

Cheshire County Sheriff's Office

Eliezer "Eli" Rivera
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NOTICE OF SHERIFF'S SALE PURSUANT TO RSA 529

By virtue of the authority provided by New Hampshire RSA Chapter 529, and pursuant to a Writ of Execution (the "Writ") issued in favor of Diana DiMartino in a civil action entitled Diana DiMartino v. Jeremy Fitzgerald, Cheshire Superior Court, Docket No. 213-2022-CV-00179 (the "Action"), as well as a lien or liens recorded (the "Lien(s)"), the Cheshire County Sheriff's Office, acting at the behest of Diana DiMartino, will sell at **PUBLIC AUCTION**, all of the right, title, right in equity and right to redeem said equity of Jeremy Fitzgerald in and to the premises consisting of a certain tract of land in Alstead, County of Cheshire, and State of New Hampshire, being shown on Tax Map 54 lot 12 with the buildings and improvements thereon, as well as the interests, and the right to redeem said interests, of said Jeremy Fitzgerald in said Alstead (the "Premises").

I. The Date, Time, and Place of Sale:

The sale shall take place on Wednesday, November 13, 2024, at 11:00 a.m. at the Premises.

II. Description of Premises to be Sold:

See attached Property Description of the Premises at Schedule A hereto.

III. Street, Town, and County of Premises:

The Premises is located at 96 McLean Road, Alstead, Cheshire County, NH 03602.

IV. Terms of Sale:

The successful bidder shall be required to pay a deposit of ten percent (10%) of the sale price, in the form of cash, bank draft or certified check made payable to the Cheshire County Sheriff's Office immediately following the sale (the "Deposit"). The balance of the purchase price shall be paid in the form of cash, bank draft or certified check made payable to the Cheshire County Sheriff's Office by 12:00 Noon on Thursday, November 21, 2024.

The Premises to be sold at the sale shall be sold "AS IS," "WHERE IS," and subject to unpaid taxes, prior liens, or other enforceable encumbrances of record, if any, entitled to precedence over the Writs and/or Lien(s). The Premises shall be sold subject to any state of facts which an accurate ground survey may reveal, and all federal, state and local ordinances, regulations, statutes and rules, including but not limited to statutes, regulations, rules, and

"Committed to Serving the People of Cheshire County"

ordinances pertaining to or relating to zoning, subdivision, environmental matters and buildings. The Cheshire County Sheriff's Office makes no representations or warranties with respect to the accuracy of any statement as to the boundaries, acreage, frontage or other matters contained in the description of the Premises in Schedule A hereto. The Premises to be sold is further subject to those easements, restrictions and encumbrances, if any, described in the Property Description attached hereto, or in any instrument relating to or affecting the Premises which is recorded, or may be recorded, at the Cheshire County Registry of Deeds.

Sale is subject to any homestead act right the defendant may have.


The Sheriff and/or his designee retain the right to refuse any or all bids. All sales are final.

V. **Further Information:**

The principal amount of the obligation claimed by Diana DiMartino with respect to this sale is **\$1,042,327.14**, less any payments by Jeremy Fitzgerald to Diana DiMartino to date made on and for the judgment, or on and for the judgment as of the date of the sale hereunder, as such payment or payments may be applied to the indebtedness which forms the basis for the sale hereunder. In addition, Diana DiMartino may claim and be entitled to recover costs and expenses associated with the sale in a yet undetermined amount including, but not limited to, publication costs, legal fees and expenses, and other costs and expenses for which recovery is permitted by applicable New Hampshire law. Further, Diana DiMartino may be liable to pay the Cheshire County Sheriff's Office certain costs and expenses associated with the sale including, but not limited to, travel costs, publication costs and "poundage" in accordance with New Hampshire RSA 529, all of which may be charged against the proceeds resulting from the sale of the Premises.

The Cheshire County Sheriff's Office makes no representation(s) as to the existence or non-existence of any Federal tax, real estate tax, or any other lien or encumbrance affecting the Premises, nor any representation(s) as to whether or not any Internal Revenue Service district office may have issued any lien affecting the Premises. No copy of any such lien or encumbrance, nor any information relating to any lien or encumbrance, is enclosed or included with this Notice, to the extent such lien or information exists, and any and all potential purchaser(s) at the sale must and shall independently ascertain the status of title to and of the Premises including, but not limited to, the existence or non-existence of any and all liens, encumbrances, or other matters or things affecting the Premises.

Dated: 10/3/2024



Chief Deputy Caleb Dodson
Cheshire County Sheriff's Office

OFFICE OF THE SHERIFF

Cheshire County
12 Court Street,
Keene, NH 03431
Tel. (603) 352-4238

SHERIFF'S SALE

Diana DiMartino

v.

Jeremy Fitzgerald

SCHEDULE A

Beginning at an iron pin set next to a stone wall along the west line of the McLean Road, which point marks the northeast corner of land now or formerly of Patrick M. and Janet E. Moroney and the southeast corner of the premises hereby conveyed;

Thence North $80^{\circ} 10' 45''$ West four hundred eleven and fifteen-hundredths (411.15) feet, more or less, to an iron pin;

Thence South $10^{\circ} 35' 48''$ West twenty (20.00) feet, more or less, to a point which is located North $80^{\circ} 35' 12''$ West one and seven-hundredths (1.07) feet from a stake and stones at or near the north end of a stone wall;

Thence North $80^{\circ} 35' 12''$ West six hundred forty-six and sixty-four hundredths (646.64) feet, more or less, to a point in a stone wall in the east line of land now or formerly of Charles H. Montgomery, which point is located South $80^{\circ} 35' 12''$ East one and thirteen-hundredths (1.13) feet from a stake and stones, the last three courses being along said Moroney land;

Thence North $09^{\circ} 01' 20''$ East along said stone wall forty-five and thirty-nine hundredths (45.39) feet, more or less, to a point;

Thence North $05^{\circ} 18' 13''$ East along said stone wall to one hundred thirty-eight and thirty-hundredths (138.30) feet, more or less, to an iron pin set in said stone wall, which point marks the southwest corner of Parcel-A shown on said plan and the northwest corner of the premises hereby conveyed;

Thence South $81^{\circ} 48' 15''$ East four hundred five and sixty-seven hundredths (405.67) feet, more or less, to an iron pin set at the southeast corner of said Parcel-A;

Thence North $07^{\circ} 07' 23''$ East thirty-six and forty-eight hundredths (36.48) feet, more or less, to a point at the southwest corner of land now or formerly of Thomas G. Helenek, Sr. and Karen M. Wakeman, which point is located North $80^{\circ} 23' 44''$ West four and sixty-hundredths (4.60) feet from a drill hole set at or near the west end of a stone wall;

Thence South $80^{\circ} 23' 44''$ East through said drill hole and along said stone wall one hundred thirty-four and thirty-six hundredths (134.36) feet, more or less, to a point at the east end of said stone wall;

Thence South $84^{\circ} 23' 46''$ East ten and thirty-three hundredths (10.33) feet, more or less, to a point at the west end of another stone wall;

Thence $81^{\circ} 25' 18''$ East along said stone wall seventy and fifty-hundredths (70.50) feet,

more or less, to the east end of said stone wall;

Thence South $81^{\circ} 06' 30''$ East one hundred sixteen and eighty-eight hundredths (116.88) feet, more or less, to a point;

Thence South $79^{\circ} 38' 01''$ East partially along a stone wall fifty-one and fifty-eight hundredths (51.58) feet, more or less, to a point;

Thence South $80^{\circ} 34' 18''$ East two hundred seventy-five and forty-eight hundredths (275.48) feet, more or less, to an iron pin set in a stone wall in the west line of the McLean Road, which point marks the southeast corner of land now or formerly of Peter R. & Virginia L. Smith and the northeast corner of the premises hereby conveyed;

Thence South $09^{\circ} 14' 31''$ West along said stone wall and along the west line of the McLean Road sixty-four and sixty-six hundredths (64.66) feet, more or less, to a point;

Thence South $07^{\circ} 26' 35''$ West along the west line of the McLean Road seventy-seven and seventy-five hundredths (77.75) feet, more, to a point;

Thence South $07^{\circ} 31' 31''$ West along the west line of the McLean Road seventy and forty-one hundredths (70.41) feet, more or less, to the point of beginning.

Containing 5.0229 acres, more or less.

Meaning and intending to describe a portion of that property, including all improvements and buildings thereon, described in a document recorded October 4, 2007, at the Cheshire County Registry of Deeds in Book 2468, Page 546.

NOTICE OF HOMESTEAD EXEMPTION PURSUANT TO RSA 529:20-A

IF YOU OR YOUR SPOUSE OWNS AND RESIDES IN THIS PROPERTY, YOU AND/OR YOUR SPOUSE MAY BE ENTITLED TO A HOMESTEAD EXEMPTION PURSUANT TO RSA 480:1. THIS EXEMPTS \$120,000.00 FOR A SINGLE PERSON AND \$240,000.00 FOR A MARRIED COUPLE.

RSA 480:4, IV EXCEPTS FROM HOMESTEAD PROTECTION THE ENFORCEMENT OF LIENS FILED BY HOMEOWNER OR CONDOMINIUM ASSOCIATIONS FOR UNPAID ASSESSMENTS AGAINST THE HOMESTEAD, INCLUDING COLLECTION COSTS.

IN ORDER TO CLAIM THIS EXEMPTION, YOU MUST NOTIFY THE SHERIFF OF THE COUNTY IN WHICH THE REAL ESTATE IS SITUATED AND THE JUDGMENT CREDITOR OF THE AMOUNT OF YOUR HOMESTEAD CLAIM IN WRITING. IF YOU DO SO BEFORE THE SALE, THE SHERIFF MUST PAY YOU THE AMOUNT OF YOUR HOMESTEAD EXEMPTION BEFORE PAYING THE JUDGMENT CREDITOR FROM THE PROCEEDS OF THE SALE. IF, HOWEVER, THE JUDGMENT CREDITOR FILES A MOTION IN COURT CHALLENGING YOUR ENTITLEMENT TO OR THE AMOUNT OF THE HOMESTEAD EXEMPTION, THE SHERIFF SHALL NOT DISTRIBUTE THE PROCEEDS FROM THE SALE UNTIL FURTHER ORDER OF THE COURT.

IF YOU DO NOT NOTIFY THE SHERIFF AND THE CREDITOR OF YOUR EXEMPTION UNTIL AFTER THE SALE, THE CREDITOR NEED NOT PAY YOU THE AMOUNT OF YOUR HOMESTEAD EXEMPTION UNTIL THE EXPIRATION OF THE ONE-YEAR PERIOD DURING WHICH YOU MAY REDEEM THE PROPERTY PURSUANT TO RSA 529:26.

IF THE SHERIFF RECEIVES YOUR NOTICE OF HOMESTEAD EXEMPTION PRIOR TO THE SALE, THE SHERIFF MAY NOT SELL THE PROPERTY FOR LESS THAN THE AMOUNT OF THE CLAIMED HOMESTEAD EXEMPTION WITHOUT FURTHER ORDER OF THE COURT.