

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

SKYLINE REALTY, LLC

Plaintiff,

v.

THOMAS DILLON;
MARY JANE FONTAINE;
BERNADETTE DILLON;

Defendants,

and

CITY OF PROVIDENCE,

Interested-Party Defendant.

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C.A. No.: PC-2022-00443

ORDER APPOINTING TEMPORARY RECEIVER

Upon consideration of the Special Master’s Petition for Instructions, it is hereby:

ORDERED, ADJUDGED, AND DECREED

1. That Giovanni La Terra Bellina, Esq., is hereby appointed Temporary Receiver (the "Receiver") of the real property identified as 162 Colonial Road and 154 Colonial Road in Providence, Rhode Island (the "Properties") named in the Petition for Instructions. This appointment is made pursuant to R.I. Super. Ct. R. Civ. P. 66(b), to maintain the status quo pending a further hearing as to whether to appoint a permanent receiver under R.I.G.L. § 34-44-4.
2. That said Receiver shall, no later than five (5) days from the date this order is entered, file a bond in the sum of \$10,000 with any surety company authorized to do business in the State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform the duties of said office and duly account for all monies and property that may come into the Receiver's hands and abide by and perform all things that the Receiver will be directed to do so by this Court.

3. That said Receiver is authorized to enter and access the Property and take all steps necessary in the Receiver's discretion to preserve, maintain, assess, and inspect the Property. This Order, however, shall not divest or restrict any lawful owner's rights to the Property.
4. That said Receiver is authorized, until further Order of this Court, to: borrow money from time to time and be granted a lien for any and all expenditures, including the costs of advertising, service, and notice as set forth further herein, all in accordance with the authority granted under R.I.G.L. §§ 34-44-6 and -8; engage employees and assistants, clerical or *otherwise*; the Receiver shall have no obligation to insure the Properties; and to do, perform, or cause to be done all other acts and things as are appropriate in, on, and for the Property.
5. That the Receiver shall receive Court approval, *ex parte*, before engaging any professionals, including but not limited to brokers, accountants, financial analysts, or counsel other than the Receiver or their firm.
6. That pursuant to and in compliance with Rhode Island Supreme Court Executive Order No. 95-01, this Court finds that the designation of the above-mentioned person for appointment as Receiver is warranted and required because of the Receiver's specialized expertise.
7. That the commencement, prosecution, or continuance of the prosecution of any action, suit, arbitration proceeding, hearing, or foreclosure, reclamation, or repossession proceeding, both judicial or non-judicial, or any other proceeding in law, equity, or under any statute or otherwise, against the Property in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder,

corporation, partnership, or any other person, or the levy of any attachment, execution, or other process upon the Property, or the taking or attempting to take into possession the Property, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease, or other contract with respect to the Property, by any of such parties aforesaid, other than the Receiver designated aforesaid, or the termination of any electric, telephone, gas, or other utility service to the Property by any public utility without prior approval from this Court (in which circumstance said Receiver shall be entitled to prior notice and an opportunity to be heard), are hereby restrained and enjoined until further Order of this Court.

8. That a summons, a copy of the Petition, and a copy of this Order shall be served upon the owners of record of the Property, including the Respondents herein, and upon any other interested party or mortgagee of title record. Such service shall be made in accordance with R.I. Super. Ct. R. Civ. P. 4, returnable to the Providence County Superior Court sitting at Providence, Rhode Island, on September 9, 2022, at 9:30 a.m., at which time and place this cause is set down for the scheduling of a hearing. At this hearing:

- a. The Court shall address and consider the issues of whether the Property or any improvement or building thereupon is abandoned, in a dangerous or unsafe condition, or is otherwise in violation of any ordinance or regulation concerning minimum housing standards as required under R.I.G.L. § 34-44-3;
- b. If the Court finds that abandonment or nuisance as set forth in R.I.G.L. § 34-44-3, the Court shall determine whether the owner of the building has been afforded a reasonable opportunity to begin correcting the dangerous or unsafe condition or

violation found, and whether said owner has refused or failed to do so as required under R.I.G.L. § 34-44-4;

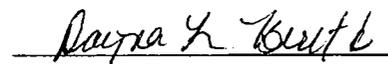
- c. The Court may issue an injunction or Order against the owner of record or any other interested party, mortgagee, or lienholder of record to perform any abatement work the Court deems necessary;
 - d. Consistent with the provisions of R.I.G.L. § 34-44-4(a), the Court shall permit any owner of record and any other interested party, mortgagee, or lienholder of record to appear and show cause why a Permanent Receiver should not be appointed to perform any work and to furnish any material that may reasonably be required to abate the abandonment and/or public nuisance;
 - e. If the Temporary Receiver or Petitioner presents evidence of abandonment or public nuisance as defined in R.I.G.L. § 34-44-1 *et seq.*, the owner of record and any interested party, mortgagee, or lienholder of record shall be offered the opportunity to undertake the work and furnish the materials necessary to abate the public nuisance as required and consistent with R.I.G.L. § 34-44-4(b) and (c); and
 - f. The Court shall determine whether a Permanent Receiver ought to be appointed, pursuant to the provisions of R.I.G.L. § 34-44-4(c), and if so, whether the person selected to serve as receiver has complied with R.I.G.L. § 34-44-4(c).
9. That in addition to the aforementioned notice, the Temporary Receiver shall give notice of the pendency of the Petition herein by publishing this Order once in the Providence Journal on or before **August 24, 2022**, so long as the Receiver's bond has been filed, which shall satisfy the notice requirement of R.I.G.L. § 34-44-3. The Temporary Receiver shall give further notice by posting notice of this Order on a conspicuous part of the Property.

ENTERED as an Order of this Court this 11th day of August, 2022.

ENTER:

BY ORDER:





Clerk 8-11-22