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FILED DEC 02 2010

COMMONWEALTH OF MASSACHUSETTS
PROBATE AND FAMILY COURT DEPARTMENT

ESSEX, ss.

Docket No. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR.,
PETER FOOTE, DONALD WHISTON,
JAMES FOLEY, ELIZABETH KILCOYNE,
PATRICK J. MCNALLY, AND INGRID
MILES AS THEY ARE THE FEOFFEEES OF
THE GRAMMAR SCHOOL IN THE TOWN
OF IPSWICH

Plaintiffs,

v.

ATTORNEY GENERAL OF THE
COMMONWEALTH OF MASSACHUSETTS,
IPSWICH SCHOOL COMMITTEE, and
RICHARD KORB, as he is Superintendent of
Schools in the Town of Ipswich,

Defendants.

ESSEX, ss. PROBATE & FAMILY COURT

Feb. 16 2011

-allowed-

The within action is hereby denied -

Justice of Probate & Family Court

in that there are material facts in dispute

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

NOW come the Plaintiffs, the Feoffees of the Grammar School in the Town of Ipswich ("Feoffees"), owners of certain real estate known as Little Neck, Ipswich, Massachusetts (hereafter referred to as "the Property" or "Little Neck") which they hold in trust for the benefit of the Ipswich Public Schools, and move this Honorable Court, pursuant to Mass.R.Civ.P. 54(b) and 56, for the entry of partial summary judgment authorizing the Feoffees to take the following actions: (1) to borrow not more than \$6,500,000 from Cambridge Savings Bank ("CSB"); (2) to secure the credit facility from CSB by, among other instruments, a first mortgage on the Property; (3) to create a condominium, pursuant to G.L. c. 183A, §§ 1 et seq., at Little Neck, consisting of the Property and certain improvements thereon; (4) to sell the Property for the gross sales price of \$29,150,000; and (5) to receive mortgages on some or all of the Property and