

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 SHANNON PALMER,
CONSERVATION ADMINISTRATOR

I, Shannon Palmer, 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 Conservation Administrator for the Town of North Attleborough (the “Town”), a position that I have held since June 2006.
3. Falls Pond is a public body of water located in the Town on real estate owned by the Town. Falls Pond is subject to the Town Conservation Commission’s Rules and Regulations Governing Structures on Falls and Whiting’s Ponds (the “Rules and Regulations”). A true and correct copy of the Rules and Regulations as they existed in 2012 is attached to the Town’s Complaint as **Exhibit A**. A true and correct copy of the Rules and Regulations as they currently exist is attached to the Town’s Complaint as **Exhibit B**.

4. Up until at least 2020, Steven R. Bankert owned a 24-foot “pirate ship” floating structure (the “Float”), which was moored on Falls Pond at a location adjacent to real property that Bankert then owned located at 42 Pratt Lane, North Attleborough, Massachusetts.

5. It is my understanding that the Float is not, in fact, a ship and, indeed, is not a seaworthy vessel. The Float has no means of propulsion, and the Massachusetts Department of Environmental Protection has refused to let Bankert register the Float as a boat or to issue a hull identification number for the Float.

6. Based on my review of the Town’s permitting records, Bankert did not apply or obtain any permitting to construct the Float.

7. On July 12, 2012, the Town’s Conservation Commission—which has the authority to regulate activity on Falls Pond—issued Bankert a Notice of Violation in which Bankert was ordered to stop work on construction of the Float. A true and correct copy of the Notice of Violation is attached to the Town’s Complaint as **Exhibit C**.

8. Bankert disregarded the Conservation Commission’s Notice of Violation, leading to a hearing before the Conservation Commission in September 2012.

9. At the hearing, Bankert represented to the Conservation Commission that he would remove the Float by October 31, 2012.

10. Bankert did not remove the Float from Falls Pond by October 31, 2012.

11. On June 21, 2013, the Town’s Conservation Commission issued Bankert a Violation Notice/Cease and Desist, in which I informed Bankert that the Float violated the Commission’s Rules and Regulations Governing Structures on Falls and Whiting’s Ponds and ordered Bankert to remove the Float from Falls Pond. A true and correct copy of the Violation Notice/Cease and Desist is attached to the Town’s Complaint as **Exhibit D**.

12. Bankert did not remove the Float from Falls Pond and the Commonwealth of Massachusetts took out an eight-count criminal complaint against Bankert in 2014, Case No. 1434CR001712.

13. In January 2016, the District Court Department of the Trial Court issued the Decision and Order attached to the Town's Complaint as **Exhibit E**.

14. Bankert did not remove the Float from Falls Pond by February 7, 2016, notwithstanding the District Court's order.

15. Based on my review of a foreclosure deed registered with the Bristol County North Registry of Deeds at book 25936, page 7, title to Bankert's property at 42 Pratt Lane transferred to Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE4, Mortgage Pass-Through Certificates, Series 2006-HE4, in May 2020.

16. In the spring of 2023, the Float broke loose from its mooring adjacent to 42 Pratt Lane and began floating around Falls Pond.

17. This was not the first time that the Float has broken loose of its mooring adjacent to 42 Pratt Lane, as noted in the District Court's January 2016 Decision and Order in Case No. 1434CR001712.

18. Moreover, in May 2016, the Float broke loose of its mooring and ran into a dam on Falls Pond, as referenced in a May 16, 2016 article of The Sun Chronicle.¹

19. On June 2, 2023, I sent Bankert a letter advising Bankert of the fact that the Float had broken loose and directing Bankert to remove the Float from Falls Pond. A copy of my June 2, 2023 letter is attached to the Town's Complaint as **Exhibit F**.

¹ Available at https://www.thesunchronicle.com/news/local_news/falls-pond-pirate-ship-goes-adrift-lands-at-dam/article_cd958aae-41a2-5355-8b5e-d86c33b0834a.html (last visited Nov. 6, 2023).

20. According to a message that Bankert submitted to me through the Town website on or about June 6, 2023, in “early 2020”—around the time of the foreclosure of Bankert’s property at 42 Pratt Lane—Bankert ceased to own the Float. Bankert also represented that he would forward my June 2, 2023 letter to the purported new owner of the Float. Despite claiming not to own the Float, Bankert also represented (incorrectly) that the Float had been moved approximately two weeks prior and that it was secure. A screenshot of Bankert’s message (with his email address redacted) follows:

Contact Shannon Palmer

Your Name	Steven Bankert
Your Email Address	[REDACTED]
Subject	Your Letter
Message	I received your letter today, It is dated last Friday and had a deadline of yesterday. I have not owned the pirate ship since early 2020. I will forward the letter to its owner. I disagree that the ship is loose on Falls Pond. It was moved about 2 weeks ago, it is secure and has not moved since. The police were mis-informed and it is posible you were mis-informed too. There in no safety or environmental issue. I had before and will again convey your desire to have the ship removed soon, I had expected it would have been between January and March but that, and other scheduled work, did not happen. Your letter may move things along.
Attachments	<i>Field not completed.</i>

21. Despite repeated requests from the Town, Bankert has refused to identify the purported current owner(s) of the Float.

22. On July 6, 2023, the Town sent Bankert a last and final order to remove the Float from Falls Pond or identify the current owner(s) of the Float within thirty (30) days. A copy of the July 6, 2023 order is attached to the Town’s Complaint as **Exhibit G**.

23. Neither Bankert nor any other unidentified owner removed the Float from Falls Pond by August 7, 2023, as reflected in the picture below, which I took on August 9, 2023 from property to which I had been given permission to access:

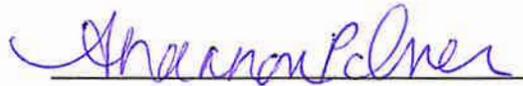


24. As of the date of this affidavit, Bankert has not identified the current owner(s) of the Float to me.

25. As reflected in the picture below, which I took on November 13, 2023 from property to which I had been given permission to access, the Float remains on Falls Pond.



Signed under the penalties of perjury this 28 day of November 2023.



Shannon Palmer
Conservation Administrator
Town of North Attleborough

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