

LEGAL NOTICE

**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 **MANUEL J. BARRY, JR., AS TRUSTEE OF BARRY FAMILY TRUST** u/d/t dated January 28, 1992 and registered with the Middlesex (Northern District) Registry of the Land Court (the "Registry") as Document No. 138602, to **THE LOW-ELL FIVE CENT SAVINGS BANK** dated September 14, 2010 and registered with the Registry as Document No. 259502 and noted on Certificate of Title No. 30036 in Book 153, Page 71 (the "Mortgage"), of which Mortgage the undersigned (the "Mortgagee") is the present holder by virtue of an Assignment of Mortgage dated April 12, 2016 and registered with the Registry as Document No. 286703 and noted on Certificate of Title No. 30036 in Book 153, Page 71, for breach of the conditions of the Mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 a.m. on Wednesday, June 7, 2017 at the mortgaged premises located on or near 312 Main Street, Wilmington, Massachusetts, all and singular the premises described in the Mortgage, to wit:

"That certain parcel of land situate in Wilmington in the County of Middlesex and said Commonwealth, bounded and described as follows:

Southwesterly by the Northeasterly line of Main St., one hundred thirty-three and 89/100 (133.89) feet;

Northwesterly by land now or formerly of Richard B. Howatt et ux, one hundred thirty-two and 51/100 (132.51) feet;

Northeasterly by land now or formerly of Donald W. O'Connell et al, one hundred fifteen and 13/100 (115.13) feet;

Northwesterly by land now or formerly of Donald W. O'Connell et al and Lot 5, by two lines measuring together, two hundred sixty-seven and 36/100 (267.36) feet;

Northeasterly by land now or formerly of Francis Bannister et al, twenty-eight and 90/100 (28.90) feet;

Southeasterly two hundred six and 86/100 (206.86) feet;

Northeasterly forty-three and 54/100 (43.54) feet, by Lot 6;

Southeasterly by Lot 2, sixty-three (63) feet;

Southwesterly by Lots 2 and Lot 3, fifty-seven and 64/100 (57.64) feet; and

Southeasterly by Lot 3, eighty-five and 27/100 (85.27) feet.

Said land is shown as Lot four (4) on a plan hereinafter mentioned.

Also another certain parcel of land situate in said Wilmington, bounded and described as follows:

Southwesterly by land now or formerly of Donald W. O'Connell et al, thirty-two and 50/100 (32.50) feet;

Northwesterly by lands now or formerly of Edward J. Irwin et al and Fred D. Cain et al, one hundred fifty-seven and 57/100 (157.57) feet;

Northeasterly by land now or formerly of Francis Bannister et al, thirty-two and 99/100 (32.99) feet; and

Southeasterly by Lot 4, one hundred sixty-three and 27/100 (163.27) feet.

Said land is shown as Lot five (5) on said plan.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 33830-B, drawn by Robert E. Anderson Inc., Surveyors, dated November 5, 1984, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 26337.

For my title see Certificate of Title Number 30036, Book 153, Page 71."

**EXCLUDING FROM
SAID SALE** Lot 11 as shown on Land Court Plan 33830F registered with the Registry and as described in (i) a Deed registered with the Registry as Document No. 260867 and noted on Certificate of Title No. C7 in Book 1, Page 13, and (ii) a Partial Release of Real Estate Mortgage registered with the Registry as Document No. 260894 and noted on Certificate of Title No. C7 in Book 1, Page 13.

The description of the premises contained in the Mortgage shall control in the event of a typographical error in this publication.

Said premises, together with all improvements encumbered by the Mortgage, are to be sold and conveyed subject to all leases, tenancies, occupancies, mortgages, restrictions, covenants, orders of conditions, easements, encroachments, outstanding tax titles, municipal or other public taxes, assessments or liens, federal and state tax liens, other liens or claims in the nature of liens and existing encumbrances recorded prior to the Mortgage and/or otherwise having priority over the Mortgage, if there be any.

TERMS OF SALE: A deposit of FIVE THOUSAND (\$5,000.00) DOLLARS, non-refundable, is to be paid in certified or bank cashier's check by the purchaser at the time and place of sale, the balance to be paid in certified or bank cashier's check and deed to be taken by purchaser within thirty (30) days of the sale at the offices of Lombardo, DeVellis & Smith, LLP, 41 North Road Suite 203, Bedford, Massachusetts, attorneys for the Mortgagee.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation on the date and at the time and place appointed for the sale and to further postpone at any adjourned sale date by public proclamation on the date and at the time and place appointed for the adjourned sale.

In the event of the failure or inability of the purchaser to perform and to purchase the premises in accordance herewith, the Mortgagee reserves the right (but is not obligated) to accept, subject to the Memorandum of Sale, the second highest bid for the premises, without further advertisement and without further notice to other bidders or persons. In the event that the Mortgagee offers the premises to the second highest bidder and such person declines either to purchase the premises at the second highest bid price or to sign the Memorandum of Sale, then the Mortgagee may elect (but is not obligated) to exercise the rights of the second highest bidder under this paragraph and to purchase the premises at the second highest bid price, without further advertisement and without further notice to other bidders or persons.

Other terms to be announced at the time and place of sale.

CL MAIN STREET, LLC
Present holder of
said Mortgage

Philip C. Lombardo, Jr.,
Esq.
Lombardo, DeVellis
& Smith, LLP
41 North Road Suite 203
Bedford, MA 01730
(781)538-6821
Attorneys for the
Mortgagee

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Auctioneer,
License No. MA 295
170558 5/10,17,24/17