanding, as pursuant to R.I. Gen. Laws § 39-44-7, the Receiver shall have no personal liability of any kind or nature with regard to the above referenced property or the appointment made herein.

13. 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 said Property or any of its improvements or personal property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, member, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of said Defendant, the Property or the Receiver, or the taking or attempting to take into possession any property in the possession of the Property, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease

or other contract with Receiver for the benefit of the Property, by any or 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 obtaining 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.

14. That Notice be given of the entry of this order by the Clerk of this Court by publication of a copy of the this Order in *The Warwick Beacon* on or before December 30, 2022, and by the Receiver mailing on or before the day of December 30, 2022, a copy of said Receivership Notice to each creditor or interested party of said Property known as such to the Receiver at their last known address.

15. The Receiver is hereby authorized to engage the assistance of a licensed broker selected by the current owner of the Property to list the Property on the Multiple Listing Service, subject to any offer(s) provided by said broker being subject to Court-approval.

16. The owner shall maintain access to the Property in order to allow for the removal of any personal property either prior to a Court-approved sale and/or as a contingency to a Court-approved sale of the Property.

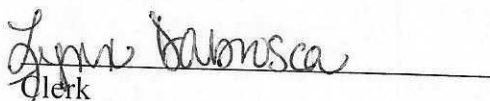
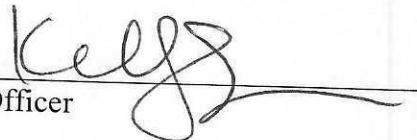
17. This Order is entered by virtue of and pursuant to this Court's equity powers and pursuant to its powers as authorized by the laws and statutes of the State of Rhode Island.

ENTERED as an Order of this Court this \_\_\_\_ day of December, 2022.

ENTERED:

BY ORDER:

Judicial Officer

  
Clerk

Prepared by:

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John A. Dorsey (#8373)  
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