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**MORTGAGEE'S SALE OF REAL ESTATE
AT PUBLIC**

AUCTION

FRIDAY JULY 23, 2010 AT 11AM



16 Bank Street, Harwich Port, MA
Oceanfront Seasonal Resort

Case 10-14619 Doc 64 Filed 08/14/10 Entered 08/14/10 14:13:59 Desc Main Document Page 1 of 1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS (BOSTON)

In re:

CAPE COD INVESTMENT AND
REAL ESTATE SERVICES, LLC,
Debtor

Chapter 11

Case No. 10-14619-WCH

ORDER

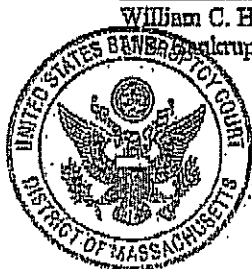
After notice to all parties in interest, there being no objections filed, it is hereby ORDERED that the automatic stay is terminated under 11 U.S.C. §362(d), to allow S-Bank, formerly known as South Shore Co-operative Bank, its agents, successors and assigns ("S-Bank"), to: (a) exercise its rights and remedies under its two Mortgages granted by the Debtor, further described below, including, without limitation, to take possession of the Mortgaged Property described below, to foreclose or accept a deed in lieu of foreclosure concerning either or both of the Mortgages given by the Debtor and Equity Holdings, LLC to S-Bank, being Mortgage, Security Agreement And Assignment dated March 30, 2007, in the original principal amount of \$2,437,500.00, recorded at the Barnstable County Registry of Deeds ("Deeds"), in Book 21901, Page 1, and Mortgage, Security Agreement And Assignment, dated January 6, 2009, in the original principal amount of \$380,000.00, recorded at said Deeds in Book 23355, Page 137, which Mortgages are secured by the property identified as 16 Bank Street, Harwich (Port), Barnstable County, Massachusetts (the "Property"); and to (b) bring such actions as are permissible by law to secure lawful possession of the Property, as S-Bank may deem necessary.

IT IS FURTHER ORDERED, that Bankruptcy Rule 4001(a)(3) is not applicable hereto to enable S-Bank to immediately enforce and implement this Order.

William C. Hillman

Entered: _____, 2010

6/14/2010



William C. Hillman, Judge

Certified to be a true and correct copy of the original
James M. Lynch, Clerk
U.S. Bankruptcy Court
District of Massachusetts

By: *James M. Lynch*
Deputy Clerk

Date: *June 21, 2010*

PROPERTY LOCATION:

16 Bank Street, Harwich Port, MA

PROPERTY DESCRIPTION:

Oceanfront Seasonal Resort

AUCTION LOCATION:

On Site

AUCTION DATE/TIME:

Friday, July 23, 2010 at 11AM

MORTGAGE REFERENCE:

Book 21901, Page 1, Barnstable Registry of Deeds

TERMS OF SALE:

A deposit of \$50,000 by certified, bank treasurer's or cashiers check will be required at the time & place of sale. Balance of purchase price due within 30 days.

AUCTIONEER'S OFFICE:

For more information on this auction, please contact:

Contact: Jeffrey Mann
Tel. #: (617) 227- 6553
Fax: (781) 767- 9686
Email: jmannQpesco.com
Web Site: www.pesco.com

DISCLAIMER:

All information contained within this package was derived from sources believed to be reliable. Information contained in this package does not constitute a representation or warranty of any kind by the Auctioneer, and/or the Mortgagee and/or their Attorneys, Agents, Servants, or Employees of the accuracy or completeness of any information herein. The Auctioneer, and/or the Mortgagee and/or their Attorneys, Agents, Servants, or Employees expressly disclaim any responsibility therefor. The Auctioneer, and/or the Mortgagee and/or their Attorneys, Agents, Servants, or Employees shall have no liability whatsoever for any loss, cost or damage arising from any inaccuracy therefrom. Prospective buyers should rely entirely on their own due diligence, inspection and judgment. Announcements from the auction block shall take precedence over any previously printed material or any other oral statements made.

**Mortgagee's Sale of Real Estate
at Public Auction**

HARWICH PORT Oceanfront Seasonal Resort

**16 Bank Street, Harwich Port, M.A.
Friday, July 23, 2010 at 11AM**

This oceanfront/beachfront seasonal resort on 43,124+/-sf of land has (3) 1 & 2 story, vinyl sided buildings containing 19 guest suites (21 rooms) w/ all 1st floor rooms having private patios, managers quarters, office, lounge areas, partially finished walk out lower level, large brick patio & wood deck overlooking the ocean & private beach, professional landscaping & parking lot.

Terms of Sale: A deposit of \$50,000 by certified or bank check will be required at the time & place of sale & balance within 30 days. All other terms announced at sale.

Richard P. Barry, Esquire
Barry and Associates
21 Mayor Thomas P. McGrath Highway
Quincy, MA
Attorney for Mortgagee

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Equity Holdings, LLC and Cape Cod Investment and Real Estate Services, LLC to South Shore Co-operative Bank, which mortgage is dated March 30, 2007, recorded with the Barnstable County Registry of Deeds as Book 21901, Page 1, of which mortgage the undersigned is the present holder, for breach of the condition of said Mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 o'clock a.m., on the 23rd day of July, 2010 on the mortgaged premises (commonly known as 16 Bank Street, Harwich Port, MA), being all and singular the premises described in said mortgage to wit:

The land, together with the buildings thereon, in Harwich (Port), Barnstable County, Massachusetts, bounded and described as follows:

NORTHEASTERLY by Bank Street, one hundred ninety-two and 15/100 (192.15) feet;

EASTERLY by land of the Town of Harwich, one hundred seventy-four (174) feet, more or less;

SOUTHERLY by Nantucket Sound, ninety (90) feet, more or less;

SOUTHWESTERLY by land now or formerly of Gerald A. Smith et ux, three hundred twenty and 20/100 (320.20) feet, more or less; and

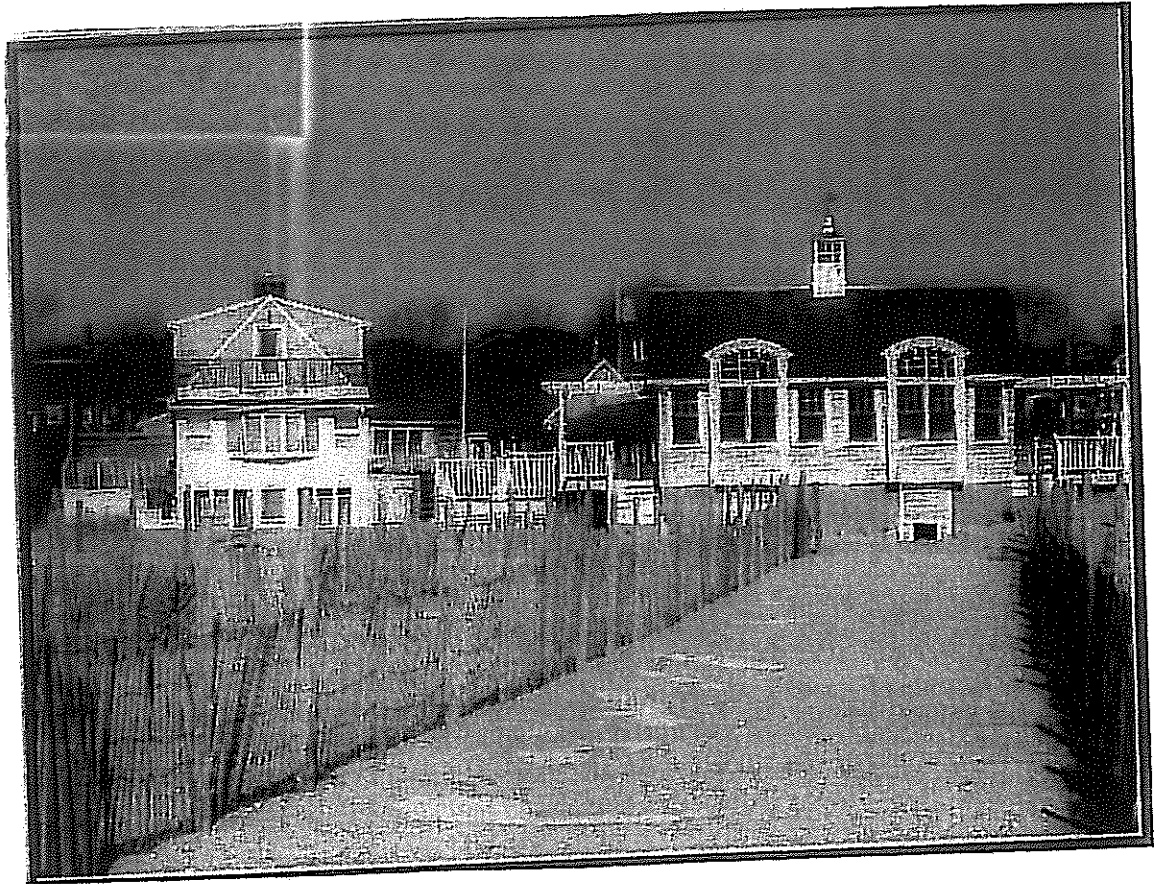
NORTHWESTERLY by land now or formerly of Robert M. Brodeur et ux, eighty and 76/100 (80.76) feet.

Being LOTS 1, 2, 3 and a thirty (30) foot way, as shown on a plan of land entitled, a Subdivision Plan of Land in Harwich Port, Mass. as surveyed for R. Leslie Munro et ux, Scale 1 inch equals 20 feet, September, 1955, Nickerson & Berger, Civil Engineers, Eastham, Mass., recorded in Barnstable County Registry of Deeds in Plan Book 124, Page 23.

For title reference, see Deed of Geoffrey E. Lancaster and Pamela T. Lancaster dated March 30, 2007 and recorded with the Barnstable County Registry of Deeds at Book 21900, Page 334.

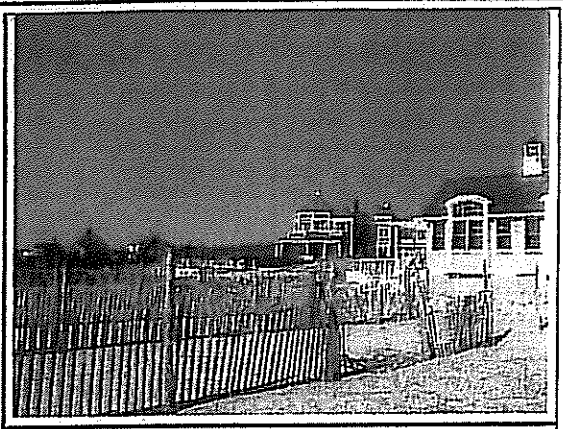
The premises are to be sold subject to and with the benefit of all easements, restrictions, building and zoning laws, unpaid taxes, tax titles, water bills, municipal liens and assessments, rights of tenants and parties in possession, existing encumbrances, and all other claims in the nature of liens, now existing or hereafter arising, having priority over the mortgage, if any there be. The premises are also sold subject to the right of redemption of the United States of America, if any there be.

TERMS OF SALE: A deposit of Fifty Thousand and 00/100 Dollars (\$50,000.00) to be required to be made to the mortgagee in cash, by certified check or by cashier's check at the time

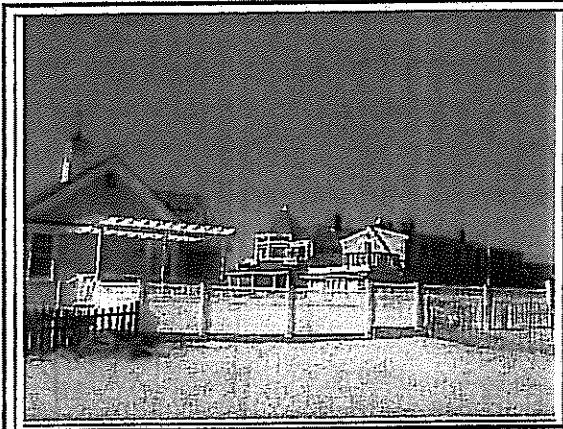




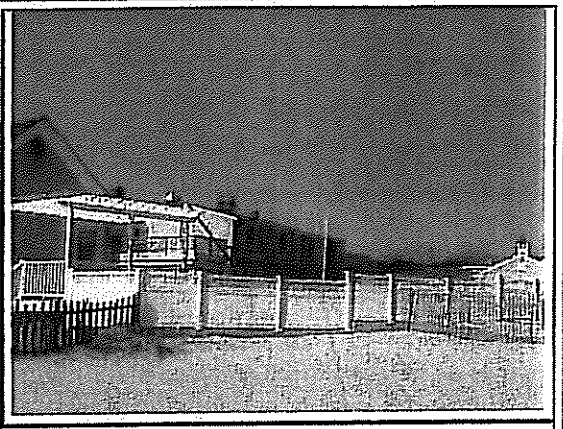
Exterior View of Subject



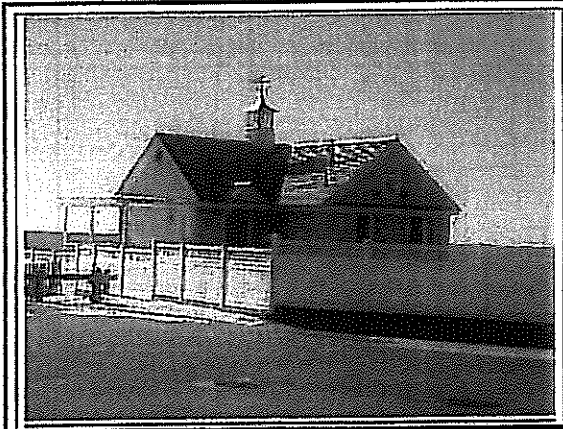
Exterior View of Subject



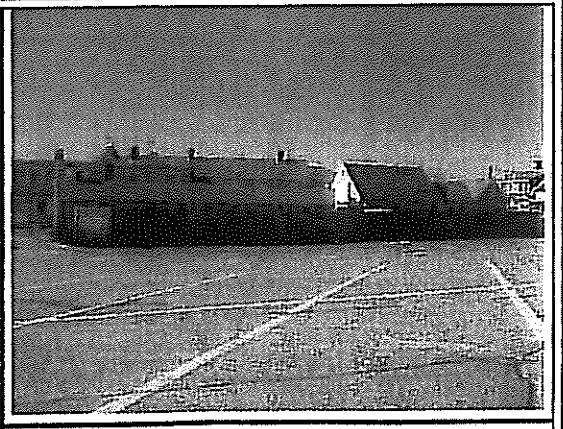
Exterior View of Subject



Exterior View of Subject



Exterior View of Subject



Exterior View of Subject

NEIGHBORHOOD DESCRIPTION

Harwich has several small villages on the south shore of Cape Cod along the Nantucket Sound with Harwich at the center surrounded by West Harwich, South Harwich, Harwich Port and Pleasant Lake. Harwich has sixteen salt-water beaches on Nantucket Sound, along with a number of freshwater ponds. Harwich Ports' Wychmere Harbor is perhaps one of the most picturesque harbors on the Cape. The Harwich Port's downtown area is home to an old fashioned hardware store, quaint retail stores and small coffee shop where locals gather each morning. The Harwich Port golf course, situated off Forest Street, is also a popular destination.

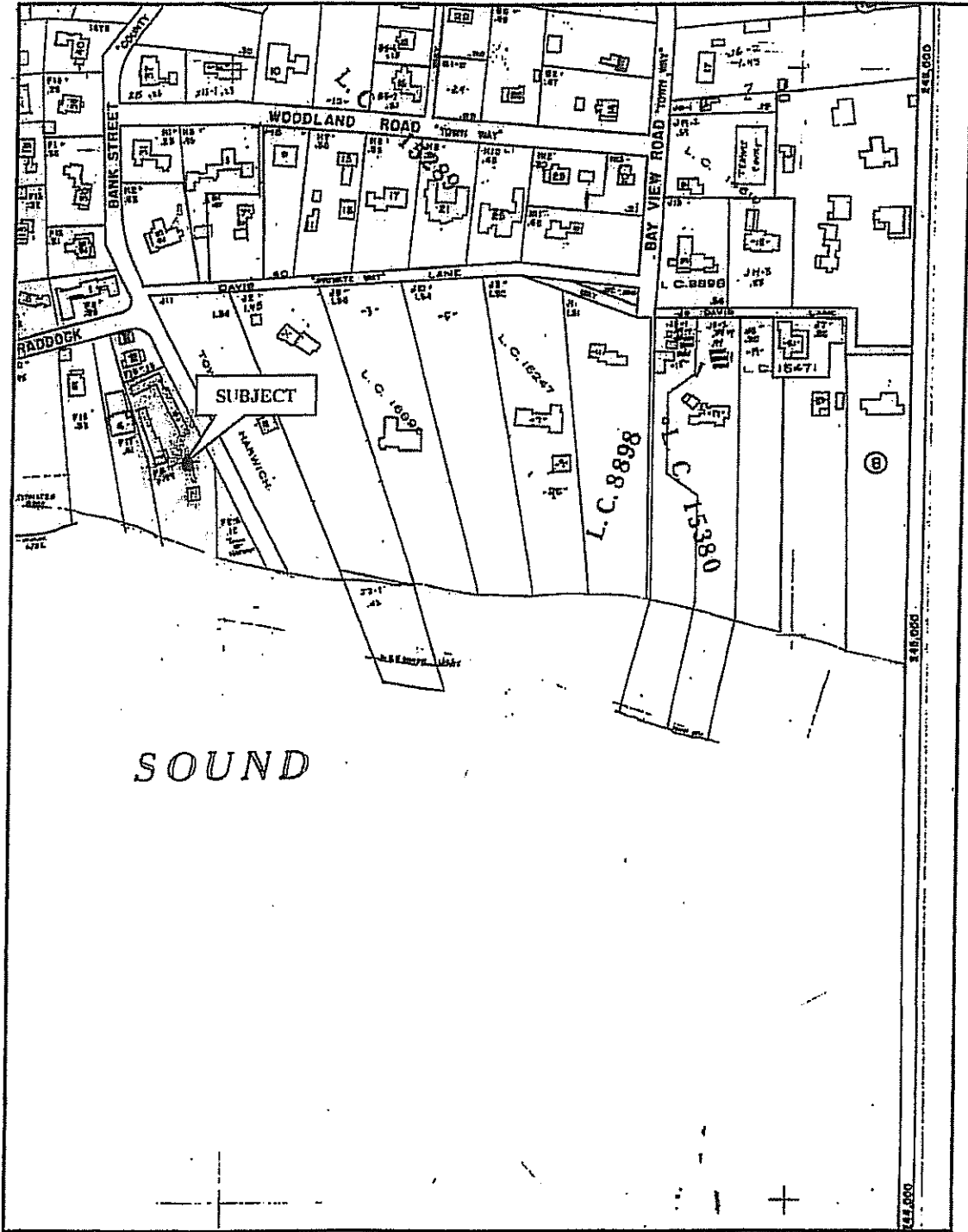
As previously mentioned, the subject is situated at the end of Bank Street, on Nantucket Sound. Geographically, the subject's neighborhood is bounded by Main Street (Route 28) to the north, Nantucket Sound to the south, the Bank Street Beach (a town beach) parking lot to the east, and the Winstead Inn to the west. The immediate area of the subject is considered to be residential in nature comprised of other seasonal inns and single-family dwellings.

SITE DESCRIPTION

The subject site contains a total of 35,356 SF of land situated on the southwesterly side of Bank Street. It is improved by three buildings containing a total of 6,413 SF, utilized as a fully operational 21 guest room resort inn, with manager's quarters and office.

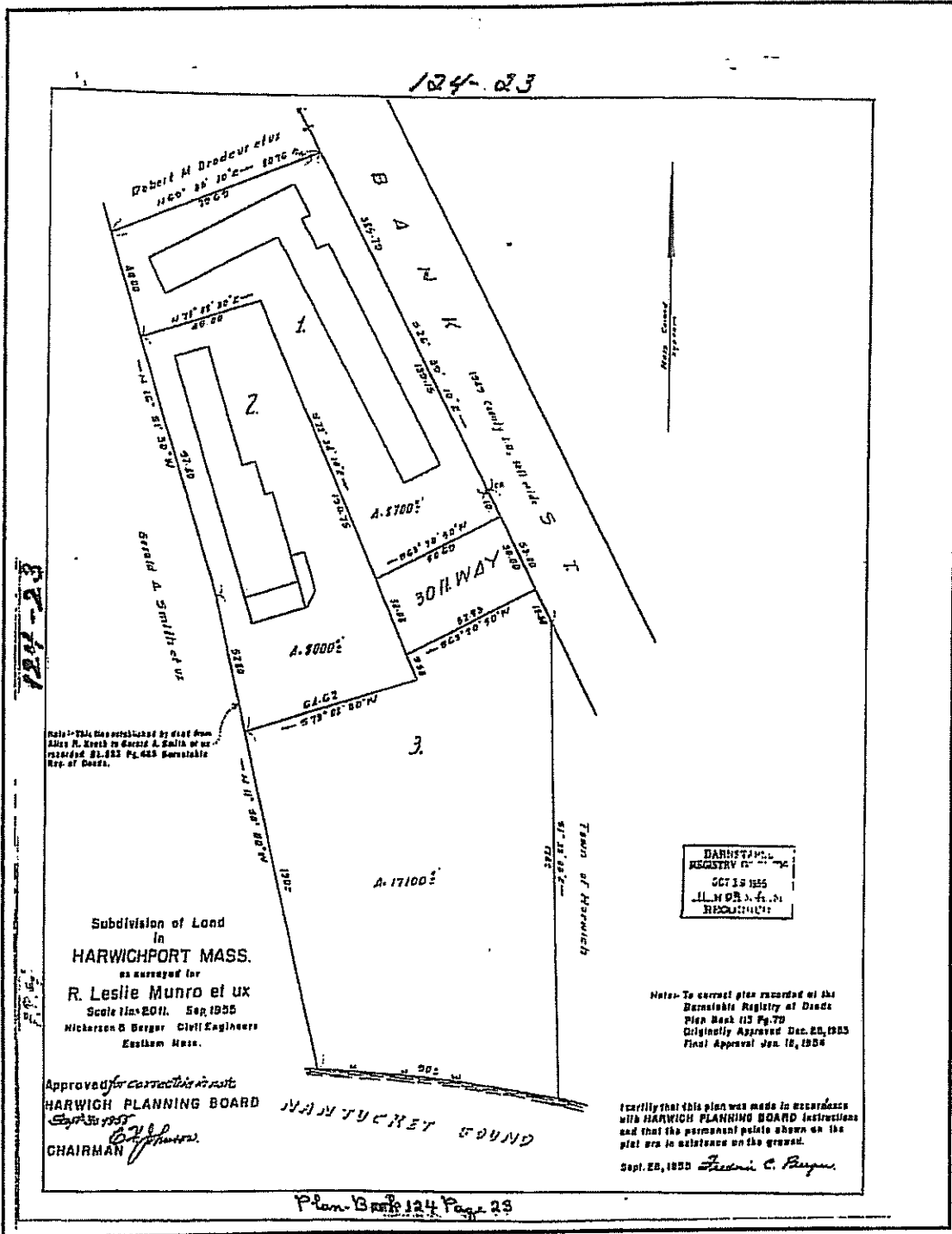
Physical Characteristics	
<i>Type of Lot</i>	Improved lot
<i>Land Area</i>	+/- 0.81 Acres or 35,356 SF
<i>Frontage</i>	+/- 192.15' on Bank Street +/- 90.00' on Nantucket Sound
<i>Shape</i>	Irregular
<i>Lot Coverage</i>	13.92%
<i>Land-to-Bldg Ratio</i>	5.51 : 1
<i>Topography</i>	Basically level at street grade.
<i>Access</i>	Good, via from Bank Street.
<i>Flood Zone</i>	It appears that the subject lies within a National Flood Hazard Zone B (areas between 100 and 500 year flood). Therefore, flood insurance would be required. Panel No. 250008-0010C.
<i>Zoning</i>	Property lies within a Residential High Density-1 (R-H-1) zoning district. The existing inn appears to be a legal, non-conforming use that pre-dates current zoning regulations.
<i>Utilities</i>	The subject site is served by such utilities as electricity, telephone, natural gas, municipal water and private septic system.
<i>General Comments</i>	The grounds are professional landscaped, and there is adequate on-site parking. There is a large brick patio and wood deck leading to the beach.

Assessor's Map



Site Plan

124-23



Note: This Map established by deed from Allen R. North to George A. Smith as recorded B.L. 222 Pg. 645 Barnstable Reg. of Deeds.

Subdivision of Land
in
HARWICHPORT MASS.
as surveyed for
R. Leslie Munro et ux
Scale 1 in = 20 ft. Sep. 1955
Nicherson & Berger Civil Engineers
Eastham Mass.

Approved for correction at next
HARWICH PLANNING BOARD
Sept. 30, 1955
CHAIRMAN *Frederick C. Baynes*

BARNSTABLE
REGISTRY OF DEEDS
SEP 15 1955
J. L. H. O. S. & S.
REGISTRARS

Note: To correct plan recorded at the Barnstable Registry of Deeds Plan Book 115 Pg. 79 Originally Approved Dec. 28, 1953 Final Approval Jan. 18, 1954

I certify that this plan was made in accordance with HARWICH PLANNING BOARD instructions and that the permanent points shown on the plat are in substance on the ground.
Sept. 28, 1955 *Frederick C. Baynes*

IMPROVEMENT DESCRIPTION

The subject of this report is a seasonal resort known as the "Sandpiper Beach Inn" situated on the southwesterly side of Bank Street, in Harwich Port. The inn is comprised of 19' guest suites (21 rooms) and the manager's quarters and office.

Breakdown of Rooms

Room	Bed Type	Floor
1	D/D	1 st
2	Q	1 st
3	D/D	1 st
4	Q	1 st
5	Q/T	1 st
6	D	1 st
7	Q	1 st
8	Q/T	1 st
9	Q/D	1 st
10+10A	Q/T/D	1 st
11	K	1 st
12	K	1 st
14	K	1 st
15	Q	1 st
16	Q	2 nd
17+17A	Q/Q	2 nd
19	Q/Q	Detached
20	Q/Q	Detached
21	Q/Q	2 nd

General Comments:

- 10/10A and 17/17A are rented together as a suite only.
- All rooms have refrigerator, microwave, cable TV, telephone w/ voicemail, hairdryer
- All rooms have tub/shower excluding rooms 5, 6, 7, 8, 10A and 17A having showers only.
- All first floor rooms have private patios
- Rooms 11 and 12 have cathedral ceilings, sky lights.
- Unit 21 formerly part of owner's quarters with private deck.
- Rooms 19 and 20 are adjacent "premier rooms" in a detached cottage style structure with sweeping ocean views. These two units have recently been completely renovated and updated

General Construction Characteristics	
<i>Type of Development</i>	Seasonal Inn/Resort
<i>Floors</i>	One and two stories
<i>Living Area</i>	6,413 Square Feet

General Construction Characteristics	
<i>Basement</i>	Partial finished walk-out lower level
<i>Age</i>	Circa 1950 and 1965
<i>Foundation</i>	Concrete and stone
<i>Structure</i>	Wood frame
<i>Exterior Walls</i>	Vinyl siding
<i>Roof</i>	Hip - wood shingled
<i>Plumbing</i>	Hot and cold water, sanitary piping and utility hookups appear to be adequate for the existing use. Private baths include a water closet and shower stall.
<i>Electrical</i>	150 amp 120/240 volt 3 phase electrical service with circuit breaker panel. Fire alarms and smoke detectors.
<i>Heating/Cooling</i>	FHA fired by gas (3 systems). No central air conditioning.
<i>Interior Finish</i>	<p>As previously mentioned, the Sandpiper Inn contains 19 suites (21 distinctive guest rooms), with associated office and lounge areas.</p> <p>For the most part, interior demising walls and ceilings are painted plaster, with rooms having decorative wall coverings or pine board. The floors are hardwood or wall-to-wall carpeting. Bathrooms have a linoleum floor covering.</p>

Room Layout

