

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
FILED

SUFFOLK, ss.

2022 MAY 18 AM 11:28
LAND COURT DEPT. 1
MISC. CASE NO.

JOYCE MICHAELIDIS and PAMELA VAN
COTT, AS CO-TRUSTEES OF THE OF 3 DANA
AVENUE REALTY TRUST,

Plaintiffs,

v.

HHC ONE ARNOLD, LLC,

Defendant.

COMPLAINT

INTRODUCTION

The Plaintiffs, Joyce Michaelidis and Pamela Van Cott, as they are the Co-Trustees of the 3 Dana Avenue Realty Trust (the "Trust"), bring this action, pursuant to Mass. Gen. Laws c. 231A, §1 et seq., seeking to establish the Trust's rights, title, interest and ownership via adverse possession to a certain portion of the realty property known and addressed as 7 Dana Avenue, Hyde Park, Suffolk County, Massachusetts.

PARTIES

1. Plaintiff, Joyce Michaelidis, is a Trustee of the Trust (defined above), which was established by that certain Declaration of Trust, dated April 1984, and recorded on May 9, 1984 in the Suffolk County Registry of Deeds in Book 10908, Page 209.

2. Plaintiff, Pamela Van Cott, is also Trustee of the Trust (defined above), which was established by that certain Declaration of Trust, dated April 1984, and recorded on May 9, 1984 in the Suffolk County Registry of Deeds in Book 10908, Page 209.

3. The Defendant, HHC One Arnold LLC ("HHC"), is, according to the records on file with the Secretary of State's Office for the Commonwealth of Massachusetts, a limited liability company duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 27 Congress Street, Salem, Essex County, Massachusetts.

RELEVANT FACTS

4. Upon information and belief, Mr. Milan R. Patel of 27 Congress Street, Salem, Essex County, Massachusetts, is the principal owner and manager of HHC.

5. Pursuant to a quitclaim deed, dated March 1, 2018, and recorded in the Suffolk County Registry of Deeds in Book 59282, Page 262, HHC became the owner of record of the real property known and addressed as 7 Dana Avenue, Hyde Park, Suffolk County, Commonwealth of Massachusetts (the "HHC Property").

6. The Trust is the owner of record of the real property known and addressed as 3 Dana Avenue, Hyde Park, Suffolk County, Massachusetts (the "Trust Property").

7. The Trust has owned the Trust Property since May 1984.

8. Trustee Michaelidis and members of her family have resided at the Trust Property since May 1984

9. At the point where the property line of the Trust Property meets the property line of the HHC Property, a chain link fence exists. The fence is at least 2.5 feet onto the HHC Property and for more than thirty years the Trust used and maintained that fence and the land that is on the HHC Property. See **Exhibit A**, appended hereto.

10. This use of the HHC Property by the Trust has been nonpermissive, actual, open, notorious, exclusive, and adverse for more than twenty years and without interruption.

11. In particular, in this disputed area in the same manner for at least twenty years without interruption, the Trust has consistently mowed, landscaped and planted grass; regraded the lawn with fresh loam; trimmed bushes and shrubs; maintained the trees; and used and enjoyed this area as their own.

12. The Trust has regraded the entire lawn up to that property line with fresh loam on May 11 2020.

13. The Trust re-seeded the entire lawn on May 29, 2020.

14. The Trust has maintained, trimmed and removed the overgrown bushes along the property line where trash collected on July 24, 2019.

15. The Trust trimmed the trees along that property line and removed trees that were unhealthy and dangerous on September 7, 2019.

16. The Trust has consistently and without interruption raked the lawn every year since the Michaelidis family moved in, and has consistently and without interruption planted flowers along the fence line since the same date.

17. The Trust has consistently and without interruption hosted innumerable family gatherings such as birthdays and Greek Easter celebrations in the disputed area.

COUNT I
DECLARATORY JUDGMENT

18. The Trust restates and realleges the facts and averments set forth in paragraphs 1 through 17 above as if fully set forth herein.

19. There exists an actual controversy concerning the rights of the parties and the status of the disputed portions of the parties' respective properties, as described in Mass. Gen. Laws. c. 231A, § 1.

20. The Trust, through the Plaintiffs, as Co-Trustees, seek a judicial declaration that

they have met the requirements for adverse possession over the disputed portions of the HHC Property as shown in Exhibit A.

21. The Trust, through the Plaintiffs, as Co-Trustees, seek a judicial declaration that their actions, structures and uses on the disputed portions of the HHC Property constitute use and changes upon the land that constitute such a control and dominion over the premises as to be readily considered acts similar to those which are usually and ordinarily associated with ownership and/or those actions, structures and uses were open, adverse, exclusive, notorious, and without permission for an interrupted period of time of at least twenty (20) years.

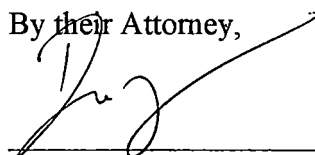
WHEREFORE, the Trust requests that this Honorable Court declare that they have satisfied the evidentiary requirements and elements of adverse possession so as to have acquired ownership, title and exclusive rights to and over the disputed land in question.

Respectfully Submitted,

The Plaintiffs,

JOYCE MICHAELIDIS and PAMELA
VAN COTT, AS CO-TRUSTEES OF THE OF 3
DANA AVENUE REALTY TRUST,

By their Attorney,



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May 16, 2022

EXHIBIT A

6/24/2020

N/F
3 DANA AVENUE
REALTY TRUST
BK 41500 PG 149
PARCEL ID 1809273000

1 STORY
CONC BLOCK

GRASS

N34°22'32"E

171.00' DEED HELD

OVER
1.1'

1ST FLOOR
WOOD
STEPS

1ST FLOOR
PORCH

2ND FLOOR
PORCH

2ND FLOOR
WOOD
STEPS

GRASS

GRASS

22.5'

CONC
SCAPE
WALL

GRASS

32.5'

CONC

FIRST FLOOR
FF ELEV. = 59.1'

30.3'
TO FAÇADE

30.81' TO FDN. (30.59' REC.)

BLT SIDEWALK

79.40' DEED
555.502

CONC SIDEWALK

CONC

55-

