

LAND COURT  
FILED  
COMMONWEALTH OF MASSACHUSETTS  
2024 APR -1 AM 10: 33

LAND COURT  
DOCKET#

~~LAND COURT  
FILED  
2024 MAR 32 AM 9: 05~~

SUFFOLK, SS.

BLUE HILL EVANGELICAL SOCIETY  
PETITIONER,

V.

ELLEN F. STETSON, her HEIRS, DEVISES, and  
LEGAL REPRESENTITIVES,  
RESPONDENT.

## COMPLAINT FOR DECLARATORY JUDGMENT

### INTRODUCTION

1. This is an action for Declaratory Relief filed by the Blue Hill Evangelical Society (hereinafter "Blue Hill") against Ellen F. Stetson, her heirs, devisees and legal representatives, which seeks a determination of the rights and responsibilities under a deed for the real property know as and numbered 10 Hamilton St., Hyde Park District, City of Boston, Suffolk County, Commonwealth of Massachusetts (hereinafter the "10 Hamilton").

### PARTIES

2. The Petitioner, Blue Hill, is a Massachusetts Non-Profit Corporation with a usual place of business at 215 Neponset Valley Parkway, Hyde Park District, City of Boston, Suffolk County, Commonwealth of Massachusetts.
3. The Respondent, Ellen F. Stetson, her Heirs, Devisees, and Legal Representatives was a natural person who once lived at that area of Hyde Park then known as the Readville Homestead Association and now known as Hamilton St.

## FACTS

4. On July 16, 1897, the Petitioner, Blue Hill, was deeded the real property now known as and numbered 10 Hamilton. Said deed being recorded at Norfolk County Registry of Deeds Book 791 Page 330.
5. Thereafter that area of land was incorporated into Suffolk County.<sup>1</sup>
6. The Petitioner Blue Hill has requested permission from the City of Boston to redevelop 10 Hamilton for the purpose and use of residential living.
7. Certain abutters to 10 Hamilton have objected to the request of the Petitioner Blue Hill citing a restriction in the deed recorded at Norfolk Country Registry of Deeds Book 791 Page 330.

## THE RESTRICTION CONTAINED IN THE DEED

8. The deed recorded at Norfolk Country Registry of Deeds Book 791 Page 330 states as follows:

The premises are conveyed subject to and upon the following conditions:

- a. To maintain said premises at all times in such conditions and in such manner as shall be suitable for the use of the same as and for a free and public reading room and library; To maintain upon the said premises a free and public reading room to be known as "The Phillips Brooks Memorial Reading Room" and to suffer said premises to be used for no other purpose whatsoever save as aforesaid.
9. The Petitioner Blue Hill alleges, pursuant to M.G.L. c. 184 §30, that continuation of the restriction on 10 Hamilton would impede reasonable use of the land for purposes for which it is most suitable and would contribute to the deterioration of 10 Hamilton.

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<sup>1</sup> Hyde Park annexed to Boston by act of 24 May 1911 [Mass. Acts 1911, c.469, sec. 1, p. 450 and c. 583, sec. 1, p. 600].

10. Certain abutters of 10 Hamilton deny that a continuation of the restriction on 10 Hamilton would impede reasonable use of the land for the purposes for which it is most suitable and would contribute to the deterioration of 10 Hamilton.
11. The Petitioner, Blue Hill, is currently restrained in its ability to alienate its property and unless the rights and responsibilities of the Petitioner, Blue Hill, and the Responded, Estate of Ellen F. Stetson, her Heirs, Devises, and Legal Representatives, are determined, the Respondent will continue to enforce the restriction and the Petitioner Blue Hill will thereby suffer irreparable harm.

#### CONCLUSION

WHEREFORE, the Petitioner Blue Hill demands Judgment that this Honorable Court declare the rights and responsibilities of the Petitioner Blue Hill and the Respondent, Estate of Ellen F. Stetson, her Heirs, Devises, and Legal Representatives, under the deed and adjudge that the restriction contained in the deed recorded at Norfolk Country Registry of Deeds Book 791 Page 330 is not enforceable.

Respectfully Submitted,  
Blue Hill Evangelical Society,  
Petitioner,  
By their Attorney,

/s/ Jack P. Milgram  
Jack P. Milgram, Esq.  
Law Office of Jack P. Milgram  
21 McGrath Hwy. #203  
Quincy, MA. 02169  
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LAND COURT  
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2024 MAR 32 AM 9:05~~

Suffolk, ss

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Blue Hill Evangelical Society,  
Plaintiff

v.

Ellen F. Stetson, her Heirs,  
Devises, and Legal Representatives  
Defendant

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### Notice of Appearance

Please accept this notice of appearance for Attorney Jack P. Milgram on behalf of the Plaintiff, Blue Hill Evangelical Society, in the above captioned matter.

/s/ Jack P. Milgram  
Jack P. Milgram BBO:564755  
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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

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BLUE HILL EVANGELICAL SOCIETY  
PETITIONER,

V.

ELLEN F. STETSON, her HEIRS, DEVISES, and  
LEGAL REPRESENTITIVES,  
RESPONDENT.

**AFFIDAVIT OF DILIGENT SEARCH AND REQUEST FOR SERVICE BY  
PUBLICATION PURSUANT TO M.R.C.P. 4.**

NOW COMES Attorney Jack P. Milgram and, upon his oath, deposes and states the following:

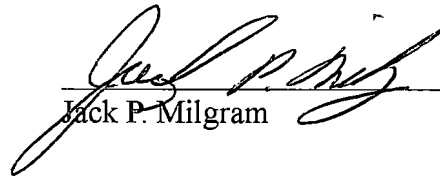
1. My name is Attorney Jack P. Milgram.
2. My office address is 21 McGrath Highway #203, Quincy, MA. 02169
3. I have been a member in good standing of the Massachusetts Bar since 1993.
4. I am counsel of record for the Petitioner Blue Hill Evangelical Society.
5. The Respondent Ellen F. Stetson, passed away on October 30, 1905.
6. The Estate of Ellen F. Stetson was probated in the Suffolk County Probate and Family Court Docket Number 132294.
7. Pursuant to said Probate, the Respondent Ellen F. Stetson died without a husband, children, grandchildren, siblings, or parents.
8. Pursuant to said probate, the only heirs of law and next of kin of the Respondent Ellen F. Stetson were three nephews: a. Henry Percival Doge, b. Charles Ruben Lamb, c. George Nichols Lamb.

9. Pursuant to said probate Henry Percival Doge was living in Berlin, Germany, and no further information is available on him.
10. Pursuant to said probate, George Nichols Lamb was living in Manilla, Philippines, and no further information is available on him.
11. Pursuant to said probate, Charles Ruben Lamb was living in Cambridge, Massachusetts.
12. Pursuant to the 1905 City of Cambridge City Directory, Charles Ruben Lamb was living at 159 Brattle St., Cambridge MA., 02138.
13. Pursuant to the 1925 City of Cambridge City Directory, Charles Ruben Lamb was living at 8 Highland St., Cambridge MA., 02138.
14. Pursuant to the 1940 National Census of the United States of America, Charles Ruben Lamb was still living in Cambridge, MA and no further information is available on him.
15. Charles Ruben Lamb had two Daughters, Harriet F. Lamb and Adleigh F. Lamb.
16. Pursuant to records available at the Massachusetts State Archives, Harriet F. Lamb passed away in 1969 without a husband, children, or grandchildren.
17. Pursuant to the records of the Massachusetts State Archives, the date of death of Adleigh F. Lamb is unknown.
18. Pursuant to the records of the Massachusetts State Archives, Adleigh F. Lamb had one daughter, Frances M. (Lamb) Enright, who passed away September 3, 2011, without a husband, children, or grandchildren.
19. In conducting this search, I have reviewed the indexes of the, the Middlesex County Probate and Family Court, the Middlesex County Registry of Deeds, the Norfolk

County Probate and Family Court, the Norfolk County Registry of Deeds, the Suffolk County Probate and Family Court, the Suffolk County Registry of Deeds, the 1905 and 1925 City of Cambridge City Directories, the 1940 Census of the United States of America, the Massachusetts State Archives, as well as ancestry.com.

20. Request is hereby made for service by publication upon the respondent.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS <sup>25<sup>th</sup></sup> day of March, 2024.

  
Jack P. Milgram