

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT DEPARTMENT
CASE NO.

TOWN OF NORTH ATTLEBOROUGH,

Plaintiff,

v.

STEVEN R. BANKERT, DEUTSCHE BANK
NATIONAL TRUST COMPANY, as Trustee
for Morgan Stanley ABS Capital I Inc. Trust
2006-HE4, Mortgage Pass-Through
Certificates, Series 2006-HE4, and JOHN
DOES,

Defendants.

AFFIDAVIT OF MARK L. HOLLOWELL,
DIRECTOR OF PUBLIC WORKS

I, Mark L. Hollowell, state as follows based upon my personal knowledge or my review of public records where noted:

1. I am over the age of 18 and could testify to the following facts in court if asked to do so.
2. I am the Director of the Department of Public Works (the “Department”) for the Town of North Attleborough (the “Town”), a position that I have held since February 2008.
3. Since 2012, a 24-foot “pirate ship” floating structure (the “Float”) has been moored on Falls Pond at a location adjacent to real property located at 42 Pratt Lane, North Attleborough, Massachusetts, although at various times since 2012, the Float has broken loose of its moorings.
4. On at least one occasion when the Float broke loose of its moorings in 2016, it struck a high hazard potential classification dam that is located on Falls Pond and maintained by the Department and the Conservation Commission.

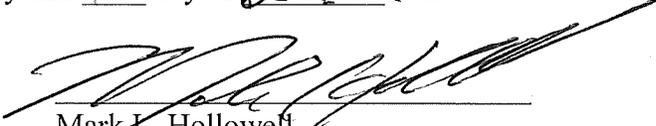
5. The Float's presence on Falls Pond poses a significant safety issue, especially when it is not moored.

6. The Float presents a danger to the Town's first responders in the event of an emergency on or near Falls Pond.

7. The Float also presents a danger to the Town's residents that use Falls Pond for recreation and/or live on property adjacent to Falls Pond.

8. If the Float breaks loose again and penetrates the dam on Falls Pond, there is a significant likelihood that the Float will cause damage to person or property. Dams assigned the significant hazard potential classification are those dams where failure or mis-operation results in no probable loss of human life but can cause economic loss, environmental damage, disruption of lifeline facilities, or impact other concerns.

Signed under the penalties of perjury this 12TH day of December 2023.



Mark L. Hollowell
Director, Department of Public Works
Town of North Attleborough

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