

DOCKET NO: KNL-CV-21-6054418-S	:	SUPERIOR COURT
FINANCE OF AMERICA REVERSE, LLC	:	JD OF NEW LONDON
	:	AT NEW LONDON
V.	:	
THE EAST LYME LAND TRUST INC., ET AL	:	DECEMBER 15, 2022

DEFENDANT THE EAST LYME LAND TRUST, INC.'S RESPONSE TO PLAINTIFF'S MOTION FOR JUDGMENT OF STRICT FORECLOSURE

The East Lyme Land Trust, Inc. hereby responds to Plaintiff's Motion for Strict Foreclosure in the above-captioned foreclosure matter as follows:

1. The Defendant, The East Lyme Land Trust, Inc. ("EL Land Trust") is a non-profit organization dedicated to the acquisition and preservation of special land parcels located in East Lyme, Connecticut for the benefit and enjoyment of the citizens of East Lyme and surrounding communities.
2. The EL Land Trust has preserved for the general public nearly 500 acres of land in East Lyme within the past two years and has raised nearly Three Million Dollars (\$3,000,000) in donations and grants to save these properties.
3. The property which is the subject of Plaintiff's foreclosure complaint. 91 Boston Post Road, East Lyme, Connecticut (the "Parcel") was devised to the EL Land Trust from a long time supporter of the Trust, Peter T. Tytla (now deceased). The EL Land Trust became the owner of said parcel upon the death of Mr. Tytla.
4. Said devise was subject to a reverse mortgage taken by Mr. Tytla prior to his death. The EL Land Trust was neither an obligor nor signer on Plaintiff's Note and Mortgage.
5. The EL Land Trust is seeking to preserve the parcel due to its important environmental attributes including several hundred feet of frontage on Latimer Brook (spawning grounds for certain endangered fish species) and watershed protection given that it includes flood plain adjacent to the Latimer Brook. The parcel also benefits from certain rock outcrops on its eastern boundary and its

ORAL ARGUMENT REQUESTED
NO TESTIMONY REQUIRED

location abutting open space land known as the Niantic River Highlands Preserve. Also of significance is its location immediately upstream from a State of Connecticut DEEP trout stocking location into Latimer Brook.

6. Given the environmental importance of this parcel, the EL Land Trust seeks to preserve this real property for the benefit of the environment and the citizens of East Lyme and surrounding communities. In furtherance of these goals, the Defendant, EL Land Trust, respectfully requests the following in regard to Plaintiff's Motion for Judgment of Strict Foreclosure:

- a. The EL Land Trust will not oppose the Plaintiff's Motion for Judgment of Strict Foreclosure provided that the Court set a law day for the EL Land Trust for no earlier than April 30, 2023. This will enable the EL Land Trust the time to seek to raise the funds necessary to redeem this environmentally important parcel of real property for the benefit of the general public. Given EL Land Trust's previous fund-raising abilities to preserve environmentally sensitive real property, the EL Land Trust requests that this Court grant it an extended law day past April 30, 2023 so as to allow it the opportunity to raise the funds necessary to pay off the secured mortgage holder.
- b. The EL Land Trust, Defendant in the above-captioned matter, also requests an explanation and breakdown of what appears in the Plaintiff's Affidavit of Debt at Pg. 4(c), a line item referenced as : C.MIP, \$28,786.40. Said item appears to be some type of insurance charge which appears to be excessive given that the original principal debt was \$181,816.39 and Defendant EL Land Trust reserves its rights to object to said charge.

Consequently, the EL Land Trust respectfully requests that the Court grant the Plaintiff's Motion for Judgment of Strict Foreclosure with a law day for the EL Land Trust for some time after April 30, 2023, that the Court deny or reduce the \$28,786.40 MIP charge and that the Court grant such further relief as it deems proper and just.

RESPECTFULLY SUBMITTED,

THE EAST LYME LAND TRUST INC.
Defendant

/s/ Anthony S. Novak

Anthony S. Novak, Esq.

Novak Law Office P.C.

280 Adams Street

Manchester, CT 06042

Juris No:300183

Email: anthonysnovak@aol.com

Tel: 860-432-7710 Fax: 860-432-7724

Its Counsel

CERTIFICATION

I hereby certify a copy of the foregoing has been served upon the following this 15th day of December 2022:

James Pocklington, Esq., McCalla Raymer Leibert Pierce, LLC (via email james.pocklington@mccalla.com)
Tamara Schacher Tayla, 16 W. Curry Rd, Mohapac, NY 10541 (via first class mail)
Secretary of Housing & Urban Development - 451 7th St. SW, Washington, DC 20410 (via first class mail)
Ronald Luich, 13 Enid Lane, East Lyme, CT 06333 (via first class mail)

/s/ Anthony S. Novak
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