



2013 00016850

Bk: 11385Pg: 175 Page: 1 of 5
Recorded: 07/16/2013 10:02 AM

FORECLOSURE DEED

MASSACHUSETTS EXCISE TAX
Hampshire District ROD #13 001
Date: 07/16/2013 10:02 AM
ctrl# 029916 04815 Doc# 00016850
Fee: \$1,833.12 Cons: \$401,700.00

AFFECTED PREMISES:
382 North Pleasant Street
Amherst, Massachusetts

PEOPLE'S UNITED BANK, successor by merger with Chittenden Trust Company and The Bank of Western Massachusetts (the "Bank"), the present holder of a mortgage from David W. Biddle, a/k/a David Biddle and Michaelle Biddle (the "Mortgagor"), dated April 28, 2006, recorded at the Hampshire County Registry of Deeds at Book 8695, Page 273, by the power conferred by said mortgage and every other power, for consideration paid of Four Hundred One Thousand Seven Hundred and 00/100 Dollars (\$401,700.00) grants to CO-ED REALTY, LLC, a Massachusetts limited liability company with a principal office located at 900 Riverdale Street, Suite 127, West Springfield, Massachusetts 01089 the premises conveyed by said mortgage, more particularly described as follows:

The land in Amherst, Hampshire County, Massachusetts, with the buildings thereon, bounded and described as follows:

Beginning at an iron pin ninety (90) feet North from the corner of Fearing Street and on Pleasant Street, it being the Northeast corner of land of the Lambda Chi Alpha Fraternity and formerly of one Harvey; thence running

NORTHERLY on said Pleasant Street ninety (90) feet to an iron pin at the Southeast corner of land now or formerly of Newkirk, formerly of one Barry; thence

WESTERLY one hundred eighty (180) feet on land of said Newkirk, formerly of said Barry, to an iron pin; thence

SOUTHERLY on land now or formerly of one Burns, formerly of C.H. Sanderson, ninety (90) feet to an iron pin at the Northwest corner of land of said Fraternity; thence

EASTERLY along land of said Fraternity one hundred eighty (180) feet to the point of beginning.

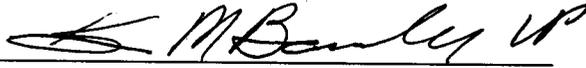
Being Lot No. 2 on the plan of land of Stanley A. Phillips on Pleasant Street and recorded in Hampshire County Registry of Deeds.

ALSO GRANTING hereby the right to enter upon the land of said Newkirk, formerly of said Barry, lying North of the tract conveyed, for the purpose of digging and repairing and renewing sewer pipe, and also granting hereby all rights and privileges with reference to sewer pipes and entry upon other lands for all purposes connected with sewer pipes granted to Katherine C. Reilley from Stanley A. Phillips by deed dated September 1, 1899, and recorded in said Registry.

Being the same premises described as TRACT I in a deed from Michaelle Biddle to David W. Biddle dated April 28, 2006 and recorded in the Hampshire County Registry of Deeds in Book 8695, Page 223.

IN WITNESS WHEREOF, the Bank has caused its corporate seal to be hereto affixed and these presents to be signed, in its name and behalf, this 15th day of July, 2013.

People's United Bank, successor by merger with
Chittenden Trust Company and The Bank of
Western Massachusetts



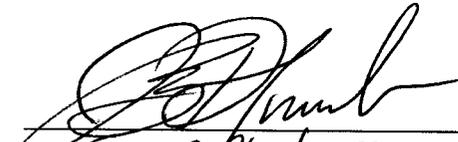
By: Kevin M. Bowler
Title: Vice President

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

July 15, 2013

On this day, before me, the undersigned notary public, personally appeared Kevin M. Bowler, Vice President of People's United Bank, successor by merger with Chittenden Trust Company and The Bank of Western Massachusetts, proved to me through satisfactory evidence of identification to be the person whose name is signed hereinabove in my presence and acknowledged to me that he signed the document voluntarily, for its stated purpose and with authority on behalf of People's United Bank as aforesaid.



Jerry B. Plumb, Notary Public
My commission expires: 1/18/19

AFFIDAVIT

I, Kevin M. Bowler, Vice President, People's United Bank, successor by merger with Chittenden Trust Company and The Bank of Western Massachusetts (the "Bank"), named in the foregoing Foreclosure Deed, make oath and say that the principal and interest obligation mentioned in the Mortgage above referenced to the Bank, dated April 28, 2006, recorded at the Hampshire County Registry of Deeds at Book 8695, Page 273, was not paid or tendered or performed when due or prior to the sale, and that I caused to be published on April 19, 2013, April 26, 2013 and May 3, 2013 in *The Daily Hampshire Gazette*, a newspaper published or by its title page purporting to be published in, Hampshire County, Massachusetts, a notice, a true copy of which is attached hereto as Exhibit "A".

I also complied with Chapter 244, Section 14 of Massachusetts General Laws, as amended, mailing the required notices, certified mail, return receipt requested. Pursuant to said notice at the time and place therein appointed, the Bank sold the mortgaged premises at public auction by Corey Fisher, a duly licensed auctioneer of Aaron Posnik & Associates to Co-Ed Realty, LLC, the assignee of the bid of Clifford W. Laraway, in the amount of Four Hundred One Thousand Seven Hundred and 00/100 Dollars (\$401,700.00), being the highest bid made therefor at said auction. The Bank was at all times and continued to be the holder of the original note or notes secured by the mortgage through the time of sale.

Signed this 15th day of July, 2013 under the penalties of perjury.

People's United Bank, successor by merger
with Chittenden Trust Company and The
Bank of Western Massachusetts,



By: Kevin M. Bowler
Title: Vice President

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

July 15, 2013

On this day, before me, the undersigned notary public, personally appeared Kevin M. Bowler, Vice President, People's United Bank, proved to me through satisfactory evidence of identification to be the person whose name is signed hereinabove in my presence and acknowledged to me that he signed the document voluntarily, for its stated purpose and with authority on behalf of People's United Bank.



Jerry B. Plumb, Notary Public
My commission expires: 11/18/19

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EXHIBIT A**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 David W. Biddle, s/k/a David Biddle and Michaelle Biddle (collectively, the "Mortgagor") to People's United Bank (the "Mortgagee") dated April 28, 2006, recorded at the Hampshire County Registry of Deeds at Book 8695, Page 273, which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at Public Auction on Tuesday, May 14, 2013, at 11:00 A.M., on the mortgaged premises below described, being known and numbered as 362 North Pleasant Street, Amherst, Massachusetts more particularly described as follows: The land in Amherst, Hampshire County, Massachusetts, with the buildings thereon, bounded and described as follows:

Beginning at an iron pin ninety (90) feet North from the corner of Fearing Street and on Pleasant Street, it being the Northeast corner of land of the Lambda Chi Alpha Fraternity and formerly of one Harvey; thence running NORTHERLY on said Pleasant Street ninety (90) feet to an iron pin at the Southeast corner of land now or formerly of Newkirk, formerly of one Barry; thence

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SOUTHERLY on land now or formerly of one Burns, formerly of C.H. Sanderson, ninety (90) feet to an iron pin at the Northwest corner of land of said Fraternity; thence

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Being the same premises described as TRACT 1 in a deed from Michaelle Biddle to David W. Biddle dated April 28, 2006 and recorded in the Hampshire County Registry of Deeds in Book 8695, Page 223.

TERMS OF SALE:

A deposit of FIFTEEN THOUSAND AND 00/100 (\$15,000.00) DOLLARS will be required to be paid in cash or by certified check by the purchaser at the time and place of sale as an initial deposit in escrow with O'Connell, Plumb & MacKinnon, P.C., 75 Market Place, Springfield, Massachusetts 01103. The purchaser shall within 5 business days of the sale increase the deposit to a sum equal to 10% of the purchase price by delivering the amount necessary to O'Connell, Plumb & MacKinnon, P.C. in cash or certified check. The balance is to be paid in cash, or by certified check, within thirty (30) days thereafter and the Deed transferred contemporaneously therewith. The successful bidder at the sale shall be required to sign a Memorandum of Terms of Sale containing the above terms at the Auction Sale.

The purchaser will be responsible for all closing costs, Massachusetts deed excise stamps and all recording fees. Other terms, if any, to be announced at the sale.

The Seller reserves the right to sell to the second highest bidder in the event that the highest bidder defaults. However, this reservation of rights should not be construed as requiring the Seller to sell to the second highest bidder in the event of such a default.

This sale may be postponed or adjourned by public proclamation from time to time, if necessary, at the scheduled time and place of sale. The description of the premises contained in said Mortgage shall control in the event of a typographical error in this publication.

PEOPLE'S UNITED BANK

The Present Holder of said Mortgage

By: Jerry B. Plumb, Jr., its Attorney
O'Connell, Plumb & MacKinnon P.C.
75 Market Place
Springfield, MA 01103
(413) 733-9111

April 19, 26, May 3

3754688

ATTEST: HAMPSHIRE, *Mary Colberding*, REGISTER
MARY COLBERDING