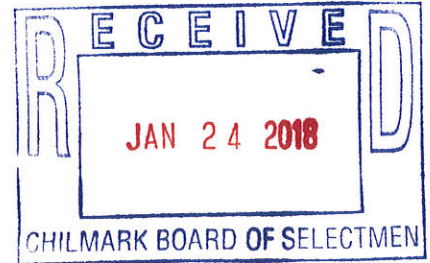


MEETINGHOUSE ROAD ASSOCIATION
C/O STUART COTTON
ONE NEW YORK PLAZA, 44TH FLOOR
NEW YORK, NY 10004-1901

January 22, 2018

Via First Class and Certified Mail

The Board of Selectmen
Town of Chilmark
401 Middle Road
P.O. Box 119
Chilmark, MA 02535
Attn: Timothy R. Carrol, Executive Secretary



Re: *Town of Chilmark vs. Macy Design Corporation*
Mass. Land Court Case No. 09 TL 138087
Meetinghouse Road – Lot 70 (the “Macy Lot”)

Dear Sirs:

The Meetinghouse Road Association (the “MRA”) formed a committee (the “Committee”) this past summer to investigate the ownership status of the Macy Lot which is part of the MRA and subject to its restrictions and covenants. The Committee has learned that a judgment (the “Judgment”) was entered in the Massachusetts Land Court in a foreclosure proceeding on February 23, 2017, as a result of which the Town of Chilmark (the “Town”) acquired the Macy Lot and a lien for unpaid dues of the MRA was wiped out. Although the lien, as registered on May 12, 1998 was for \$4,185.28, including interest, over time the unpaid MRA dues and interest on the Macy Lot at the time of the Judgment had accumulated to over \$25,000.

According to Land Court records, notice to the MRA of the foreclosure proceeding was purportedly given in 2009 by certified mail to a Rural Route PO Box # with no address given (the initials on the receipt as filed in Land Court are illegible) and by a one-day notice of publication in the Vineyard Gazette.* No one from the MRA was aware of that service. We have been further advised by the US Post Office in Vineyard Haven that Rural Route numbers were no longer in use in 2009 in Vineyard Haven. Moreover, the Annual Report of the MRA as filed with the Commonwealth in 2008 gives the location of its principal office in Mass. as: Vineyard Tax Matters, Inc., 378 State Road, Vineyard Haven, MA 02568 USA. The Annual Report for 2009 gives the same information but changes the street address to 455 State Road. Neither report refers to a Rural Route Box #, nor Judy Salosky; both appear on the certified mail receipt. Furthermore, it seems questionable whether service of process by certified mail is appropriate in this type of proceeding, even if done properly.

It was not until 2017, eight years after the purported service of process, that the Town filed a motion for a default judgment against the MRA, and without any further notice to, or service of process on, the MRA. We understand that the MRA has a period of at least of one year from the date of the Judgment, *i.e.* February 23, 2018, to move to vacate the Judgment on due process or other equitable grounds, something we hope to avoid by resolving this matter with the Town.

We request a meeting with representatives of the Town, as soon as possible, to discuss payment of the MRA's lien and the Town's acknowledgement that its ownership of the Macy Lot is subject to the covenants and restrictions that were in effect at the time of the tax taking registered on June 21, 1993 and continue to this day. Please contact John Flender (508-645-2526) or Stuart Katz (917-940-1790), the members of the Committee, to arrange for that meeting.

We also are sending copies of this letter to officials of the Land Court, and request, if deemed appropriate, that in light of the clearly inadequate service of process on the MRA, the Land Court, on its own motion, vacate the judgment and request the parties presence for a conference.

Very truly yours,



Stuart Cotton
President
Meetinghouse Road Association

Cc: Chief Justice Judith C. Cutler
Massachusetts Land Court
3 Pemberton Square
Boston, MA 02108
Via Certified Mail

Deborah J. Patterson, Recorder
Massachusetts Land Court
3 Pemberton Square
Boston, MA 02108
Via Certified Mail

Bruce A. Issadore, Esq.
Issadore Law LLC
17 Accord Park Drive
Suite 100
Norwell, MA 02061
Via email

* The notice to the MRA of the foreclosure proceeding was addressed to:

Meetinghouse Road Association
Attn: Judy Salosky
RR# 1 Box 610 M
Vineyard Haven, MA 02568

The certified receipt for this service as filed in Land Court has as the date of delivery 6/16/09. The address to which the notice was sent was a Rural Route box #, as best we can determine, for a building located at 118 State Road, Vineyard Haven and which was occupied by Judy Salosky in 1998. Ms. Salosky conducted a business at that address, acting as bookkeeper for the MRA. Subsequently, she moved her address to 378 State Road. Ms. Salosky sold her interest in that business in 2003 to Kimberly Angell and Donna Cummins. The new owners moved that business in February 2008 to 455 State Road where they are now located and conduct business under the name Vineyard Tax Matters, Inc. Ms. Angell believes that prior to 2009, the purported year of service, Rural Route numbers were no longer in use in Vineyard Haven, and, as noted, we have confirmed that with the US Post Office in Vineyard Haven. In any event, Ms. Angell further advised us that neither she nor anyone at her firm recognizes the initials on the certified mail receipt, nor does she or her firm have any knowledge of the purported service.