

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE  
(581 Main Street, Dennis (West), MA

By virtue and in execution of the Power of Sale contained in a certain Mortgage and Fixture Filing ("Mortgage") given by Craig S. Johnson and Virginia A. Johnson, Trustees of 5149 Realty Trust under a Declaration of Trust dated December 20, 2004 given to ZIONS FIRST NATIONAL BANK dated January 4, 2005 and recorded in the Barnstable County Registry of Deeds on January 5, 2005 in Book 19413, Page 332 and registered as Document No. 990,535 on Certificate of Title No. 179999 as amended by that certain Loan Assumption Agreement and Amendment of Mortgage and Fixture Filing; Assignment of Rents dated May 3, 2006 by and between ZIONS FIRST NATIONAL BANK and Craig S. Johnson and Virginia A. Johnson, Trustees of 5149 Realty Trust under a Declaration of Trust and RT 28 Real Estate LLC, and recorded in the Barnstable County Registry of Deeds on May 8, 2006 in Book 20982, Page 1 and registered as Document No. 1,033,265 and covering the land with buildings thereon situated in Dennis (West), Massachusetts, of which mortgage the undersigned is the present holder ("Mortgagee"), for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock A.M. on the 1st day of March, 2012, upon the mortgaged premises located at 581 Main Street (Route 28), Dennis (West), Barnstable County, Massachusetts, all and singular being the premises described in the Mortgage, to wit,

Three(3) certain parcels of land with buildings and improvements thereon situated in Dennis (West), County of Barnstable, Commonwealth of Massachusetts 02670, more particularly described as follows:

PARCEL 1 – (Unregistered Land) 581 Main Street, West Dennis, MA 02670

Being LOT 1, containing 62,100 square feet, more or less, on a plan entitled "Plan of Land in West Dennis, Mass., for Ruth D. Hudson, et al, May 22, 1958, Scale 1" = 40', prepared by S.R. Sweetser, Engineer, Dennisport, Mass., DE147-C1305 recorded with the Barnstable County Registry of Deeds in Plan Book 142, Page 63.

Said premises are conveyed subject to and with the benefit of all rights of way, easements, restrictions, rights, reservations and agreements of record insofar as the same are no in force and applicable.

For title to Parcel 1 see deed recorded with Barnstable Registry of Deeds in Book 3228, Page 318-321; Book 3528, Page 262; Book 4074, Page 213, and book 6676, Pages 61 and 65.

PARCEL 2: (Registered Land)  
561 Main Street, West Dennis, MA 02670

Said premises are shown as Lot 2 on Subdivision Plan of Land in Dennis No. 18374-B dated October 7, 1963, drawn by Nelson Bearse – Richard Law, Surveyors Scale: 60 feet to an inch, and filed in the Land Registration office at Boston, a copy of

which is filed in Barnstable County Registry of Deeds in Land Registration Book 46, Page 119 with Certificate of Title No. 7699.

Said premises are conveyed subject to and with the benefit of all rights, rights of way, easements, restrictions, rights, reservations and agreements of record as the same are no in force and applicable.

For title to Parcel 2 see Certificate of Title No. 117141.

PARCEL 3: 591 Main Street, West Dennis, MA 02670

Said premises are shown as LOT 2 on Plan of Land entitled, "Plan of Land in West Dennis, Mass., for Ruth D. Hudson et al, May 22, 1958, Scale 1" = 40', S.R. Sweetser, Engineer, Dennisport, Mass., DE147-C1305" said Plan being recorded in Barnstable County Registry of Deeds in Plan Book 142, Page 63.

Excepting therefrom a triangular parcel of land conveyed by Ruth D. Baker formerly Ruth D. Hudson to Allan L. Dupee et ux recorded September 15, 1958 in Barnstable County Registry of Deeds in Book 1016, page 185, described as follows:

Northeasterly by land of Allan L. Dupee et ux, 371.25 feet;

Southerly by land of said Dupee et ux, 75 feet; more or less;

Westerly by land of Ruth D. Hudson, 388.17 feet.

The most northerly boundary of the above-described premises is a cement bound located at the northwest corner of the land of Allan L. Dupee et ux and the State Highway, Route 28, and said parcel of land contains 13,500 square feet, more or less.

For title see deeds recorded with Barnstable Registry of Deeds in Book 3228, Page 318-321; Book 3528, Page 262; Book 4074, Page 213, and Book 6676, Pages 61 and 65.

For Parcels 1, 2 and 3, see Deed from Joseph A. Jamiel, Jr. and Geoffrey J. Jamiel, individually and as General Partners of Zone Realty Partnership recorded therewith.

#### TERMS OF SALE:

These premises are being sold SUBJECT TO any and all unpaid real estate taxes, water rates, municipal charges and assessments, condominium charges, expenses, costs, and assessments, if applicable, federal tax liens, partition wall rights, statutes, regulations, zoning, subdivision control, or other municipal ordinances or bylaws respecting land use, configuration, building or approval, or bylaws, statutes or ordinances regarding the presence of lead paint, asbestos or other toxic substances, sanitary codes, housing codes,

tenancy, and , to the extent that they are recorded prior to the above mortgage, any easements, rights of way, restrictions, confirmation or other matters of record.

A deposit of Twenty-Five Thousand Dollars (\$25,000.00) by certified or bank check payable to Gilman, McLaughlin & Hanrahan, LLP, attorneys for the Mortgagee ("Escrow Agent") will be required to be paid at the time and place of the sale. Five (5) business days after the sale an additional deposit shall be paid by the successful bidder(s) to the Escrow Agent sufficient to bring the aggregate deposit up to an amount equal to ten percent (10.0%) of the applicable auction price. The balance of the purchase price is to be paid within thirty (30) days from the date of sale. Payment of each deposit amount and the balance of the price shall be paid by certified or bank cashier's check. The successful bidder shall be required to sign a Memorandum of Sale of Real Property by Auctioneer in a form to be prepared by Mortgagee containing the above terms and any other terms announced at the time and place of the sale. TIME SHALL BE OF THE ESSENCE.

The Mortgagee reserves the right to postpone or continue the sale to a later date by public proclamation at the date and time appointed for the sale.

The description of the premises contained in said mortgage shall control in the event of an error in this publication.

OTHER TERMS TO BE ANNOUNCED AT THE TIME AND PLACE OF THE SALE.

Marwick LLC  
Present holder of said mortgage  
By its attorneys:

Alex M. Rodolakis, Esq.  
Gilman, McLaughlin & Hanrahan, LLP  
297 North Street, Suite 327  
Hyannis, Massachusetts 02601  
508-778-1100

McLaughlin & Company  
31 New Chardon Street  
Boston, MA 02114  
617-646-1019  
Auctioneer