

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.

PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

NOW COMES Plaintiff Town of North Attleborough (the "Town") and moves, pursuant to Mass. R. Civ. P. 65 and the Court's general equity powers pursuant to Gulda v. Second National Bank of Boston, 323 Mass. 100 (1948), for an injunction authorizing the Town to seize and dispose of the 24-foot "pirate ship" floating structure that is the subject of this quasi in rem action (the "Float"). As set forth below, the Town also requests that the Court consolidate a hearing on this motion with a trial on the merits of this matter pursuant to Mass. R. Civ. P. 65(b)(2).

Further support for this motion is set forth in the accompanying memorandum of law and Affidavits of Shannon Palmer, Conservation Administrator; Mark L. Hollowell, Director of Public Works; and Christopher Sweet, Treasurer/Collector.

WHEREFORE, the Town respectfully requests that the Court allow this motion and issue an injunctive order authorizing the Town to seize the Float from Falls Pond and dispose of the Float upon seizure, with any expenses related thereto to be borne by the Float's owner, along with

corresponding declaratory relief identifying the current owner of the Float and requiring that said owner shall rightfully bear any expenses the Town incurs in seizing and disposing of the Float.

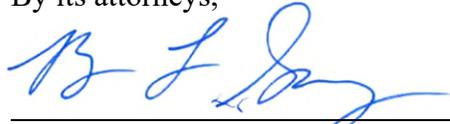
REQUEST FOR HEARING

Pursuant to Mass. R. Civ. P. 65(b)(2), the Town respectfully requests that the Court consolidate a hearing on this motion with an advanced trial of the action on the merits. As such, and in light of the Town's request for authorization of alternative service for the Defendants John Doe, the Town respectfully requests that the Court schedule that consolidated proceeding for a date after the time for completing such alternative service and further requests that the order of notice for publication issue in a form noticing the Defendants John Does to appear for such a consolidated proceeding.

Respectfully submitted,

TOWN OF NORTH ATTLEBOROUGH

By its attorneys,



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