

(SEAL)

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss.

17 MISC 000609 (KFS)

JOYCE ELBERY,
Plaintiff

v.

MICHAEL ELBERY, ROBERT ELBERY,
KATHLEEN ELBERY and DAVID ELBERY,
Defendants

J U D G M E N T
CONFIRMING PARTITION

**168 FAIRFIELD STREET,
NEEDHAM, MA.**

On April 20, 2018, this court issued a Warrant to Partition Commissioner John G. Dugan, Esq., to Sell by Public Sale Land in Needham, MA., at **168 FAIRFIELD STREET, NEEDHAM, MA.** (Partition Property).¹ The parties were afforded opportunities to weigh in on several matters involving the pre-sale procedures recommended by the Commissioner and they did so, with the court resolving several issues raised by the Commissioner.

On June 11, 2018, the Commissioner reported that there was a closing date scheduled for June 29, 2018, and sought permission to proceed, which was granted. On July 6, 2018, the Commissioner filed his Final Report confirming the sale had occurred on June 27, 2018, on

¹ More particularly described in Certificate of Title No. 196333 of the Norfolk Country Registry District of the Land Court.

which date the deed from the Commissioner to Benjamin Brown, Olivia Brown and Lynda Kelly, was registered as Document No. 1403206-1, creating Certificate No. 198356.

He further reported the amount of the proceeds and his recommended distribution, leaving for the court to 1) rule on a Motion by Petitioner, Joyce Elbery, For Recovery of Costs and Attorneys' Fees (Petitioner's Motion), and 2) determine how the attorneys' fees paid by Petitioner would be apportioned among the co-tenants.

Today, the court conducted a telephone conference with counsel and the self-represented litigants (with the exception of one party who had agreed to the Commissioner's proposed distribution and also confirmed she had no objection to the Attorneys' Fees). During the course of the conference all participants agreed to the distribution of the proceeds as set forth in the Final Report and the allowance of Petitioner's Motion, with one exception, which was a slight adjustment in the amount of Attorneys' Fees made by the court. During the course of the conference, Petitioner's Attorney distributed, through e-mail to all participants and the court, a spreadsheet updating the figures from the Commissioner's Final Report to reflect the parties' agreements and the court's ruling on Petitioner's Motion. The Commissioner now has confirmed in writing that the distributions have been made in accordance with the parties' agreement, by mailing checks to the parties by Fed Ex.

Accordingly, it is

ADJUDGED and ORDERED the court **ACCEPTS, APPROVES, and CONFIRMS** the Commissioner's Final Report, Account and distribution for the Partition Property, as his return on the Warrant issued to him, and as his full and final accounting; it is further

ADJUDGED and ORDERED that, the partition having been accomplished in a manner satisfactory to this Court and in compliance with applicable statutes, the **PARTITION BE FIRM AND EFFECTUAL FOREVER**. And it is further

ORDERED that upon payment of applicable registration fees, this Judgment may be filed with the Norfolk County Registry District of the Land Court.

 By the Court. (Scheier, J.)

ATTEST:

Deborah J. Patterson, Recorder

Dated: July 10, 2018

A TRUE COPY
ATTEST:


RECORDER