

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT DEPARTMENT
OF THE TRIAL COURT
CASE NO. 19 TL 001511

TALLAGE DAVIS, LLC,
Plaintiff,

v.

CARMEN N. RODRIGUEZ, ET AL.
Defendants.

MOTION TO REOPEN CASE AND VACATE FINAL JUDGMENT IN TAX LIEN CASE
(EXPEDITED DETERMINATION REQUESTED)

NOW COMES, the Plaintiff, Tallage Davis, LLC (“Tallage Davis”) and, pursuant to Mass. Gen. L. c. 60, § 69 hereby requests that the Land Court reopen this proceeding and vacate the Final Judgment In Tax Lien Case entered on August 10, 2021 in the above-captioned matter (the “Judgment”). In support hereof, the Plaintiff state as follows:

1. The Defendant, Carmen N. Rodriguez (the “Defendant” or “Ms. Rodriiguez”) owned a parcel of land located at 24 Tatman Street, Worcester, Massachusetts (the “Property”).
2. In Municipal Fiscal Year 2018 Ms. Rodriguez failed to pay her real estate taxes to the City of Worcester (the “City”). As a result, on June 12, 2019 the City Tax Collector conducted a public auction for the sale of the Property, at which Tallage Davis was the highest bidder at the auction. The City Tax Collector subsequently issued a Tax Collector’s Deed to Tallage Davis.
3. On December 16, 2019, Tallage Davis commenced an action to foreclose the Defendant’s equity rights to redeem her interest in the Property pursuant to Massachusetts General Laws c. 60, § 65.

4. While Ms. Rodriguez was served notice of the Land Court foreclosure proceeding by Deputy Sheriff on September 1, 2020, she failed to file an Answer, Responsive Pleading, or otherwise protect her interests in the Tax Foreclosure Action. As a result, on October 19, 2020, Tallage Davis filed a Motion for General Default. The Court thereafter allowed Tallage Davis' Motion and entered Final Judgment on August 10, 2021. See Judgment in Tax Lien Case recorded at Worcester (South) County Registry of Deeds in Book 65894, Page 79, attached as **Exhibit 1**.

5. On January 18, 2023, Ms. Rodriguez filed a Petition under Chapter 13 of the Bankruptcy Code in the Bankruptcy Court for the District of Massachusetts. That matter was styled, *In re Carmen N. Rodriguez*, Chapter 13 Case No. 23-40040.

6. To allow Ms. Rodriguez to proceed with reorganization under the spirit of the Bankruptcy Code, Tallage Davis now requests that the Land Court vacate the Judgment of foreclosure, so that the Property may be administered under the Bankruptcy Code as part of the Bankruptcy Estate. The Bankruptcy Court has, today, issued an order allowing Tallage Davis to proceed with a request to Vacate the Judgment. See Order in Chapter 13 Case No. 23-40040 dated June 29, 2023, attached as **Exhibit 2**.

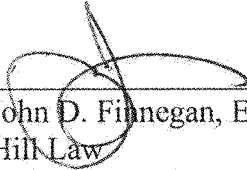
7. The Plaintiff believes the vacation of the Judgment to be in its best interests, in the best interests of the Defendant, and in the interests of substantial justice. Tallage Davis therefore requests that the Land Court, within its discretion pursuant to Mass. Gen. L. c. 60, § 69, vacate the Final Judgment in this Tax Lien Case dated August 10, 2021, without prejudice to Tallage Davis later requesting reentry of Judgment, should Ms. Rodriguez fail to redeem the Property.

8. Because the Bankruptcy Case is currently pending, Tallage Davis requests expedited consideration of this Motion and issuance of the Order Vacating the Judgment.

WHEREFORE, the Plaintiff, Tallage Davis, LLC, hereby requests that the Land Court:

1. Reopen this proceeding and issue an Order Vacating the Final Judgment In Tax Lien Case Number 19 TL 001511, dated August 10, 2021, without prejudice; and
2. For such other and further relief as the Court deems just.

Respectfully Submitted,
Plaintiff, Tallage Davis, LLC
By its attorneys,



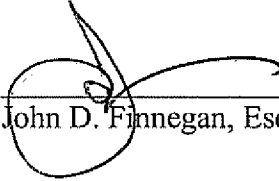
John D. Finnegan, Esq. (BBO #646824)
Hill Law
6 Beacon Street, Suite 600
Boston, MA 02108
(617) 494-0800
jfinnegan@danhilllaw.com

Date: June 29, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June 2023, I caused a copy of the within Motion to Vacate Judgment in Tax Lien Case to be served upon the following parties in interest, via first class mail, postage prepaid:

Carmen N Rodriguez
24 Tatman Street
Worcester, MA 01607



John D. Finnegan, Esq.

EXHIBIT 1

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number	: 118093
Document Type	: ORD
Recorded Date	: August 23, 2021
Recorded Time	: 01:50:49 PM
Recorded Book and Page	: 65894 / 79
Number of Pages(including cover sheet)	: 2
Receipt Number	: 1371278
Recording Fee	: \$105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

[SEAL]

**JUDGMENT
IN TAX LIEN CASE**

DOCKET NUMBER

19 TL 001511

Commonwealth of Massachusetts
Land Court
Department of the Trial Court

CASE NAME

Tallage Davis, LLC

v.

, Plaintiff(s)

Carmen N. Rodriguez

, Defendant(s)

After consideration by the Court, it is **ADJUDGED** and **ORDERED** that all rights of redemption are forever foreclosed and barred under the following instruments:

Land Type	Instrument Date	Book Number	Page Number	Document Number	Certificate of Title Number
Recorded	06/28/2019	60685	57		

This Judgment must be recorded and/or registered by the Plaintiff in the appropriate Registry of Deeds and/or Registration District pursuant to G. L. c. 60, § 75.

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY
ATTEST:

RECORDED

DATE ENTERED: 08/10/2021

RECORDER: Deborah J. Patterson

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION

In Re:

CARMEN N. RODRIGUEZ,

Debtor.

Chapter 13

Case No. 23-40040-EDK

**AMENDED ORDER ON MOTION OF TALLAGE DAVIS, LLC
FOR LIMITED RELIEF FROM THE AUTOMATIC STAY**

Dated in Worcester, in said District, this 29th day of June, 2023.

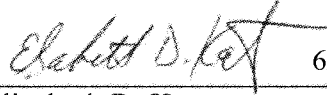
This matter came before me on the motion of the Tallage Davis, LLC, (“Tallage Davis”) for entry of an Order in accordance with 11 U.S.C. § 362(d)(1) and 11 U.S.C. § 362(d)(2), Bankruptcy Rule 4001 and M.L.B.R. Rules 4001-1 and App. 1, Rule 13-16-1 for relief from the automatic stay, relative to the real property located at 24 Tatman Street, Worcester, Massachusetts, and Tallage Davis’s request to proceed with the filing of a Motion to Vacate the Judgment issued on August 10, 2021 in Massachusetts Land Court as Case Number 19 TL 001511, styled *Tallage Davis, LLC v. Carmen N. Rodriguez, et al.* and to record the Order to prospectively be issued by the Massachusetts Land Court Vacating the August 10, 2021 Judgment. The Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing from the affidavit of service filed with the Court and from the record that due and proper notice of the Motion having been provided to the Debtor and the Chapter 13 Trustee, and it appearing that no other or further notice need be provided; and the Court having reviewed and considered the Motion; and a hearing having been held to consider the relief

requested in the Motion; and upon all of the proceedings had before the Court and after due deliberation and sufficient causes appearing therefore:

IT IS HEREBY ORDERED, THAT:

- A. Due and adequate notice of this motion has been given;
- B. Tallage Davis, LLC is granted relief from the Automatic Stay to file a Motion to Vacate the Judgment issued by the Massachusetts Land Court in Case Number 19 TL 001511, styled *Tallage Davis, LLC v. Carmen N. Rodriguez, et al.*; and
- C. Tallage Davis may proceed with the recording of any prospective Order Vacating the Judgment issued by the Massachusetts Land Court in Case Number 19 TL 001511, styled *Tallage Davis, LLC v. Carmen N. Rodriguez, et al.*; and
- D. Tallage Davis may take any further action consistent with this Order and the vesting of title to the 24 Tatman Street Property in the estate.

Pursuant to Bankruptcy Rule 4001(a)(3), the fourteen (14) day stay period is hereby waived, and Tallage Davis may immediately exercise its rights, as set forth above.


6/29/2023
Elizabeth D. Katz
United States Bankruptcy Judge