

Commonwealth of Massachusetts

HOUSING COURT DEPARTMENT

A TRUE AND
ATTESTED COPY
DEPUTY SHERIFF

WESTERN DIVISION

Civil Action No: 18CV1012

10-10-18

Town of Westhampton Health Dept Plaintiff(s)
v. Building Dept

Tim FondaKowski, Defendant(s)
335 N.W. Rd

SUMMONS AND ORDER OF NOTICE

To the above-named Defendant:

You are hereby summoned and required to serve upon Tim FondaKowski, plaintiff's attorney, whose address is 3 South Rd, Westhampton an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at 37 Elm Street, Springfield (on **Mondays only** documents may **also** be filed with the Housing Court sitting at 116 Russell St. (Rte 9) **HADLEY, MA**), either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint, for a preliminary injunction and that a hearing upon such application will be held at the court house located at 116 Russell St. (Rte 9) **HADLEY, MA**, Massachusetts in the Hampshire session without jury of our said court on **MONDAY** Oct 15th, at **9:00 a.m.**, at which you may appear and show cause why such application should not be granted.

WITNESS, Dina E. Fein, Esquire, at the said Western Division Housing Court sitting in Hadley, _____

Miriam Laurer

Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedures.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If separate summons are used for each defendant, each should be addressed to the particular Defendant.

THIS IS A REQUEST FOR AN EMERGENCY ORDER

UNDER THE PAINS AND PENALTIES OF PERJURY I SWEAR AND AFFIRM THAT:

My name is Valerie Bird, I am the: Health Agent for the Town of Westhampton, MA, **My Business Address is:** PO Box 447, Haydenville, MA 01039, **Telephone #** 413 268 8404.

I am bringing this action against: Timothy Fondakowski who resides at 335 North West Rd, Westhampton. MA 01027
Phone unknown.


THIS ACTION RELATES TO PROPERTY LOCATED AT: 335 NW Rd. Westhampton

(Explain the Defendant's relationship to the property): Owner Tenant Neighbor Visitor
 Other:

On September 6, 2018, **The following occurred: (PRINT)** I received complaint from Westhampton Highway superintendent, and an anonymous source regarding Mr Fondakowski residing in a garage renovated into an unpermitted dwelling. **I HAVE ATTEMPTED TO RESOLVE THIS PROBLEM BY DOING THE FOLLOWING:** Scheduling a joint inspection on October 10, 2018. Letter of inspection mailed through regular mail, and certified mail. On October 2, I received by certified mail, a "No Trespass Notice", prohibiting me from entering the property.

THEREFORE I AM ASKING THE COURT TO:

Order defendants to appear in court on Oct 15, 2018, to schedule interior inspection to allow myself and Building Commissioner, Tom Quinlan Jr to inspect the dwelling at 335 North West Rd for safety reasons, Building Code violations and to determine if the dwelling meets Minimum Standards of Human Habitation.



Signed

10/03/2018

Date