

# EXHIBIT #1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

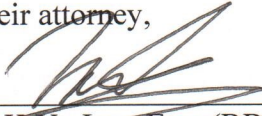
HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000374

CITY OF BOSTON INSPECTION. )  
SERVICES DEPARTMENT, )  
Plaintiffs, )  
 )  
v. )  
 )  
CATHERINE LEE, as )  
Trustee of the FUN SEN LEE TRUST, )  
and Esther Zee Lee, )  
as Trustee LEE FAMILY TRUST )  
Defendants. )  
 )  
 )

**NOTICE OF FILING OF  
REMOVAL**

**PLEASE TAKE NOTICE THAT** on October 1, 2020, Defendant(s), Catherine Lee, as Trustee of the Fun Sen Lee Trust and Esther Zee Lee, as Trustee of the Lee Family Trust, in the above-captioned action removed this action to the United States District Court for the District of Massachusetts, by filing a Notice of Removal in that Court. A copy of the Notice of Removal is attached as Exhibit 1. Accordingly, and pursuant to 28 U.S.C. § 1446(d), this Court may proceed no further on all matters, including any actions by the Receiver, unless and until the case is remanded.

Respectfully submitted  
On behalf of the Defendants,  
By their attorney,

  
\_\_\_\_\_  
Mary K.Y. Lee, Esq. (BBO #671592)  
Mary K.Y. Lee, P.C.  
52 Temple Place, Fourth Floor  
Boston, MA 02111  
(617)426-1689  
marykylee@marylee-law.com

Dated: October 1, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of October, 2020 a true and accurate copy of the above-captioned Notice was served by email , upon counsel of record for the Plaintiff, Edward Coburn, Esq. and Neil R. Janulewicz, Jr. Esq., Stuart Shrier, Esq.



Mary K. Y. Lee

**Suffolk, ss**

HOUSING COURT DEPT.  
EASTERN DIVISION

NO. 1 / 1 / H84-SP / 3 / 7 / 1 / 1

FS

vs Lee, trustee et al.

## DOCKET ENTRIES

Date	
9.29.20	1 <sup>st</sup> Amended Order Appointing Receiver issued, emailed to counsel + mailed to Esther Lee Lee Bogalusa, AT. jlm
9/30/20	Notice of Appeal

**HOUSING COURT DEPT.**  
**EASTERN DIV**  
**A TRUE COPY**  
**ATTY: [Signature]**

**ACTING CLERK [Signature]**  
**DATE 9.30.2020**

HOUSING COURT DEPT.  
EASTERN DIV  
A TRUE COPY  
ATTN:

ACTING CLERK IN CHARGE  
DATE 9.30.2020



~~Department~~ Department

vs

Wendy Lee, Trustee of Tam Shun Lee Trust

Complaint dated: \_\_\_\_\_

~~HOUSING COURT DEPT.~~

EASTERN DIV.

A TRUE COPY

ATTEST:

## DOCKET ENTRIES

DATE		
7/8/20	zoom status mg 7-22-20 @ 1:30	
		<u>Michael Neville</u> 7.22. <del>ACTING CLERK MAGISTRATE</del> For DATE <u>9.30.2020</u> Send Notice Bagdikian, A.T. jin
7.23.20	Status 8.19.20 @ 9AM Notice mailed jin	
		9.19.20 B-cc 9.26.20 For motion to appt. R Bagdikian, A.T. jin
8.19.20	Hearing set for 10 AM - notice emailed to counsel jin	
8/26/20	-TT's motion to appoint receiver (See Mass Courts for exhibits) -A's opposition to TT's motion (See Mass Courts for exhibits) JB	8/26/20 B- TT's motion to appoint a receiver allowed. Receiver to be appointed forthwith. Bagdikian, A.T. JB
1.11.20	Order Appointing Receiver issued & MAILED. su	
9/14/20	mg 9-29-20 @ 10am notice mailed	
		9.29.20 B+R - held TUA Bagdikian, A.T. jin



Suffolk, ss

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

HOUSING COURT DEPT.  
EASTERN DIVISION

NO. / 19 / H84 / 374 /

ISD

VS

Lee et al.

*Mickael Neville*  
ACTING CLERK MAGISTRATE

DATE 9.30.2020

Date		
10-4-19	Notice mailed (P)	10/4/19 B- CC 11/1/19 @ 9am Ctrm 12. Snd Notice. Bagdikian, A.J.B
11-1-19	Notice mailed (P)	11/1/19 B- cc 12/6/19 Send notice. Bagdikian, A.J.B
12-6-19	Notice mailed (P)	12/6/19 B- CC 1/14/20 @ 9am Courtroom 12. Snd Notice. Bagdikian, A.J.B
1-15-20	Notice mailed (P)	1/14/20 B- CC 2/14/20 @ 9am Ctrm 12 Snd Notice Bagdikian, A.J.B
2-10-20	CC 2-21-20 @ 9u CT 12 Notice mailed Parties notified telephonically (P)	2/11/20 B- CC 3/6/2020 @ 9am Ctrm 12. Snd Notice Bagdikian, A.J.B
2-25-20	Notice mailed (P)	3.6.20 B-cc 3.27.20 Send Notice Bagdikian, A.J. - in
3-6-20	Notice mailed (P)	
3-18-20	cc due to covid-19 parties notified (P)	



SUFFOLK, SS

HOUSING COURT DEPARTMENT  
EASTERN DIVISION

DOCKET NO. / 1 / 9 / CV / 1 / 3,714

Inspectional Services Dept

vs.

Huey Lee + Wendy Lee  
Trustees Fun Sun Lee Tr.  
Entry Fee:

Complaint dated: \_\_\_\_\_

DOCKET ENTRIES

DATE		Order of Notice Issued-Returnable
6-7-19	Civil Complaint	6 / 14 / 19 @ 9:00 CT 12 Tracy Order A ISSUED P
6-23-19	Amended Complaint filed ORNO for 7-2-19	7-14-19 P only - ORN to issue ref. 7-2-19 Bagdikian, A.J. jin
HOUSING COURT DEPT. EASTERN DIV. A TRUE COPY ATTEST:		7/2/19 B - cc 7/23/19 @ 9AM Ct Rm #12 Send notice (alg)
<u>Michael Neville</u> ACTING CLERK MAGISTRATE DATE 9-30-2020		Agreement filed is signed by Judge Bagdikian.
7-2-19	Notice sent.	
7-23-19	Notice mailed P	7-23-19 P (trustee appeared without counsel) - cc 8-20-19 Send Notice Bagdikian, A.J. jin
8-20-19	Notice mailed P	8-20-19 B - cc 9-20-19 Send Notice Bagdikian, A.J. jin
		9-20-19 B - cc 10-4-19 Send Notice Bagdikian, A.J. jin

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000 \_\_\_\_\_

CITY OF BOSTON INSPECTIONAL  
SERVICES DEPARTMENT, )  
Plaintiff, )  
v. )  
HUEY LEE and WENDY LEE, as )  
Trustees of the FUN SEN LEE TRUST )  
Defendants. )

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

2019 JUL 1  
BOSTON

PLAINTIFF'S VERIFIED COMPLAINT FOR Michael Neville  
PRELIMINARY AND PERMANENT INJUNCTION ARK MAGISTRATE

DATE 9.30.2020

Plaintiff City of Boston Inspectional Services Department seeks injunctive relief to  
require the Defendants to correct the Emergency Building Code Violation at 31-33 Edinboro  
Street, Boston, Massachusetts (the "Property"). The inspector reports that the building at the  
Property is an unsafe structure.

THE PARTIES

1. Plaintiff Inspectional Services Department is an agency of the City of Boston, a  
duly organized and existing municipal corporation under the laws of the Commonwealth of  
Massachusetts, charged with enforcement of the State Building Code (780 CMR *et seq.*, pursuant  
to M.G.L. c. 143, §1 *et seq.*).

2. Upon information and belief, Wendy Lee and Huey Lee are individuals with an  
address of 85 Valentine Street, West Newton, MA 02465. Mr. Lee and Ms. Lee are the trustees  
of the Fun Sen Lee Trust (the "Trust"). As trustee of the Trust, Mr. Lee and Ms. Lee hold legal  
title to and control the Property. True and accurate copies of the Deed, which is duly recorded at  
the Suffolk County Registry of Deeds at Book 14558, Page 011, and the Declaration of Trust,



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000374

CITY OF BOSTON INSPECTIONAL  
SERVICES DEPARTMENT,  
Plaintiff,

v.

CATHERINE LEE, as  
Trustee of the FUN SEN LEE TRUST  
Defendant.

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

2019 JUN 25 AM 10:07  
BOSTON HOUSING COURT

*Michael Neville*

ACTING CLERK MAGISTRATE

PLAINTIFF'S FIRST AMENDED VERIFIED COMPLAINT FOR  
PRELIMINARY AND PERMANENT INJUNCTION

9-30-2020

Pursuant to Mass. R. Civ. P. 15(a), Plaintiff City of Boston Inspectional Services Department ("ISD") hereby files this amended pleading as a matter of course before a responsive pleading has been filed. ISD seeks injunctive relief to require the Defendant to correct the Building Code Violations and Fire Code Violations at 31-33 Edinboro Street, Boston, Massachusetts (the "Property").

THE PARTIES

1. Plaintiff Inspectional Services Department is an agency of the City of Boston, a duly organized and existing municipal corporation under the laws of the Commonwealth of Massachusetts, charged with enforcement of the State Building Code (780 CMR *et seq.*, pursuant to M.G.L. c. 143, §1 *et seq.*).

2. Upon information and belief, Catherine Lee is an individual with an address of 85 Valentine Street, West Newton, MA 02465. Catherine Lee is the trustee of the Fun Sen Lee Trust (the "Trust"). A true and accurate copy of the Beneficiary Direction appointing Catherine



**EASTERN DIV.  
A TRUE COPY  
ATTEST:**

**ROBERT LEWIS**  
**CLERK MAGISTRATE**

1 9 CV 000 374

ISD Michael Neville PLAINTIFF(S)

**ACTING CLERK MAGISTRATE**

DATE                      Vs. 9.30.2020

Catherine Lee, Trustee of the Fun Sen Lee Trust. DEFENDANT(S)

IT IS HEREBY AGREED BETWEEN THE ABOVE NAMED PARTIES THE FOLLOWING:

Defendant is trustee of the trust that owns 29-33 Edinboro Street in Boston (the "Property"). The Defendant agrees and acknowledges that the property is subject to all violations of the Building Code and Fire Code that are attached as Exhibits to the Plaintiff's First Amended Verified Complaint. The Defendant shall retain a structural engineer to provide a report forthwith certifying that the building is structurally safe and/or recommending necessary repairs to make the building safe. The Defendant also shall retain a contractor to board the Property and shall board the Property in compliance with the Building Code forthwith.

THE ABOVE STIPULATION IS AN AGREEMENT WHICH PLACES THE PARTIES UNDER THE RESTRAINT OF A DIRECT ORDER OF THE COURT, THAT THEY DO OR REFRAIN FROM DOING THE PARTICULAR ACTS STATED HEREIN. ANY VIOLATION OF THIS AGREEMENT CAN RESULT IN CONTEMPT, AS THE DOCUMENT IN QUESTION IS INTENDED TO OPERATE AS AN INJUNCTION.

~~FIRST JUSTICE MARYLOU MURHEAD~~

PLAINTFF

### ASSOCIATE JUSTICE

DATE:

PREPARED BY:

PLADNTIFF

DEFENDANT

DEFENDANT

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000374

CITY OF BOSTON INSPECTION. )  
SERVICES DEPARTMENT, )  
Plaintiffs, )  
v. )  
CATHERINE LEE, as )  
Trustee of the FUN SEN LEE TRUST )  
Defendant. )

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

*Michael Neville*  
\_\_\_\_\_  
ACTING CLERK MAGISTRATE  
DATE 9.30.2020

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR THE APPOINTMENT  
OF A RECEIVER AND MEMORANDUM OF LAW INCORPORATED HEREIN**

Catherine Lee, as Trustee of the Fun Sen Lee Trust ("Defendant") hereby moves this Court to deny Plaintiff's Motion For The Appointment of a Receiver or in the Alternative Dismiss Plaintiff's Action under M.R.C.P. 12(b)(6). As grounds therefor, the Defendant states as follows:

1. The property, 29-33 Edinboro Street (herein after "Premises"), Boston, MA 02111, is a vacant building. It was not occupied at the time of the alleged violation and it is currently not occupied by anyone. Plaintiff's Motion For the Appointment of a Receiver Pursuant to M.G.L. c. 111, Section 127I is inappropriate because M.G.L.c. 11, Section 127I specifically stated "Whenever a petitioner shows that violations of the sanitary code will not be promptly remedied unless a receiver is appointed and the court determines that such appointment is in the best interest of occupants residing in the property, the court shall appoint a receiver of



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000374

CITY OF BOSTON INSPECTIONAL  
SERVICES DEPARTMENT,  
Plaintiff,

v.

CATHERINE LEE, as  
Trustee of the FUN SEN LEE TRUST  
Defendant.

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

*Michael J. White*  
ACTING CLERK MAGISTRATE

PLAINTIFF'S MOTION DATE 9.30.2020  
FOR THE APPOINTMENT OF A RECEIVER

Plaintiff Inspectional Services Department submits this Motion for the Appointment of a Receiver for the immediate correction of the longstanding code violations at 29-33 Edinboro Street, Boston, MA (the "Property"). The Property owned and controlled by the Defendant has code violations that pose a serious risk to the health, safety and well-being of any occupants, abutters, and residents of the community that the Defendant is unable and/or unwilling to correct. The Defendant has repeatedly demonstrated that she is unwilling or unable to correct the code violations throughout the Court proceedings. The Defendant has been provided a year to correct the violations, but has failed to even submit all of the required documents for a permit application for the repairs.

**THE PARTIES**

1. Plaintiff Inspectional Services Department is an agency of the City of Boston, a duly organized and existing municipal corporation under the laws of the Commonwealth of

ALLOWED. Since the date this case was commenced in June of 2019, the defendant has been granted repeated opportunities to correct Code violations which, in the Court's view, pose a serious threat to the health and safety of the occupants of adjacent buildings and the densely populated area where the subject property is located. The defendant has failed to correct the violations despite the chances provided by this Court. Equivalently demanded that these violations be corrected in a timely manner. A receiver will accomplish this. Thus, the Clerk's Office shall identify a receiver for immediate appointment.

SUFFOLK, SS.

COMMONWEALTH OF MASSACHUSETTS

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000374

CITY OF BOSTON INSPECTIONAL  
SERVICES DEPARTMENT,  
Plaintiff,  
  
v.  
  
CATHERINE LEE, as  
Trustee of the FUN SEN LEE TRUST  
Defendant.

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

*Michael Neville*  
ACTING CLERK MAGISTRATE  
DATE 9.30.2020  
PLAINTIFF'S MOTION FOR THE APPOINTMENT OF A RECEIVER

Plaintiff Inspectional Services Department submits this Motion for the Appointment of a Receiver for the immediate correction of the longstanding code violations at 29-33 Edinboro Street, Boston, MA (the "Property"). The Property owned and controlled by the Defendant has code violations that pose a serious risk to the health, safety and well-being of any occupants, abutters, and residents of the community that the Defendant is unable and/or unwilling to correct. The Defendant has repeatedly demonstrated that she is unwilling or unable to correct the code violations throughout the Court proceedings. The Defendant has been provided a year to correct the violations, but has failed to even submit all of the required documents for a permit application for the repairs.

THE PARTIES

1. Plaintiff Inspectional Services Department is an agency of the City of Boston, a duly organized and existing municipal corporation under the laws of the Commonwealth of



SUFFOLK, SS.

COMMONWEALTH OF MASSACHUSETTS  
HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

COURT DEPARTMENT  
EASTERN DIVISION  
SUMMARY PROCESS  
20-CV-374

*Michael Neville*  
\_\_\_\_\_  
ACTING CLERK MAGISTRATE  
DATE *9.30.2020* INSPECTORAL SERVICES DEPARTMENT

vs.

CATHERINE LEE, AS TRUSTEE OF THE FUN SEN LEE TRUST

**ORDER APPOINTING RECEIVER**

Pursuant to G.L. c. 111, §27I and the general equity powers of this Court, having found that there was a history of numerous and longstanding violations of the State Sanitary Code which would not be promptly corrected unless a receiver were appointed, the Court herein appoints:

Stuart T. Schrier, Esq.  
Schrier & Associates, P.C.  
1005 Dorchester Avenue  
Boston, MA 02125

to serve as Receiver in the above-captioned action, for the property at 31-33 Edinboro Street, Boston, MA 02111.

SO ORDERED.

*Irene Bagdoian*  
\_\_\_\_\_  
Irene Bagdoian  
ASSOCIATE JUSTICE

Date: September 11, 2020

cc: Edward Coburn, Esq.  
Catherine Lee



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
DOCKET 19H84CV000374

INSPECTIONAL SERVICES  
DEPARTMENT OF THE  
CITY OF BOSTON,  
Plaintiff

v.

CATHERINE LEE, AS TRUSTEE  
OF THE FUN SEN LEE TRUST,  
Defendant

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

*Michael Neville*  
ACTING CLERK MAGISTRATE  
DATE 9.30.2020

RECEIVER'S MOTION TO ADD

ESTHER ZEE LEE, TRUSTEE

OF THE LEE FAMILY TRUST

NOW COMES the RECEIVER and moves to add Esther Zee Lee, Trustee of the Lee Family Trust of 85 Valentine Street, Newton, Massachusetts 02465. As grounds for this Motion the Receiver gives the following reasons.

- 1) The complaint was filed on June 14, 2019.
- 2) The complaint related to a property at 31-33 Edinboro Street, Boston, MA 02111
- 3) On September 1, 2020 I received a call from Clerk Smith asking if I was available to become the Receiver of this property. I informed her that I was.
- 4) Subsequent to the call from Clerk Smith I began a title search to determine the extent of any liens on the property.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
DOCKET 19H84CV000374

CITY OF BOSTON  
INSPECTIONAL SERVICES  
DEPARTMENT,

Plaintiff

v.

CATHERINE LEE, as Trustee  
of the FUN SEN LEE TRUST, and  
ESTHER ZEE LEE, as Trustee  
LEE FAMILY TRUST

Defendant

HOUSING COURT DEPT.  
EASTERN DIV.  
A TRUE COPY  
ATTEST:

*Michael Neville*  
\_\_\_\_\_  
ACTING CLERK MAGISTRATE  
DATE 9.30.2020

**FIRST AMENDED ORDER APPOINTING RECEIVER**

**1. Introduction**

This matter was before the Court on August 26, 2020, for a hearing on the "Plaintiff's Motion for the Appointment of a Receiver" for 31-33 Edinboro Street, Boston, Massachusetts 02111 (the "Property"). After considering the testimony, documents, photographs and evidence submitted into the record by the Parties, this Court finds as follows:

The Defendant Catherine Lee, Trustee of the Fun Sen Lee Trust owned the Property pursuant to the deed dated July 25, 1987, duly recorded at the Suffolk County Registry of Deeds at Book 14558, Page 011. Numerous longstanding violations of the State Building Code exist at the Property as described in Violation No. V440108 and Violation No. V440124, which are attached as Exhibits 3 and 4 to the Plaintiff's First Amended Verified Complaint. There are also violations of the Boston Fire Prevention Code at the Property as described in



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

HOUSING COURT DEPARTMENT  
EASTERN DIVISION  
CASE NO. 19-CV-000374

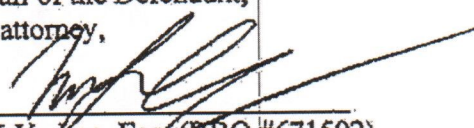
CITY OF BOSTON INSPECTION.  
SERVICES DEPARTMENT,  
Plaintiffs,  
v.  
CATHERINE LEE, as  
Trustee of the FUN SEN LEE TRUST  
Defendant.

**NOTICE OF APPEAL**

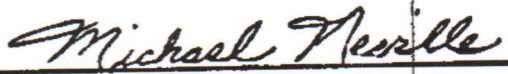
The defendant hereby appeals from the judgment order of this Court entered on September 29, 2020 on FIRST AMENDED ORDER APPOINTING RECEIVER(attached) in conjunction with the this Court's decision on RECEIVER'S MOTION TO ADD ESTHER ZEE LEE, TRUSTEE OF THE LEE FAMILY TRUST.

The defendant further requests that the Court provide her with a copy of the CD/tape of the proceedings in the above-captioned action.

Respectfully submitted  
On behalf of the Defendant,  
By her attorney,

  
Mary K.Y. Lee, Esq. (BBO #671592)  
Mary K.Y. Lee, P.C.  
52 Temple Place, Fourth Floor  
Boston, MA 02111  
(617)426-1689  
marykylee@marylee-law.com

HOUSING COURT DEPT.  
EASTERN DIV.  
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ACTING CLERK MAGISTRATE

DATE 9.30.2020