

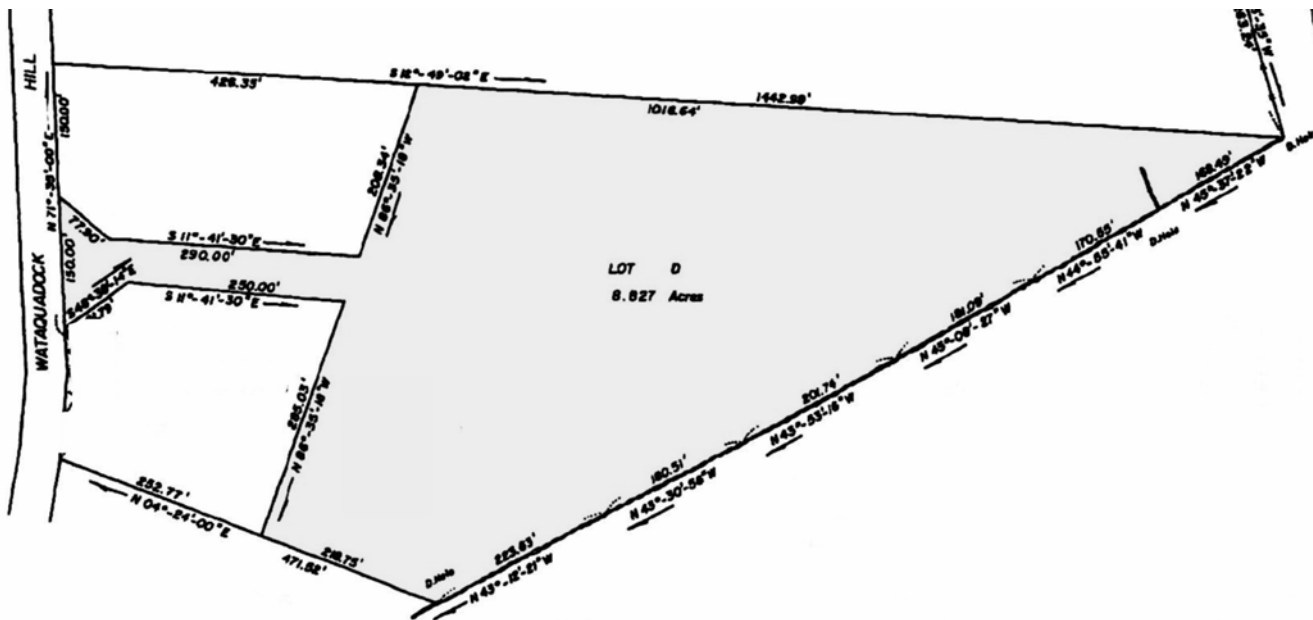
# AMG

## AUCTION MARKETING GROUP

### BIDDER PACKAGE

Thank you for your interest in the Auction. We have compiled the following Bidder Due Diligence information to assist you in your research. Please understand that the information in this packet is for informational purposes only. All information contained has been provided by our client or obtained from public sources. Although the information is believed to be true, bidders must verify, on their own behalf, all information contained herein. No representation or warranties are made to its accuracy and we strongly suggest that you do your own research with regard to the property.

#### Mortgagee's Sale of Real Estate at Auction



To be sold on the premises

**Wattaquaddock Hill Road, Bolton, Ma**

**Friday, December 17, 2004 - 11:00 AM**

AMG Reference #: 214

If you would like to view our "Auction Handbook," go to [www.auctionmarketinggroup.com](http://www.auctionmarketinggroup.com) or call to receive a copy by mail. If we can be of further assistance, please feel free to call our offices at any time.

508-842-1900

# PROPERTY INFORMATION SHEET

*No warranty or representation is made concerning the accuracy of the following information.*

**Property Address:** Lot D, Wattaquadock Hill Road, Bolton, Ma  
Map 4.B, Lot 8.D  
Parcel ID: 034/004.B-0000-0008.D

**Recorded at:** Worcester District Registry of Deeds, Book 29787, Page 358

**Auction Date:** December 17, 2004

**Auction Time:** 11:00 AM

**Land Area:** 8.827± Acres

**Building Area:** N/A

**Zoning:** Residential

**Taxes:** 3,238.50, FY 2004

**Assessed Value:** \$244,600.00

**Water/sewer:**

**Features:** A partly wooded and irregularly shaped parcel.

**Directions:** Interstate 495 to exit 27. Take Route 117 west (Main Street), turn left on Wattaquadock Hill Road.

**Terms:** A deposit of Five Thousand (\$5,000) Dollars paid to be paid by cash, certified check or bank check by the purchaser at the time and place of auction, and the balance on the delivery of deed within twenty (20) business days after the date thereof at the offices of Bowditch & Dewey, LLP, 311 Main Street, Worcester, Massachusetts. Other terms to be announced at the sale. Not a representation or warranty by the auctioneer, mortgagee or their attorney. Auctioneer not responsible for errors or omissions.

**Auction Marketing Group**

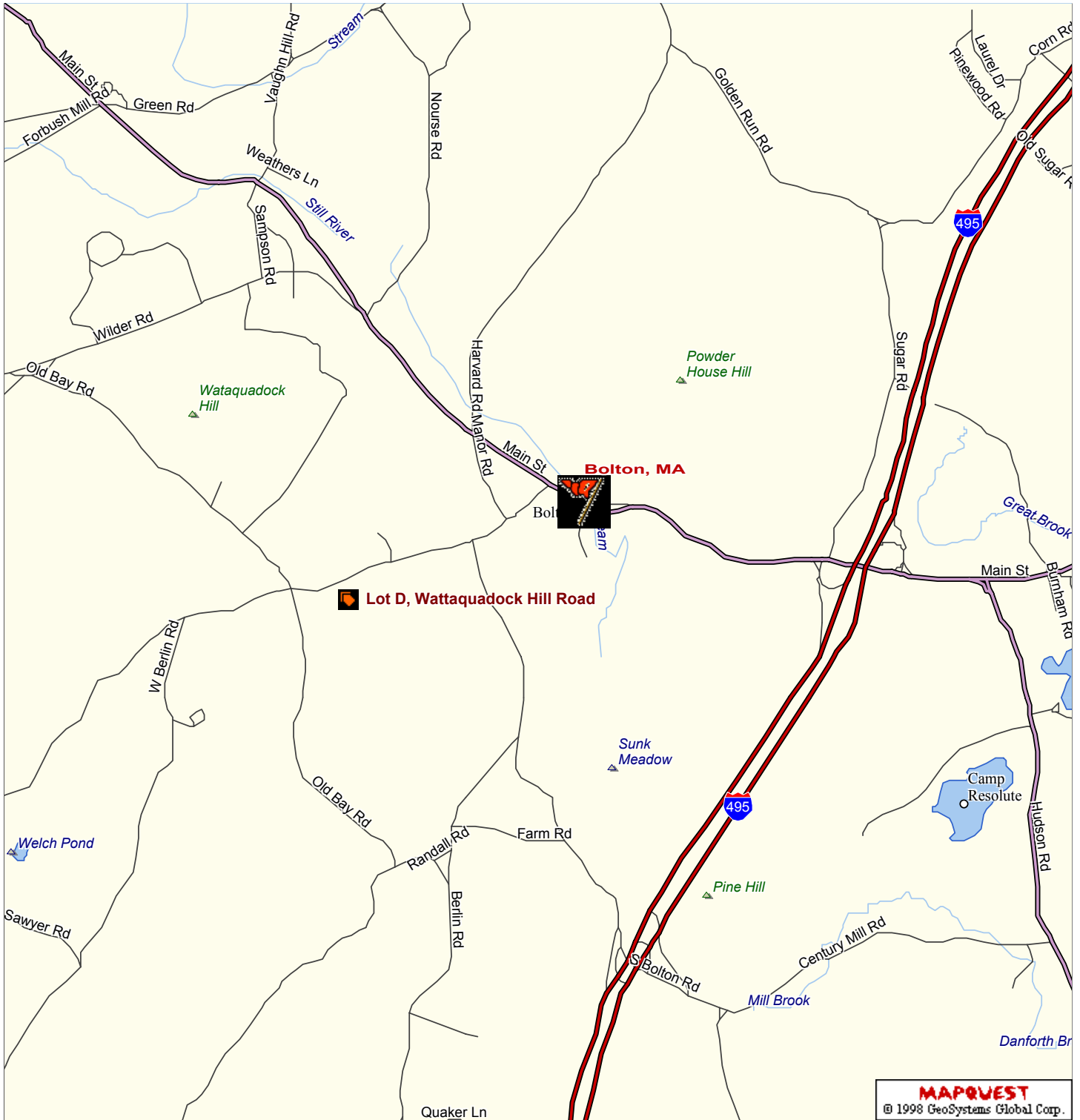
PO Box 107  
Shrewsbury, MA 01545

Email: [amg1000@cs.com](mailto:amg1000@cs.com)

Phone: (508) 842-1900

Fax: (508) 842-4488

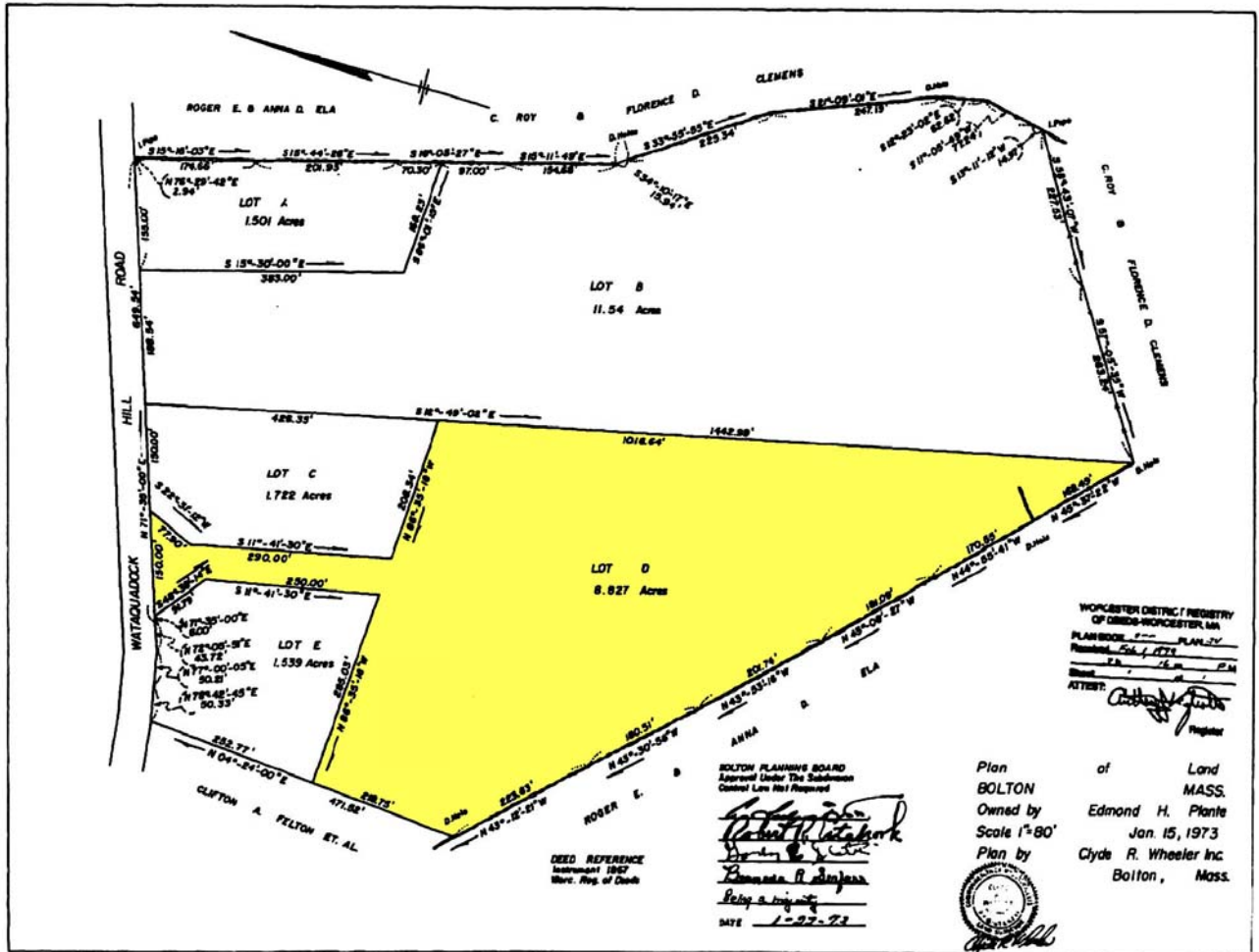




**MAPQUEST**  
 © 1998 GeoSystems Global Corp.

- |                 |                      |                         |
|-----------------|----------------------|-------------------------|
| Water           | Cemetery             | Limited access road     |
| Park            | Hospital, university | Primary road            |
| Urban area      | County border        | Other road              |
| Military land   | Ferry                | Unpaved or private road |
| Airport         |                      | Railroad                |
| Golf course     |                      | Geographic feature      |
| Shopping Center |                      |                         |

**Streets  
USA**





## 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 Edmond H. Plante to Diversified Ventures, Inc. d/b/a Forward Financial Company dated April 16, 2003 and recorded with the Worcester District Registry of Deeds in Book 29787, Page 358 (the "Mortgage"), of which the undersigned is the present holder, for breach of the conditions of the Mortgage and for the purpose of foreclosing the same, there will be sold at Public Auction at 11:00 a.m. on the 17<sup>th</sup> day of December, 2004 at the mortgaged premises described below, being known as property on Wadaquodock Hill Road, Lot D on said road, Bolton, Worcester County, Massachusetts, all and singular the premises described in the Mortgage, to wit:

"A certain parcel of land on the Southerly side of Wadaquodock Hill Road, (o.k.a Wataquodock) Bolton, Worcester County, MA, shown as "Lot D" on a plan entitled, "Plan of Land Bolton, Mass., Owned by Edmond H. Plante", Scale 1" = 60', Jan. 15, 1973, Plan by Clyde R. Wheeler, Inc., which plan is recorded with Worcester District Registry of Deeds in Plan Book 377, Plan 24.

CONTAINING 8.827 acres, more or less, according to said plan.

BEING the same premises conveyed to Edmond H. Plante by Deed of Deborah A. Plante, Trustee of Wadaquodock Hill Road Realty Company, dated August 10, 1994 and recorded with the Worcester District Registry of Deeds in Book 16569, Page 221."

The mortgaged premises will be sold subject to and with the benefit of all restrictions, easements, improvements, leaseholds, tenancies, occupants, outstanding tax titles, municipal or public taxes, assessments, liens, or claims in the nature of liens and existing encumbrances of record created prior to the Mortgage or to which the Mortgage has been subordinated of record, if any.

### TERMS OF SALE

Five Thousand and 00/100 Dollars (\$5,000.00) to be paid by cash, certified check or bank check by the purchaser at the time and place of auction, and the balance on delivery of deed within twenty (20) business days after the date thereof at the offices of Bowditch & Dewey, LLP, 311 Main Street, Worcester, Massachusetts. Other terms to be announced at the sale.

DIVERSIFIED VENTURES, INC.  
Present Holder of Mortgage

Richard A. Sheils, Jr., Esq.  
Bowditch & Dewey, LLP  
311 Main Street, P.O. Box 15156  
Worcester, MA 01615-0156  
Attorneys for Diversified Ventures, Inc.

Published: November 24, December 1 and December 8, 2004

**The next five pages are excerpted from the  
Town of Bolton  
Zoning Bylaws**

2.0 ZONING BYLAWS

2.1 PURPOSE AND ADMINISTRATION

2.1.1 Purpose

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws, and amendments thereto, and of Article 89 of the Amendments to the Constitution, for the purpose of guiding the sound development of the Town of Bolton.

2.1.2 Administration

2.1.2.1 Compliance Certification

No "development" shall be undertaken without certification by the Inspector of Buildings that such action is in compliance with the then applicable Zoning Bylaw, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or local law. "Development" for these purposes shall mean erecting, moving, substantially altering a building, sign, or other structure or constructing a driveway. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

2.1.2.2 Zoning Review

Materials submitted in application for such certification shall upon receipt be reviewed and forwarded by the Inspector of Buildings to the Board of Selectmen, which within 14 days of receipt by it shall determine whether or not the proposal is in compliance with all Bylaws and is otherwise eligible to proceed and shall so notify the Inspector of Buildings.

2.1.2.3 Enforcement

The Selectmen shall take all such action as may be necessary to secure full compliance with the provisions of the Bylaw, permits issued thereunder and variances granted under the Bylaw or applicable statutes.

2.1.2.4 Penalties

The penalty for violation of any provision of this Bylaw, or any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals shall be Fifty Dollars (\$50.00) for each offense. Each day that each violation continues shall constitute a separate offense.

The preceding paragraph notwithstanding, any person violating the provisions of any section of these zoning bylaws or condition to special permits and variances which is subject to a specific penalty may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40 Section 21D which includes the giving, to the violators, a written notice to appear before the clerk of the district court.

## 2.1.3 Applicability

### 2.1.3.1 Other Laws

Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this Bylaw shall control.

### 2.1.3.2 Conformance

Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

### 2.1.3.3 Pre-existing Nonconforming Uses and Structures

(a) Extension or Alteration: As provided in Section 6 of Chapter 40A, G.L., a pre-existing nonconforming single or two-family dwelling may be altered or extended provided that doing so does not increase the nonconforming nature of said structure, and other pre-existing nonconforming structures or use may be extended or altered, on Special Permit from the Board of Appeals if the Board of Appeals finds that such extension or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structures or use. Generally an increase of not over 100% from the original floor area of the building at the time of the adoption of the Zoning Bylaw on April 13, 1972, or not over 50% of the ground area in use at that time, shall be considered as not substantially more detrimental to the neighborhood. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

(b) Restoration: Any legally pre-existing nonconforming building or structure may be reconstructed if destroyed by accidental or natural cause if reconstruction is begun within twelve months and completed within twenty-four months from the date of the catastrophe (unless a longer period is allowed through a Special Permit), or else such reconstruction must comply with this Bylaw.

(c) Abandonment: A pre-existing nonconforming use which has been abandoned, discontinued for a period of two years, or changed to a conforming use, shall not be re-established, and any future use of the premises shall conform with this Bylaw.

### 2.1.3.4 Nonconforming Lots ("The 1973 Amendment")

This section shall not prohibit the erection of a single-family residence on a lot or parcel of land located within the residential zone of the Town of Bolton as set forth in the Base Map if said lot or parcel does not meet the minimum requirements of this amendment provided however that, prior to the effective date in 1958 of the original Bylaw, the lot or parcel of land was in single or joint ownership by a deed and/or a plan recorded in the Worcester District

Registry of Deeds or that the lot or parcel of land was in single or joint ownership by deed recorded in the Worcester District Registry or a plan recorded in the same registry between the effective date in 1958 of the original Bylaw and the effective date of 1973 amendment of this section, and that the plan or plans, as recorded, bear the proper approvals of the Planning Board of the Town of Bolton where required by law; and said deed or plans otherwise conform to the Bylaws existent between the effective date in 1958 of the original Bylaw and the effective date of the 1973 amendment, for use as a single family residential building lot.

2.1.4 Validity

The invalidity of any section or provisions of the Bylaw shall not invalidate any other section or provision hereof.

2.2 BOARD OF APPEALS

2.2.1 Establishment

A Board of Appeals of five members shall be appointed by the Selectmen in accordance with the provisions of Chapter 40A of the General Laws, as amended. The Board of Selectmen shall also appoint in like manner two associate members of the Board of Appeals; and in case of a temporary vacancy, absence, inability to act, or conflict of interest on the part of a member of said Board, his place may be taken by an associate member designated by the Chairman or Vice Chairman of the Board of Appeals.

2.2.2 Powers

The Board of Appeals shall have and exercise all the powers granted to it by Chapters 23B, 40A, 40B and 4I of the General Laws, and by this Bylaw, those powers being to hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw; to hear and decide petitions for variance, excluding variances for use, to hear and decide other appeals from any aggrieved person, officer, or board; to issue comprehensive permits as provided by Sections 20-23, Chapter 40B, G.L.; in special cases to issue withheld building permits as provided by Section 81Y, Chapter 4I, G.L.; and to act on appeals under the Commonwealth of Massachusetts State Building Code, as provided by Section 23 of Chapter 23B, G.L.

2.2.3 Special Permits

2.2.3.1 Special Permit Granting Authority

Special Permit applications shall be heard and decided upon by the Board of Appeals, except in the case where some other Special Permit Granting Authority is specified by this Bylaw.

2.2.3.2 Criteria

Special Permits provided for in the Zoning Bylaws shall be granted only upon determination by the Special Permit Granting Authority that the activity may be carried out without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw,

upon consideration of environmental, economic, fiscal, traffic, public facility, visual, and social consequences. Such permits may also impose conditions, safeguards and limitations on time or use.

**2.2.3.3 Expiration**

Special Permits shall lapse twenty-four (24) months following grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in Section 17, Chapter 40A, G.L.) if a substantial use or construction has not sooner commenced except for good cause.

**2.2.3.4 Public Hearing**

Special permits or any extension, modification, or renewal thereof shall only be issued following public hearings held within sixty-five (65) days after filing a complete application with the Town Clerk, a copy of which shall forthwith be filed by the applicant with the Special Permit Granting Authority (SPGA) or its agent. The decision of the SPGA regarding a special permit or any extension, modification, or renewal thereof, shall be made within ninety (90) days following the date of the close of the public hearing. Failure by the SPGA to take final action within said ninety (90) days or extended time, if applicable, shall be deemed to be a grant of the special permit in accordance with, and subject to, the requirements of the twelfth paragraph of Massachusetts General Laws, chapter 40A, section 9 (MGL c. 40A, s. 9). The required time limits for a public hearing and said action may be extended by written agreement between the applicant and SPGA, filed with the town clerk. Said decision shall be filed in writing at the Town Clerk's office within fourteen (14) days of the date the decision is made, and notice of the decision shall forthwith be mailed to the petitioner, applicant, or appellant, and to the parties in interest designated in MGL c. 40A, s. 11, and to every person present at the hearing who so requested and who stated the address to which said notice was to be sent.

**2.2.3.5 Planning Board Associate Member**

A majority of the joint members of the Board of Selectman and Planning Board may appoint an associate member of the Planning Board. Such associate member, when designated by the chairman of the Planning Board, may serve on the Planning Board for the purpose of acting upon a special permit application, in case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board. Said associate member shall be appointed for a term of two years.

**2.2.3.6 Rules and Regulations**

Such Special Permit Granting Authority may adopt and from time to time amend rules and regulations and charge a fee relative to the issuance of such permits, and shall file a copy of said rules in the Office of the Town Clerk. Such rules may prescribe the application, size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of such permits.

## 2.3 ZONING DISTRICT REGULATIONS

### 2.3.1 Location of Districts

Zoning Districts are hereby established as shown, located, defined and bounded on a map entitled Base Map and accepted by the Town at the Annual Town Meeting of May 4, 1992, signed by a majority of the Planning Board and filed with the Office of the Town Clerk; which map, together with explanatory matter thereon and all amendments made under this Bylaw, is hereby incorporated in and made a part of this Bylaw including the map referred to in the "Lot Frontage" definition.

### 2.3.2 Types of Districts and Permitted Uses

No Building or structure shall be erected or used except as set forth in this section or as exempted by Section 2.1.3.4, or by statute. The uses set forth in the following Districts are to be considered exclusive to the said District and are not to be considered mutual to any other District than that in which the allowed use appears. The use of land within the Town for disposal of solid waste derived from premises other than those of the owner or occupant is prohibited except for such operations as may be conducted by the Town of Bolton.

In all Districts uses which are municipal, rural, agricultural, conservation and/or open space, are specifically permitted in addition to the uses set forth below:

- (a) Flood Plain: as defined in Section 2.5.3 of the Bylaws of the Town of Bolton
- (b) Residential: for single family residential uses.
- (c) Business: for retail and service establishments where business is conducted wholly within an enclosed building.
- (d) Limited Business: for retail and service establishments subject to Special Permit as required.
- (e) Commercial: for uses set forth in (c) above, for removal or processing of earth materials to include stones, soil, loam, sand or gravel, and for retail, wholesale and service establishments where business is conducted wholly or partially outside a building, except restaurants which must be conducted wholly within an enclosed building.
- (f) Industrial: for storage areas, office buildings, research and development laboratories, light manufacturing industries and compatible allied uses.
- (g) Water Resource Protection District: as defined in Section 2.5.4 of the Bylaws of the Town of Bolton.