



Kara Keefe-Mullin
Assistant City Manager/Acting DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *EMD*
FROM: Christine P. O'Connor, City Solicitor
R. Eric Slagle, Director of Development Services
DATE: May 6, 2021
RE: Motion by C. Elliott - Req. City Mgr. Have Law Department Prepare Proper Vote To
Take By Tax Title The Abandoned Property At 39 Jewett Street.

This memorandum is in response to the request from Councilor Elliott regarding a vote for tax title taking of the property at 39 Jewett St.

At this time, there is not a requirement for any action by the City Council to execute a tax title taking for the property at 39 Jewett St. Tax title takings may be executed by the City Treasurer without need of a Council vote, and that has been done in this case. More importantly, the City has already moved at the Land Court to foreclose on its tax title taking of this property, which would grant ownership to the City. Unfortunately, the owner of the property is a defunct corporation out of Dallas, TX. As such, the Land Court required extensive title research, plus multiple diligent searches for the corporation, any subsequent entities, and any officers of the corporation. In correspondence dated March 4, 2020, Asst. City Solicitor Gary Gordon explained the steps the City has taken to the Land Court and requested final judgment. (see attached letter dated March 4, 2020).

Unfortunately, even before the pandemic, the process at the Land Court for the resolution of cases like this one took years, not months, due to an extremely large case backlog. Once the pandemic started, the Land Court effectively came to halt. As such, the City is still waiting for resolution on this matter.

In the interim, since the owner does not exist, and the property has more in unpaid taxes and fines than the property itself is worth, we can only request the DPW perform clean-ups of the property when we get a report of a complaint.

CPO/ES



City of Lowell - Law Department

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March 4, 2020

Honorable Judge of the Land Court
3 Pemberton Square
Boston, MA 02108

Re: 96 T.L. 111761- 39 Jewett Street, Lowell, MA

Dear Honorable Judge:

We have completed our diligent and exhaustive search of the records as to Lomas Mortgage USA, Inc., the only title owner that appears of record as to this property. We are seeking to resolve the foreclosure since this vacant property presents a health and safety hazard to the residents of the City of Lowell. It is being used as a dumping ground for debris, garbage, auto parts, etc. Since there is no owner, the City is at a loss to compel the ongoing cleanup and maintenance for this site.

It is clear that Lomas Mortgage USA, Inc. no longer exists. As previously advised, its Massachusetts corporate charter was revoked on August 31, 1998. Per the Secretary of the Commonwealth's records, the listed officers were Gary H. Kell as President and Robert E. Byerley, Jr. as Treasurer, both bearing the address of 1600 Viceroy Drive, Dallas, Texas 75235.

We had previously furnished the Land Court with the Resident Agent addresses listed with the Secretary of the Commonwealth (see letter of April 12, 2018). As the Court is aware, if a registered agent of a foreign corporation cannot be located, the Secretary of the Commonwealth shall serve as agent for service of process.

Since our April 12, 2018 correspondence to Attorney Harrington, we have undertaken additional research. Lomas Mortgage USA, Inc. filed an Amended Foreign Corporate Certificate on October 16, 1992 by the then Vice-President Robert Roofner and Secretary Ramona Taylor (see attached) changing its principal office to 1600 Viceroy Drive, 4th Floor, Dallas, TX 75235. That is the last known address we have for that entity.

In addition, we have contacted the Connecticut Secretary of State's office, have spoken with their corporate records department and have reviewed the corporate status/filing records on their website. As we were aware, the business was incorporated in Connecticut on August 24, 1982, but the name was changed to Lomas Mortgage USA, Inc. on November 13, 1996.

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It further appears that Lomas merged into another company called Nomas Corp. on March 31, 1999 and Lomas Mortgage USA, Inc. ceased to exist and was no longer active in Connecticut after that point in time. The filing record as well as the record of the principals for Nomas Corp. are attached. All phone numbers related to Nomas Corp. at the Dallas address are no longer in service.

At the request of the Land Court, we conducted further research to determine the addresses and potential officers of Nomas Corp. and provided those names and addresses to the Land Court. All attempts at service for those individuals and addresses proved unsuccessful as unable to serve, not deliverable as addressed and unable to forward. Thus, at the request of the Land Court, we undertook additional investigation and located two other potential addresses for two potential officers of this long defunct entity, Paul Leff and Andrew Kurtz. They, along with Thomas Wageman (who appears to be deceased) appeared as officers/directors of Nomas Corp. I wrote to them in February 2019 for assistance but my correspondence was not responded to. On March 19, 2019, I provided the Land Court with possible addresses for those individuals.

Beyond question, the owner of the property in issue no longer exists. There is no viable entity or individual related to the entity upon whom service can be made. This property remains a blight to the citizens of Lowell. Therefore, respectfully, we urge the Court to authorize that service be effectuated upon the Secretary of the Commonwealth or by publication and that this matter be concluded and Judgment entered in favor of the City of Lowell.

Thank you for your courtesies.

Respectfully,

Gary D. Gordon
Assistant City Solicitor

GDG/tl
Encl.