

AFFIDAVIT

I, Lynn Leffert \* named in the foregoing deed, make  
\*of Federal Deposit Insurance Corporation in its corporate capacity as Assignee  
Milford Savings Bank of the Liquidating Agent of

oath and say that the principal and interest  
obligations

mentioned in the mortgage above referred to were not paid or tendered or performed when due or  
prior to the sale, and that I published on

March 16, 1992, March 23, 1992, and March 30, 1992,

in the Milford Daily News

a newspaper published or by its title page purporting to be published in Milford, Massachusetts

in Mendon, Massachusetts  
and having a circulation ~~15,000~~ / a notice of which the following is a true copy

SEE ATTACHED EXHIBIT A

I also complied with Chapter 244, Section 14 of the Massachusetts General Laws, as amended, by mailing  
required notices, certified mail, return receipt requested.

I postponed the sale by public proclamation to June 15, 1992, at twelve noon, and  
pursuant to said notice at the time and place therein appointed,


I sold the mortgaged premises at public auction by

Paul E. Saperstein, a licensed auctioneer, to

above named, for One Hundred Fifty Six Thousand (\$156,000.00) dollars

bid by Roger R. Lavalley and assigned to Roger R. Lavalley and Cynthia R. Lavalley  
Trustees of the J & R Realty Trust

, being the highest bid made therefor at said auction.

  
Lynn Leffert

of Federal Deposit Insurance  
Corporation in its corporate capacity as  
Assignee of the Liquidating Agent of the  
Milford Savings Bank BOOK 13098-338

Signed and sworn to by the said Lynn Leffert

June 30, 1992, before me,

  
Jean A. Apicella Notary Public

My Commission Expires: January 6, 1995

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## EXHIBIT A

**Mortgagee's Sale Of Real Estate**

By virtue and in execution of the Power of Sale contained in a certain mortgage of property at 23 Providence Road, Mendon, Worcester County, Massachusetts given by Robert S. Metcalf to Milford Savings Bank, dated October 11, 1988, and recorded with the Worcester Registry of Deeds (Worcester District) at Book 11675, Page 378, of 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 at 12 noon on the 30th day of April, 1992, at 23 Providence Road, Mendon, Worcester County, Massachusetts, being all and singular the premises described in said mortgage, with the buildings thereon, if any, to wit:

The two parcels of land with buildings thereon situated on Providence Road, in Mendon, Worcester County, Massachusetts, and shown as Lot 1 and Lot 2 on a plan entitled "Plan of Land in Mendon, MA., Property of U.L.D., Inc., Scale 1" = 40', May 30, 1973, Schofield Brothers, Inc., Registered Land Surveyors, 121 East Main Street, Milford, Massachusetts", said plan to be recorded herewith at the Worcester District Registry of Deeds, in Plan Book 400, Plan 124.

Lot 1, with buildings thereon, contains according to said plan, 1.366 acres; Lot 2 contains according to said plan, 1.060 acres.

There is also included in the sale all equipment and fixtures situated on the above-described premises to the extent the same are part of the realty.

Said premises will also be sold subject to and/or with the benefit of any and all rights of way, easements, restrictions, covenants, conditions, reservations and agreements of record, to the extent the same are in force and applicable and do not materially interfere with the current use of the premises, outstanding tax titles, municipal or other public liens or assessments, water and sewer bills.

Said premises will also be sold subject to all leases and tenancies having priority over said mortgage, to rights or claims in personal property installed by tenants or former tenants now located on the premises, and also to all laws and ordinances including, but not limited to, all building and zoning laws and ordinances.

**TERMS OF SALE:** The successful bidder shall tender a deposit of FIVE THOUSAND DOLLARS AND 00/100 CENTS (\$5,000.00) in cash or certified or bank funds at the time of the sale, with the remainder of the purchase price to be paid to the Mortgagee in cash or certified or bank funds on the twenty-fifth (25th) day following the auction sale (or the first business day following thereafter if such date falls on a Saturday, Sunday or legal holiday), to Ellen O. Harder, Esquire, Sherin and Lodgen, 100 Summer Street, Boston, Massachusetts as agent for the Bank, and the deed shall be delivered at that time. Other terms, if any, to be announced at the sale. The successful bidder shall be required to sign a Memorandum of Terms and Conditions containing the above terms and others announced at the sale.

For further information contact Ellen O. Harder, Esquire, Sherin and Lodgen, 100 Summer Street, Boston, Massachusetts 02110, (617) 426-5720.

Federal Deposit Insurance  
Corporation, as Receiver for  
Milford Savings Bank  
Present Holder of said Mortgage,  
By Its Attorneys,  
SHERIN AND LODGEN  
100 Summer Street  
Boston, Massachusetts 02110  
(617) 426-5720

March 16, 1992  
16,23,30

ATTEST: WORC., Anthony J. Vigliotti, Register