## Region

### **Committee discusses Gilbert** trust with attorney

### **By Paula Ouimette** pouimette@turley.com

WARE - The Hospital Review Committee received an update from Attorney Patricia Davidson regarding her progress in researching the Lewis Gilbert trust.

"This is a type of situation that calls out, ideally for, a negotiated resolution here, that achieves a plan that is as consistent as possible with the terms of the estate planning documents that govern the situation and certainly the interests of the citizens of Ware and the priorities of this committee," Davidson said at the July 15 meeting.

Davidson said she has met with Bank of America (the trustee of the trust) as well as representatives of Baystate Health, with the primary goal of reaching a resolution that "makes sense" to the community. This includes utilization of the real estate and the trust funds.

She said both Bank of America and Baystate Health "seem amenable" to working out a plan or proposal and continuing to have discussions.

"At least at this stage we have receptivity," she said.

Davidson said putting together a concept will require the cooperation of the trustee, Baystate Health, the Attorney General, the committee and residents.

Davidson asked the committee to share feedback from community members to create a proposal that reflects their needs

'We know conceptually that we're looking for utilization of the land and those funds in a way that more directly serves the health needs of the community, but what does that mean? What are we asking for?" she said.

Hospital Review Committee Chair Howard Trietsch asked Davidson some questions the committee members had, including past and present uses of the trust money, the land deed associated with the trust, other trust moneys outside of the Gilbert trust, and about the role of the Attorney General in this process.

Davidson said the Attorney General can provide oversight when a charitable trust can no longer fulfill the specific objectives in the four corners of the trust. She said it is not uncommon that circumstances change, which causes the charitable objectives to change.

"The Attorney General has an interest in making sure that the charitable objectives, even if they change over time, are as lined as closely as possible with the intent of the grantor...and that the use of these funds are as closely aligned with the four corners of the documents as much as possible," she said. Davidson asked if it is no longer economical to operate a hospital on the site, what are the concepts that will allow the trustee to use the funds in order to align with the initial objective, and whether the Attorney General will accept it.

said.

Davidson said working through the foundation is a concept that has traction.

Committee member Cathy Cascio said they want Baystate Health "out of the picture" and bring in a group that would represent the towns.

Trietsch said working with the Greater Worcester Community Foundation is the best alternative to keep money in the area for healthcare purposes.

Davidson will be in contact with Dunn to continue the discussion.

### **Concerns from community**

Hardwick resident Stephen Granlund shared concerns with Davidson about the involvement of Jeffrey Daley, president and CEO of Westmass Area Development Corporation, who was hired to decommission and abate the hospital by Baystate Health.

"If it's no longer providing medical services in the community...then I think that's what the focus of what we're trying to do is."

### - Attorney Patricia Davidson

Granlund said the property had been promised to Daley for \$1.

Daley has said in previous meetings that he would not accept the 21-acre property if there were land or deed restrictions placed on it.

Trietsch explained that Baystate Health had planned to hand the site to Westmass after clearing it of buildings. He said Westmass has worked with many municipalities to develop properties.

Granlund said Baystate Health had previously offered the site (with or without buildings) to the town at no charge, but that offer was withdrawn.

"They've all acted in bad faith," Granlund said of both Baystate Health and Westmass.

Bourcier said she would also like to see Bank of America removed as trustee, due to misappropriation of funds.

"Breaking away from both of them is warranted," she said.

Granlund said the buildings on the property were functioning as a hospital up until December of this past year, and they have made the property as "undesirable as possible," pointing to the removal of sidewalks and a memorial garden that occurred during the ongoing demolition delay.

### (SEAL)

THE COMMONWEALTH **OF MASSACHUSETTS** LAND COURT **DEPARTMENT OF** THE TRIAL COURT **Docket Number:** 24 SM 002234 **ORDER OF NOTICE** 

William C. Dupell III a/k/a William Dupell III; Tanya M. Gryszowka-Dupell

and to all persons entitled to the benefit of the Servicemembers Civil Relief Act, 50 U.S.C. c. 50 §3901 (et seq): NewRez LLC d/b/a

Shellpoint Mortgage Servicing

claiming to have an interest in a Mortgage covering real property in Hardwick, numbered 1476 Patrill Hollow Road, given by William C. Dupell III, Tanya M. Gryszowka-Dupell to Mortgage Electronic Registration Systems, Inc., as nominee for CitiBank, N.A., dated October 16, 2015, and recorded in the Worcester County (Worcester District) Registry of Deeds in Book 54453, Page 120, as modified by a certain modification agreement dated May 24, 2022, and recorded with said Hampshire County Registry of Deeds in Book 67776, Page 234, and now held by the Plaintiff by assignment, has/have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at Three Pemberton Square, Boston, MA 02108 on or before September 2, 2024, or you may lose the opportunity to challenge the foreclosure on the ground of noncompliance with the

Witness, Gordon H. Piper, Chief Justice of this Court on July 19, 2024. Attest:

# **Public Notices**

by a certain modification agreement dated August 1, 2017, and recorded with the deed. said Worcester County (Worcester District) **TERMS OF SALE:** Registry of Deeds in Book 58222, Page 88, of which mortgage the undersigned is the present holder, by assignment from: JPMorgan Chase Bank, National Association, successor in interest by purchase from the FDIC as Receiver of Washington Mutual Bank to CitiBank, NA as trustee for WaMu Series 2007-HE2 Trust, recorded on October 11, 2012, in Book No. 49765, at Page 184 CitiBank, NA as trustee for WaMu Series 2007-HE2 Trust to Citibank, N.A., as Trustee, in trust for reg-istered Holders of WaMu Asset-Backed Certificates WaMu Series 2007-HE2 Trust, recorded on January 22, 2024, in Book No. 70117, at Page 68 for breach of the conditions of said mortgage and for the purpose of foreclossale. ing, the same will be sold at Public Auction at 12:00

PM on August 9, 2024, on the mortgaged premis-es located at 298 Oakham Road, Barre, Worcester County, Massachusetts, all and singular the premis-es described in said mort-

gage, TO WIT: A cer-tain parcel of land in Barre, Worcester County, Massachusetts, on the northwesterly side of Oakham Road in said Barre, Worcester County, Commonwealth of Massachusetts, being shown as Lot 19 on a plan entitled, "Plan of Land, Oakham Road, Barre, Massachusetts, Owned by Marie Bomba, Executrix of the Estate of Salvatore J. Petraccone, 210 Oakham Road, Barre, MA 01005," by Bruce E. Wilson, Jr., P.L.S., New England Environmental Design, LLC, P.O. Box 376, Rutland, MA 01543, dated August 15, 2005, recorded with the Worcester District Registry of Deeds on October 20, 2005 in Plan Book 833, Plan 42, and to which plan reference is made for a more particular description. For mortgagor's(s<sup>7</sup>) title see deed recorded with Worcester County (Worcester District) Registry of

improvements, liens or encumbrances is made in

A deposit of Five Thousand (\$5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California St., Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Other terms, if any, to be announced at the

CITIBANK, N.A., AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF WAMU ASSET-BACKED CERTIFICATES WAMU SERIES 2007-HE2 TRUST Present holder of said

mortgage By its Attorneys, HÁRMON LÁW OFFICES, P.C. 150 California St. Newton, MA 02458 617)558-0500 24004

07/18, 07/25, 08/01/2024

#### LEGAL NOTICE MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Glen D. Moreau to Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Quicken Loans, LLC, its successors and assigns, dated October 29, 2020 and recorded in Worcester County (Worcester District) Registry of Deeds in Book 64267, Page 41 (the "Mortgage") of which mortgage Rocket Mortgage, LLC f/k/a Quicken Loans, LLC is the present holder by Assignment from Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Quicken Loans, LLC, its successors and assigns to Rocket Mortgage, LLC, f/k/a Quicken Loans, LLC dated January 12, 2024 and recorded at said Registry of Deeds in Book 70104, Page 242, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 172 North Brookfield Road, Oakham, MA 01068 will be sold at a Public Auction at 10:00 AM on August 14, 2024, at the

mortgaged premises, more particularly described below, all and singular the premises described in said mortgage, to wit:

Land situated in the Town of Oakham in the County of Worcester in the State of MA

LAND ТНЕ I N O A K H A M , WORCESTER COUNTY, IN MASSACHUSETTS, TOGETHER WITH RIGHTS, IF ANY, IN THE BUILDING THEREON, SUCH PARCEL OF LAND BEING SHOWN AS LOT 2 ON A PLAN ENTITLED "PLAN OF LOTS IN OAKHAM, MASS. OWNED BY ADAM CHESTNA" DATED OCTOBER 23. 1985 PREPARED BY JOHN R. LONERGAN, R . L . S A N D RECORDED WITH THE WORCESTER DISTRICT REGISTRY OF DEEDS AT PLAN BOOK 550, PLAN 78,

SUCH PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT ON THE WESTERLY LINE OF NORTH BROOKFIELD ROAD, SUCH POINT LOCÁTED FOUR HUNDRED THREE AND EIGHTY-TWO HUNDREDTHS (403.82) FEET AS MEASURED ALONG A LINE RUNNING SOUTH 4 DEGREES 44 MINUTES 03 SECONDS WEST FROM A GUN BARREL IN THE WESTERLY SIDE OF NORTH BROOKFIELD ROAD; THENCE SOUTH

89 DEGREES 48 MINUTES WEST FIVE HUNDRED FOURTEEN AND FORTY-FIVE HUNDREDTHS (514.45) FEET BY LAND NOW OR FORMERLY OF ADAM E. CHESTNA, TO A POINT;

THENCE NORTH 20 DEGREES 47 MINUTES 23 SECONDS WEST SIXTY (60) FEET BY LAND NOW OR FORMERLY OF THE COMMONWEALTH OF MASSACHUSETTS, METROPOLITAN D I S T R I C T COMMISSION, TO A STONE BOUND;

THENCE NORTH DEGREES 17 15 MINUTES 14 SECONDS EAST ONE 15 ignated by mortgagee. HUNDRED SIXTY-The description for the premises contained in said NINE AND FIFTEEN mortgage shall control in HUNDREDTHS (169.15) FEET BY the event of a typograph-LAND NOW O R ical error in this publica-FORMERLY OF THE tion. Other terms to be COMMONWEALTH OF MASSACHUSETTS, METROPOLITAN DISTRICT COMMISSION, TO A POINT: THÉNCE NORTH DEGREES 42 MINUTES EAST SIX HUNDRED A N D SIXTY-NINE AND SIX HUNDREDTHS (669.06) FEET BY LAND NOW

**DEGREES 44 MINUTES** 03 SECONDS WEST FOUR HUNDRED FIFTY-ONE AND SEVENTY-FOUR HUNDREDTHS (451.74) FEET BY THE WESTERLY LINE OF NORTH BROOKFIELD ROAD TO THE POINT OF BEGINNING.

POINT:

Commonly known as: 172 N Brookfield Rd, Oakham, MA 01068-9620

OR FORMERLY OF

ROSSELLI AND LAND

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THE PROPERTY A D D R E S S A N D T A X P A R C E L **IDENTIFICATION** NUMBER LISTED ARE PROVIDED SOLELY FOR INFORMATIONAL PURPOSES

Being the same prop-erty conveyed to Glen D. Moreau, by deed dated November 18, 2009 of record in Deed Book 45133, Page 44, in the County Clerk's Office.

For mortgagor's title see deed recorded with the Worcester County (Worcester District) Registry of Deeds in Book 45133, Page 44.

The premises will be sold subject to any and all unpaid taxes and other municipal assessments and liens, and subject to prior liens or other enforceable encumbrances of record entitled to precedence over this mortgage, and subject to and with the benefit of all easements, restrictions, reservations and conditions of record and subject to all tenancies and/or rights of parties in possession.

Terms of the Sale: Cashier's or certified check in the sum of \$5,000.00 as a deposit must be shown at the time and place of the sale in order to qualify as a bidder (the mortgage holder and its designee(s) are exempt from this requirement); high bidder to sign written Memorandum of Sale upon acceptance of bid; balance of purchase price payable by certified check in thirty (30) days from the date of the sale at the offices of mortgagee's attorney, Korde & Associates, P.C., 900 Chelmsford Street, Suite 3102, Lowell, MA or such other time as may be des-

Trietsch said there is a "great sentiment" both within the committee and town, to sever Baystate Health from being the beneficiary of the trust.

"There's certainly a loss of trust between the townspeople and Baystate," he said.

Davidson said she did think it was feasible to make the removal of Baystate Health as beneficiary an objective in their plan.

"If it's no longer providing medical services in the community in a way that is more direct than having to drive nine miles down the road, then I think that's what the focus of what we're trying to do is," she said.

Davidson said the trustee has seemed receptive to this, and is aware of the concerns voiced by the committee and community.

Trietsch said the Friends of Mary Lane Hospital have researched health foundations that would act as beneficiaries of the trust in place of Baystate Health, and the committee has met with them.

"There are alternatives," Trietsch said.

One of these alternatives is the Greater Worcester Community Foundation. The committee has also met with the Health Foundation of Central Massachusetts.

Trietsch said Peter Dunn, the CEO of the Greater Worcester Community Foundation, met with them and explained the role of the foundation.

Friends of Mary Lane Hospital Chair Cindy Bourcier said the foundation has a donor-advised committee and any time there is a grant request, that committee would review it before giving approval to release funds.

"If we have a healthcare facility, we can have grants go to those types of charitable foundations," Bourcier Health on July 31.

Trietsch said some of the reasons the town did not accept the property from Baystate Health had to do with concerns about contamination of the property, and having to develop it.

Finance Committee Chair Ken Willette said his committee's recommendation was against accepting the property at the time of the offer due to lack of information about contamination, land use and financial responsibility.

Trietsch said these same concerns still exist today, even after an environmental study was conducted.

Hospital Review Committee member Denis Ouimette said the vast majority of residents are interested in health services, and that doesn't necessarily mean a hospital. He said having health services doesn't have to take up all 21 acres of the property.

He said having health services in town could provide an extra level of care before needing to go to Baystate Wing Hospital in Palmer.

#### **Questions about trusts**

Bourcier said there is at least \$17 million in various trust funds, in addition to the Gilbert trust, of which Baystate Health is beneficiary. She said Baystate Health established perpetual funds by creating room memorials, with the funds to be used to maintain a room in a loved one's name.

There is also the Paige trust, which was established to help Hardwick residents pay for their medical costs, and another trust for operating room equipment.

"Lots of very specific trust funds were set up," Bourcier said.

She said it's likely that Bank of America is also trustee of those various trust funds.

Bourcier said she has requested an inventory of the trusts from Baystate Health, and her request was denied.

"No one seems to have an inventory of these funds," Bourcier said. "But we do know through the tax returns, what the amount was."

### **Upcoming visit**

Town Manager Stuart Beckley said Kennedy Community Health Center is touring the site with Baystate

**Deborah J. Patterson** Recorder 26043

07/25/2024

### NOTICE OF MORTGAGEE'S SALE

**OF REAL ESTATE** By virtue and in execution of the Power of Sale contained in a certain mortgage given by Jamie R. Faucher to Washington Mutual Bank, FA, dated December 28, 2006 and recorded in the Worcester County (Worcester District) Registry of Deeds in Book 40455, Page 302, as modified

Deeds in Book 38679, Page 29. These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements,

announced at the sale. Rocket Mortgage, LLC f/k/a Quicken Loans, LLC Korde & Associates, P.C. 900 Chelmsford Street Suite 3102 Lowell, MA 01851 (978) 256-1500 Moreau, Estate of Glen D., 24-045028 07/18, 07/25, 08/01/2024



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 \$225, 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.

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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