

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

In Re:) Case No. 08-15275-JNF
) Chapter 7
ARCHIE'S OIL SERVICES, INC.)
)
)
Debtor)

In Re:) Case No. 08-15276-JNF
) Chapter 7
ARCHIE'S AND KEN'S OIL)
AND HEATING SERVICE, INC.)
)
Debtor)

In Re:) Case No. 08-15277-JNF
) Chapter 7
ARTHUR R. ALDEN and)
BARBARA SUZANNE ALDEN)
Debtor)

In Re:) Case No. 08-15278-JNF
) Chapter 7
SCOTT F. FOSTER)
)
Debtor)

In Re:) Case No. 08-15280-JNF
) Chapter 7
KEN'S OIL AND HEATING)
SERVICES, INC.)
)
Debtor)

**DEBTORS' OPPOSITION TO EMERGENCY VERIFIED MOTION OF ROCKLAND
TRUST COMPANY FOR RELIEF FROM THE AUTOMATIC STAY, PURUSANT TO
11 U.S.C. § 362(d)(1) AND (2), FED. R. BANKR. P. 4001 AND 9014, AND MLBR 4001-1,
TO FORCLOSE ON ITS COLLATERAL**

Now comes the debtors by and through their attorneys oppose the motion captioned above.

OPPOSITION TO RELIEF REQUESTED

Rockland requests the Court enter “an Order granting relief from automatic stay pursuant to sections 362(d)(1) and/or (2) of the Bankruptcy Code in order for Rockland to foreclose on the Collateral (and the proceeds thereof) wherever located, citing *In re First Barnstable Corp.*, 108 B.R. 372 (Bankr. D. Mass. 1989) (granting creditor relief from stay because: (i) creditor lacked adequate protection and (ii) debtor lacked equity in the property and a reorganization was not feasible (and therefore property was not necessary to an effective).”

A. Debtors are not Entitled to Relief From the Automatic Stay for Cause Under Section 362(d)(1) of the Bankruptcy Code Because Rockland is Adequately Protected.

Rockland Trust had a Real Estate Evaluation Report prepared by Property Solutions, Inc. on March 21, 2007, which appraises the property in question at \$750,000 (See Exhibit A). Debtors have \$145,181 in equity, after interest penalties and fees on the mortgage and Line of Credit (second Promissory Note). Therefore Rockland’s arguments that Rockland is inadequately protected, and that Debtors do not have equity in the collateral fail.

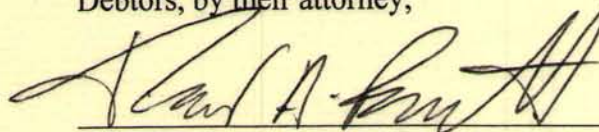
The valuation report itself notes that the “bulk plant” on this property is a unique feature on this real estate in this area, therefore the any real estate property market decline would not so severely affect this parcel.

B. Debtors are not Entitled to Relief From the Automatic Stay for Cause Under Section 362(d)(1) of the Bankruptcy Code Because Cause under Section 362(d)(1) is not met under the facts.

- (i) Annual real estate taxes are approximately \$3200. Outstanding real estate tax liability is approximately \$6400. Rockland's arguments that propose this Collateral is damaged by the outstanding tax are not supported by the facts.
- (ii) Further, Rockland's allegation in paragraph 18(i) of their motion omits the fact that Collateral was transferred to entities under the control of the debtor entities, and as such Rockland's Arguments for relief that such Cause exists under Section 362(d)(1) need fail.
- (iii) Archie's did not misrepresent their intentions to sell the collateral to repay the debt. Archie's in good faith found a buyer but the buyer offered much less than expected to purchase the equipment, and the ability of the Debtor to sell the Collateral changed.

WHEREFORE, the debtors pray that this motion be Denied in its entirety because Rockland's interest is adequately protected, and relief for "cause" should not be granted.

Debtors, by their attorney,



David A. Barrett, BBO# 665387

Hulien & Barrett, LLC
62 Main Street, Suite 2A
Kingston, Massachusetts 02364

**Eight Faneuil Hall Marketplace - Third Floor
Boston, Massachusetts 02109**

Phone: (877) 473-7852

Email: HulienBarrett@gmail.com

Dated: July 29, 2008

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FOR THE EASTERN DISTRICT OF MASSACHUSETTS

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)	Chapter 7
KEN'S OIL AND HEATING)	
SERVICES, INC.)	
)	
<i>Debtor</i>)	

CERTIFICATE OF SERVICE

I, David A. Barrett, do hereby certify that I have this day served a copy of the foregoing DEBTORS' OPPOSITION TO EMERGENCY VERIFIED MOTION OF ROCKLAND TRUSTCOMPANY FOR RELIEF FROM THE AUTOMATIC STAY, PURUSANT TO 11

U.S.C. § 362(d)(1) AND (2), FED. R. BANKR. P. 4001 AND 9014, AND MLBR 4001-1, TO FORCLOSE ON ITS COLLATERAL

along with a copy of this Certificate of Service, by first class mail to each of the following:

United States Trustee's Office
1184 Thomas p. O'Neill Jr. Bldg.
10 Causeway Street
Boston, MA 02222-1043

Steve E. Shamban, Trustee
STEPHEN E. SHAMBAN LAW OFFICES, P.C.
P.O. Box 850973
222 Forbes Road, Ste. 208
Braintree, MA 02185-0973

and by mailing a copy via First Class Mail, postage prepaid to the following:

Barbara Suzanne Alden
30 Amhurst Ave
Bridgewater, MA 02324

Capital One
P.O. Box 70884
Charlotte, NC 28272

Certegy Check Services, Inc.
P.O. Box 30046
Tampa, Florida 33630

ChexSystems
Attn: Consumer Relations
7805 Hudson Road, Suite 100
Woodbury, MN 55125

Equifax
P.O. Box 740241
Atlanta, GA 30374-0241

Experian
701 Experian Way
P.O. box 2002
Allen, TX 30374-0241

Experian
P.O. Box 9595
Allen, TX 75013-9595

Experian
P.O. Box 2104
Allen, TX 75013

First National Capital, Inc.
P.O. Box 26551
Collegeville, PA 19426

Global Oil
800 South Street
P.O. Box 9161
Waltham, MA 02454

Home Depot
P.O. Box 6029
The Lakes, NV 88901

Idearc
P.O. Box 610830
DFW Airport
Dallas, TX 75261-0830

Innovis
Attention: Consumer Assistance
P.O. Box 1358
Columbus, OH 43216-1358

Lawrence Lucier
500 Pine Street
Raynham, MA 02767

Richard Costa
35 Amhurst Ave
Bridgewater, MA 02324

Rockland Trust
288 Union Street
Rockland, MA 02370

Southshore Supply Inc.
137 Plymouth St.
Brockton, MA 02302

Sprague Energy Group
P.O. Box 414380
Boston, MA 02241

Sprague Energy Corp
2 International Drive, Suite 200

Portsmouth, NH 03801

Supreme Energy
P.O. Box 414380
Boston, MA 02241

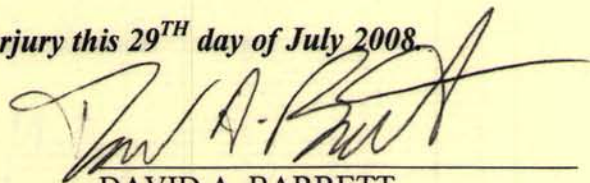
Teletrack, Inc.
5550-A Peachtree Parkway, Suite 600
Norcross, GA 30092

Transunion
2 Baldwin Place
P.O. Box 1000
Crum Lynne, PA 19022

Transunion
P.O. Box 2000
Chester, PA 19022

Hulien & Barrett, LLC
62 Main Street, Suite 201
Kingston, MA 02364

Signed under the Pains and Penalties of Perjury this 29TH day of July 2008.



DAVID A. BARRETT

“Exhibit A”

REAL ESTATE EVALUATION REPORT

This report is designed to be used to make a Real Estate Evaluation Report as defined by the Federal Reserve Board and other federal agencies for transactions which do not require a real estate appraisal.

BORROWER/SUBJECT PROPERTY INFORMATION

Owner/Borrower: Archie's Oil Service, Inc. Census Tract: 5101.00

Property Address: 140 Howard Street (Route 37)
City: Brockton County: Plymouth State: MA Zip Code: 02301

Property Type: Office, garage and fuel storage

Client/Lender: ROCKLAND TRUST COMPANY

AREA & NEIGHBORHOOD DESCRIPTION AND ANALYSIS

Area Description: The City of Brockton is a major urban community south of Boston is located about 20 miles southeast of Boston. Brockton had a 2000 population of about 94,304 up 1.6% from the 1990 census figure of 92,788. The City is governed by a mayor and city council. The City of Brockton is bordered by Easton on the west; Stoughton, Avon, and Holbrook on the north; Abington, Whitman, and East Bridgewater on the east; and West Bridgewater on the south. Brockton is strategically located between State Route 128 and Interstate 495, the inner and outer loops around Boston. State Routes 3, 24, and 28 provide easy access to the air, port, and intermodal facilities of Boston and Providence. Principal highways are the Fall River Expressway (State Route 24) and State Route 28. Both roads run N-S, connecting Brockton to the Boston area and to different points of the southern coastal region. Route 123 runs east to west from Abington to Easton serving as a connecting route to the South Shore coastal communities. Commuter rail service to South Station, Boston, is available in on the Middleborough Line from Brockton. Brockton is a member of the Brockton Area Transit Authority (BAT), which provides fixed route service within Brockton, to surrounding towns, and the Ashmont MBTA Station. BAT also provides paratransit services to the elderly and disabled.

Neighborhood Description: The subject is located at the intersection of Howard, Winter and Sparks Streets north of downtown Brockton. The neighborhood is characterized primarily by commercial and industrial properties. There are some vacant buildings and unimproved land. The condition of the properties ranges from fair to good. There has been an increase in rehabilitation of properties due to a strong housing market and increased rental rates. Access to downtown Boston via public transportation is available by surface bus service and MBTA train (Montello station). Access to Route 24 at exit 18 is four miles west. The neighborhood is defined by Oak Street to the south, the Avon town line to north, Sparks Street to the east and No. Main Street to the west.

Property Values: Stable

Demand/Supply: In balance

Marketing Time: 6-12 months

Growth Rate: Stable

Neighborhood Land Uses: Mixed uses as allowed by zoning. Commercial, industrial and residential.

Neighborhood Trend and Probable Changes: There has been some new development primarily in the municipal and non-profit sectors. There are several opportunities available for redevelopment of existing sites. Economic conditions will dictate the future demand for the location.

RECEIVED

MAR 21 '07

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Comments: This property is located at the corner of Howard, Sparks and Winter Streets at what is known as Davis Square. The property abuts the MBTA railbed at the rear. Nearby properties are commercial and industrial in nature including automobile repair facilities, package store and sandwich shop. Some properties are in need of attention. There are opportunities for redevelopment subject to economic considerations.

SITE DESCRIPTION AND ANALYSIS

Site Dimensions and Area: The site consists of a triangular shaped lot with approximately 294' of frontage on Howard Street. Identified as Map 169, Route 31 on the assessor's plans, the parcel accommodates 1) wood-frame office with attached one-story, brick garage and; 2) three-bay brick garage. The site also serves as a storage facility for 50,000 gallons of home heating oil.

Zoning Classification and Compliance: Commercial (C-2). There is no minimum lot size or frontage requirement. There is no minimum setback requirement except where the property abuts a residential neighbor (not applicable). There is a maximum building height of 5 stories (60 feet). There is no FAR provision. Parking requirements are dependent on use. **Permitted uses in the area include retail, offices, and eating establishments. Bulk fuel storage is not a permitted use in this district. The storage is permitted by historic right and requires an annual license. This is a non-conforming use permitted by historic right.**

Highest and Best Use: Due to the size of the lot, current improvements and zoning, the current use as an office/garage building and fuel storage depot is deemed the "highest and best use"

Utilities: Electric, gas, municipal sewer and municipal water

Site Improvements and Characteristics: Level, 0.603 acre lot with frontage on Howard Street. There is no landscaping. The majority of the lot is paved. There are areas that have been contoured to catch run-off and protect against any fuel spill. The lot abuts the MBTA railbed in the rear and is separated by a chain link fence.

Easements, Encroachments, Special Assessments: The deed acknowledges "the right of the City of Brockton to support by a slope, the grade of Howard Street" and "the obligation of the grantee to erect and maintain a fence along the division line between the premises conveyed and remaining railroad land, if and when a fence is required by Trustees, by Grantee or by any public authority" No other easements or encroachments noted. These provisions do not appear to impact marketability.

FEMA Flood Zone: Zone "C" (minimal) **FEMA Map No:** 2502610005C 12/26/80

Known or apparent environmental hazards in area, neighborhood or on site: The property accommodates a heating oil storage facility. There are other commercial properties in the area. The age of the building could indicate the presence of lead paint and asbestos. The reader is referred to the environmental addendum attached.

Assessment: \$261,000 (FY '07)

Annual RE Taxes: \$4,823.28

Comments: The site is comprised of a 26,254 square foot parcel of land. The lot slopes downward from Howard Street at a sharp incline and then levels off at the rear where the fuel tanks are located. The site appears dry with adequate drainage. It is serviced by all necessary municipal utilities. The current use is deemed "highest and best" due to the zoning and lot size.

DESCRIPTION OF SUBJECT IMPROVEMENTS

General Description and Use: Office/garage building attached. Three-bay garage and fuel oil storage and loading facility.

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Size and Shape: The subject consists of:

1. An attached office and garage. Wood-frame and brick. 2,304 SF.
2. A free-standing three-bay garage. Brick. 1,200 SF.

Age and Condition: The building is reported to have been built around 1924. There has been modest renovation over the years. The most notable improvement was the environmental cleanup and the installation of a modern fuel oil storage facility approximately five (5) years ago. The overall interior and exterior condition of the office and garage areas is considered fair.

Exterior Walls and Roof:

1. Office and attached garage. Vinyl and brick. Asphalt shingle and tar & gravel.
2. Brick. Tar & gravel.

Interior Description:

1. The office area consists of a service desk, private office and a small suite that has been used as a private office and temporary sleeping quarters. The interior is in fair to average condition. Flooring is a combination of carpet and vinyl. Walls are painted sheetrock. Ceilings are sheetrock. The space is heated by a forced hot air system fueled by oil. There are 2 lavs as well as a stall shower within the office area. The garage area has been attached to the office area by a wood-frame passage. The garage area is used for the storage of parts and some repair activities. This is open space with a concrete floor. The area is heated by a forced hot air system that is oil-fired. The overall condition is fair.

2. The detached garage is at the rear of the property and abuts the slope easement off Howard Street and the MBTA railbed. This space is generally used for storage. It is unheated and in fair condition. Building height is approximately 12 feet.

The main mechanical systems are in working condition. Plumbing and wiring are adequate for the current use.

Fuel Storage Facility: The subject property accommodates two, 25,000 gallon capacity fuel oil tanks. The tanks were installed in 2002 according to the owner as part of an environmental remediation project and the installation of a new fuel oil storage and delivery depot. This system presumably is in accordance with municipal and state regulations. It was represented that the tanks have up-to-date alarm systems and safety devices to protect from environmental pollution. The project included site work to create retention basins as well as the paving of the majority of the lot.

Comments (favorable or unfavorable, including needed repairs, deferred maintenance, known or apparent environmental hazards): The improvements (with the exception of the new storage facility) are in fair to average condition. The interior meets the minimal requirements for the current occupant. A more public use would require an upgrade of furnishings and fixtures. As noted, the lot provides storage for fuel oil. See environmental addendum attached.

VALUE ANALYSIS

History (sales, listings, offers): There have been no sales or offers in the past three years.

Cost Approach Summary:	Land	\$ 340,000	
	Improvements	\$	
	Total		N/A

Income Approach Summary:	Gross income	\$	
	NOI	\$	
	Capitalized @		N/A

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Sales Comparison Indicated Value:

Land & Buildings	\$360,000	
Fuel Tanks and Delivery System	\$388,000	
Total (Rounded)		\$750,000

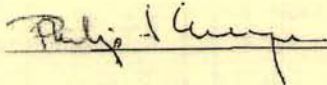
Reconciliation and General Comments: As there was limited data on similar facilities neither the Income Approach nor a Direct Sales Comparison Approach could be utilized to produce reliable results based upon comparable use properties and leases. Therefore, we have valued the land and improvements on a Direct Sales Approach and added the depreciated cost of the fuel tanks and delivery system to arrive at a combined value for this special use property.

Estimated Value as of March 14, 2007:**\$ 750,000.00**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in the evaluation are true and correct, the reported analyses, opinions, and conclusions are limited by the reported assumptions and limiting conditions, and are my personal unbiased professional analysis and conclusions.
2. I have no (or specified) present or prospective interest in the property that is the subject of this evaluation, and I have no (or specified) personal interest with respect to the parties involved. My compensation is not contingent upon reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
3. I have (unless otherwise indicated) made a personal inspection of the property that is the subject of this evaluation. No one provided significant professional assistance to the person signing this evaluation unless it is so indicated.
4. The evaluation has been performed in conformance with 5000-FDIC, Statements of Policy page 54-61.
5. The guidelines for Appraisal Independence as per The FDIC, Statement dated 10/27/03 and the Interagency Appraisal and Evaluation Guidelines dated 10/27/94 have been adhered to.

Preparer: Philip J. Greenspan

Prepared for: Michael S. Ryan, Vice-President
ROCKLAND TRUST COMPANYSignature: 

Date Report Signed: March 14, 2007

COMPARABLE SALES ADDENDUM

In estimating the market value via the Sales Comparison Approach, improved sales in the Brockton market were analyzed and the most relevant data regarding sales of these properties was considered. All data contained herein has been verified through sources considered reliable. The following sales were considered in valuing the subject property.

Sale	Address	Sales Price	Date	Type	GBA \$/SF	Site Area
Sale 1	495 Main Street Brockton	\$250,000	08/16/2004	Auto repair shop Concrete block construction Average condition Built 1960 Zoned C2	1,758 SF \$152.21	0.22 acres
Sale 2	138 Montello Street Brockton	\$410,000	11/08/2005	Auto repair. Concrete block. Average condition. Three bays. Average visibility. Built 1970. Zoned C2	2,679 SF \$153.04	0.52 acres
Sale 3	71 Plain Street Brockton	\$330,000	04/28/2005	Auto repair facility. Concrete block construction Average condition. Built 1986. Zoned I2	4,124 SF \$80.02	0.13 acres
Sale 4	772 No. Main St. Brockton	\$450,000	12/12/2006	Auto repair facility. Metal building. Average condition. Built 1983 Zoned C2	4,934 SF \$91.20	0.32 acres
Sale 5	761 Warren St. Brockton	\$350,000	06/26/2006	Service station. Concrete block Average condition. Built 1956. Zoned R2	2,610 SF \$134.10	0.45 acres

Five sales were illustrated in this analysis. The sales ranged from about \$80.00/square foot to \$153.00/square foot before adjustment. Sales require adjustment for time, location, condition, lot and building size, and finished area.

After adjustments, a value of \$105.00/square foot has been calculated. This results in a current value of \$360,000 (rounded).

Adjustment for Fuel Oil Tanks and Delivery System

A further adjustment is required for the fuel storage facility. This facility is best described as:

1. 2 - 25,000 gallon heating oil tanks
2. Concrete containment system w/catch basins, piping, meters, alarm systems, pumps, electric service
3. Metal canopy
4. Site work including retention areas, swales and paving.

Data was obtained from the following sources:

Acetech Fueling Equipment Co., Seattle, Washington
 Eastern States Associates, Inc., Palmer, Massachusetts
 Fitzsimmons Systems, Syracuse, NY

Based upon general data specifications for 2-25,000 gallon, double-walled above-ground tanks with required piping, alarms, pumps, etc. a cost of approximately \$325,000 was obtained.

Further discussion with local contractors resulted in a cost of \$60,000 for concrete containment, site work, retention areas, and asphalt paving. The canopy was estimated \$40,000.00.

The total estimated cost (new) of the improvements is calculated at \$425,000. We have depreciated the tanks and canopy @ 10% resulting in an adjusted value of \$388,000.00

Therefore, the current value of the land and improvements for the subject is \$750,000.00 (rounded).

As a further "check" on the valuation of the subject we have viewed the following commercial land sales:

Sale	Address	Sales Price	Date	Description	Site Area \$/SF
Sale 1	Intervale Street Brockton	\$175,000	07/13/04	Zoned C1 Combination of four lots with total of 240' frontage 1/4 mile south of subject at intersection with Ames Street	14,810 SF \$11.82
Sale 2	Linden Street Brockton	\$165,000	09/20/05	Zoned C2, 149.5' frontage 1 mile south of subject within downtown Brockton	8,712 SF \$18.94
Sale 3	1274 Main Street Brockton	\$325,000	10/07/05	Zoned C2 Combination of four lots with frontage of 197.5' 1 1/2 miles south along main roadway	20,038 SF \$16.22
Sale 4	664 North Main Street Brockton	\$134,000	03/17/03	Zoned C2, 59' frontage, 1/3 mile south of subject at intersection with Vine Street	6,970 SF \$19.74

Four sales were illustrated in this analysis. The sales ranged from about \$11.82 to \$19.74/SF before adjustment. Sales require adjustment for time, location, lot size and site conditions.

After adjustments, a value of \$13.00/SF has been calculated. This results in an unimproved land value of \$340,000 (rounded).

ENVIRONMENTAL ADDENDUM
APPARENT* HAZARDOUS SUBSTANCES AND/OR DETRIMENTAL ENVIRONMENTAL CONDITIONS

Borrower/Client	ROCKLAND TRUST COMPANY						
Address	140 Howard Street						
City	Brockton	County	Plymouth	State	MA	Zip code	02301
Lender							

*Apparent is defined as that which is visible, obvious, evident or manifest to the appraiser.

This Universal Environmental Addendum is for use with any real estate appraisal. Only the statements which have been checked by the appraiser apply to the property being appraised.

This addendum reports the results of the appraiser's routine inspection of and inquiries about the subject property and its surrounding area. It also states what assumptions were made about the existence (or nonexistence) of any hazardous substances and/or detrimental environmental conditions. **The appraiser is not an expert environmental inspector** and therefore might be unaware of existing hazardous substances and/or detrimental environmental conditions which may have a negative effect on the safety and value of the property. It is possible that tests and inspections made by a qualified environmental inspector would reveal the existence of hazardous materials and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.

DRINKING WATER

- X Drinking Water is supplied to the subject from a municipal water supply which is considered safe. However, the only way to be absolutely certain that the water meets published standards is to have it tested at all discharge points.
Drinking Water is supplied by a well or other non-municipal source. It is recommended that tests be made to be certain that the property is supplied with adequate pure water.
- X Lead can get into drinking water from its source, the pipes, at all discharge points, plumbing fixtures and/or appliances. The only way to be certain that water does not contain an unacceptable lead level is to have it tested at all discharge points.
- X The value estimated in this appraisal is based on the assumption that there is an adequate supply of safe, lead-free Drinking Water.

Comments

SANITARY WASTE DISPOSAL

- X Sanitary Waste is removed from the property by a municipal sewer system.
Sanitary Waste is disposed of by a septic system or other sanitary on site waste disposal system. The only way to determine that the disposal system is adequate and in good working condition is to have it inspected by a qualified inspector.
- X The value estimated in this appraisal is based on the assumption that the Sanitary Waste is disposed of by a municipal sewer or an adequate properly permitted alternate treatment system in good condition.

Comments

SOIL CONTAMINANTS

- X There are no apparent signs of Soil Contaminants on or near the subject property (except as reported in Comments below). It is possible that research, inspection and testing by a qualified environmental inspector would reveal existing and/or potential hazardous substances and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.
- X The value estimated in this appraisal is based on the assumption that the subject property is free of Soil Contaminants.

Comments

ASBESTOS

- X All or part of the improvements were constructed before 1979 when asbestos was a common building material. The only way to be certain that the property is free of friable and non-friable Asbestos is to have it inspected and tested by a qualified asbestos inspector.
The improvements were constructed after 1979. No apparent friable Asbestos was observed (except as reported in Comments below).
- X The value estimated in this appraisal is based on the assumption that there is no uncontained friable Asbestos or other hazardous Asbestos material on the property.

Comments

PCBs (POLYCHLORINATED BIPHENYLS)

- X There were no apparent leaking fluorescent light ballasts, capacitors or transformers anywhere on or nearby the property (except as reported in Comments below).
- X There was no apparent visible or documented evidence known to the appraiser of soil or groundwater contamination from PCBs anywhere on the property (except as reported in Comments below).
- X The value estimated in this appraisal is based on the assumption that there are no uncontained PCBs on or nearby the property.

Comments

RADON

- X The appraiser is not aware of any Radon tests made on the subject property within the past 12 months (except as reported in Comments below).
- X The appraiser is not aware of any indication that the local water supplies have been found to have elevated levels of Radon or Radium.
- X The appraiser is not aware of any nearby properties (except as reported in Comments below) that were or currently are used for uranium, thorium or radium extraction or phosphate processing.
- X The value estimated in this appraisal is based on the assumption that the Radon level is at or below EPA recommended levels.

Comments

USTS (UNDERGROUND STORAGE TANKS)

- There is no apparent visible or documented evidence known to the appraiser of any USTs on the property nor any known historical use of the property that would likely have had USTs.
- There are no apparent petroleum storage and/or delivery facilities (including gasoline stations or chemical manufacturing plants) located on adjacent properties (except as reported in Comments below).
- There are no apparent signs of USTs existing now or in the past on the subject property. It is recommended that an inspection by a qualified UST inspector be obtained to determine the location of any USTs together with their condition and proper registration if they are active, and if they are inactive, to determine whether they were deactivated in accordance with sound industry practices.
- X The value estimated in this appraisal is based on the assumption that any functioning USTs are not leaking and are properly registered and that any abandoned USTs are free from contamination and were properly drained, filled and sealed.

Comments: Above ground storage of home heating oil. See addendum.

NEARBY HAZARDOUS WASTE SITES

- X There are no apparent Hazardous Waste Sites on the subject property or nearby the subject property (except as reported in Comments below). Hazardous Waste Site search by a trained environmental engineer may determine that there is one or more Hazardous Waste Sites on or in the area of the subject property.
- X The value estimated in this appraisal is based on the assumption that there are no Hazardous Waste Sites on or nearby the subject property that negatively affect the value or safety of the property.

Comments: Above ground storage of home heating oil. See addendum.

UREA FORMALDEHYDE (UFFI) INSULATION

- X All or part of the improvements were constructed before 1982 when UREA foam insulation was a common building material. The only way to be certain that the property is free of UREA formaldehyde is to have it inspected by a qualified UREA formaldehyde inspector.
- X The improvements were constructed after 1982. No apparent UREA formaldehyde materials were observed (except as reported in Comments below).
- X The value estimated in this appraisal is based on the assumption that there is no significant UFFI insulation or other UREA formaldehyde material on the property.

Comments:

LEAD PAINT

- X All or part of the improvements were constructed before 1990 when Lead Paint was a common building material. There is no apparent visible or known documented evidence of peeling or flaking Lead Paint on the floors, walls or ceilings (except as reported in Comments below). The only way to be certain that the property is free of surface or subsurface Lead Paint is to have it inspected by a qualified inspector.
- X The improvements were constructed after 1990. No apparent Lead Paint was observed (except as reported in Comments below).
- X The value estimated in this appraisal is based on the assumption that there is no flaking or peeling Lead Paint on the property.

Comments:

AIR POLLUTION

- X There are no apparent signs of Air Pollution at the time of the inspection nor were any reported (except as reported in Comments below). The only way to be certain that the air is free of pollution is to have it tested.
- X The value estimated in this appraisal is based on the assumption that the property is free of Air Pollution.

Comments:

WETLANDS/FLOOD PLAINS

- X The site does not contain any apparent Wetlands/Flood Plains (except as reported in Comments below). The only way to be certain that the site is free of Wetlands/Flood Plains is to have it inspected by a qualified environmental professional.
- X The value estimated in this appraisal is based on the assumption that there are no Wetlands/Flood Plains on the property (except as reported in Comments below).

Comments:

MISCELLANEOUS ENVIRONMENTAL HAZARDS

- X There are no other apparent miscellaneous hazardous substances and/or detrimental environmental conditions on or in the area of the site except as indicated below:
 - Excess Noise
 - Radiation + Electromagnetic Radiation
 - Light Pollution
 - Waste Heat
 - Acid Mine Drainage
 - Agricultural Pollution
 - Geological Hazards
 - Nearby Hazardous Property
 - Infectious Medical Wastes
 - Pesticides
 - X Oil/Gas (Chemical Storage + Storage Drums, Pipelines, etc.) 50,000 Home Heating Oil
50,000 gallons stored above ground in two tanks
- X The value estimated in this appraisal is based on the assumption that there are no Miscellaneous environmental HAZARDS (except those reported above) that would negatively affect the value of the property.

When any of the environmental assumptions made in this addendum are not correct, the estimated value in this appraisal may not be valid.

Supplemental Addendum

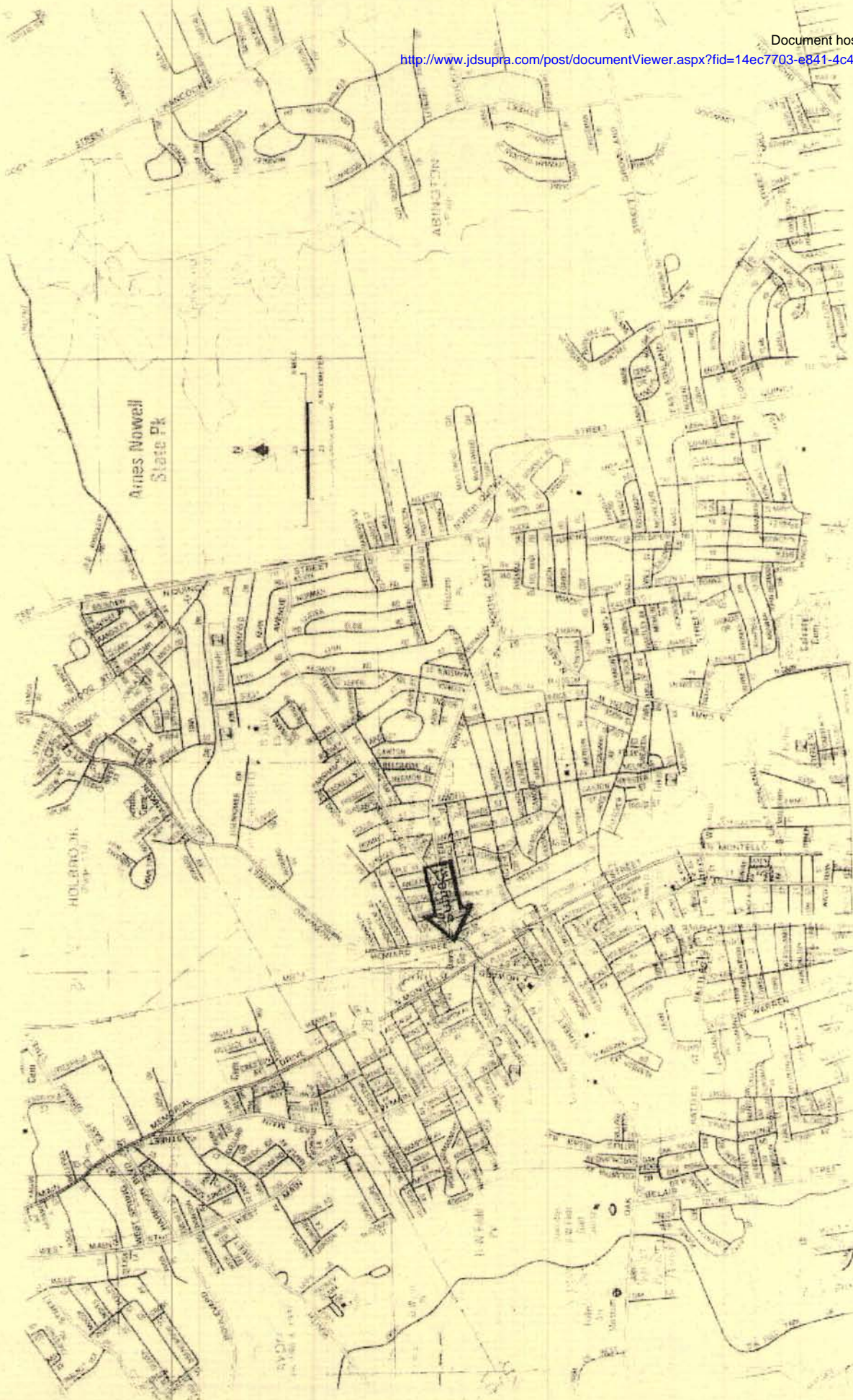
File No.

Borrower/Client	ROCKLAND TRUST COMPANY		
Property Address	140 Howard Street	County	Plymouth
City	Brockton	State	MA
Lender	ROCKLAND TRUST COMPANY		
Zip Code			

• Environmental Addendum - Appraiser:

The subject property was subjected to remediation around 2002. This involved the removal of certain contaminated soils and the paving of the majority of the site.

The current use as a home heating oil and delivery site requires the storage of materials that could cause environmental contamination. It has been represented that the system in place including tanks, containment areas, retention ponds, alarm systems, etc. meets current municipal and state-wide requirements.

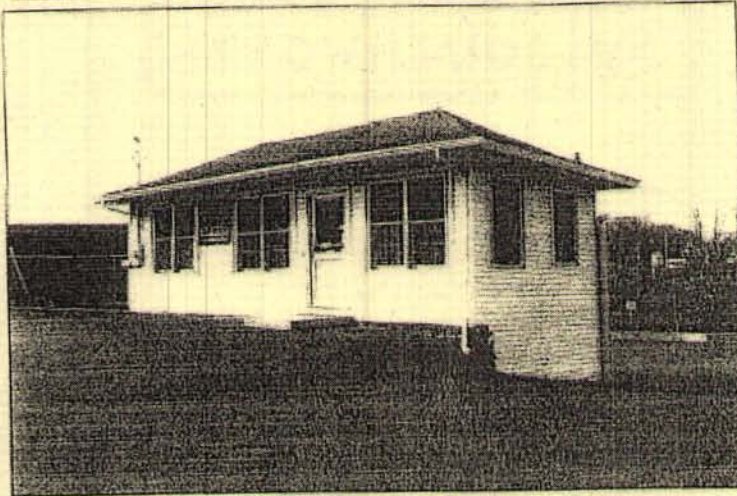


Subject Photo Page

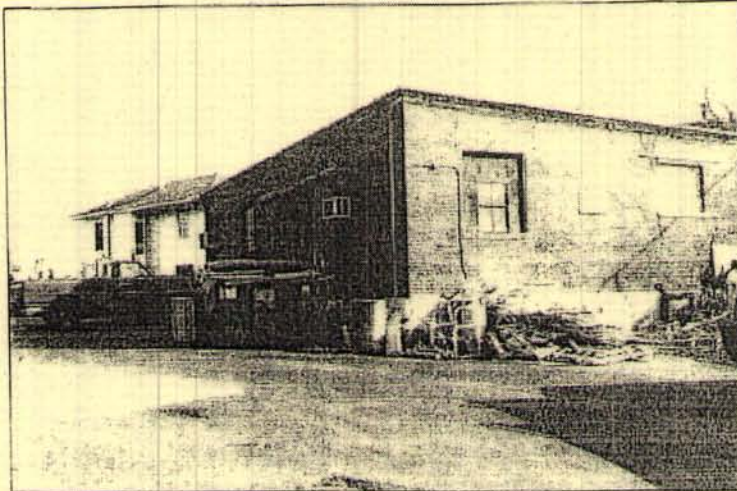
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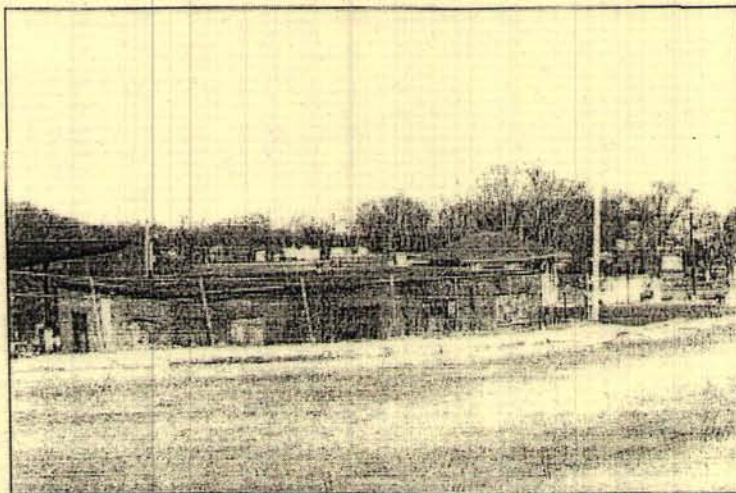
Subject/Client	ROCKLAND TRUST COMPANY		
Property Address	140 Howard Street		
City	Brockton	County	Plymouth
		State	MA
		Zip Code	02301



Office Front



Subject Rear



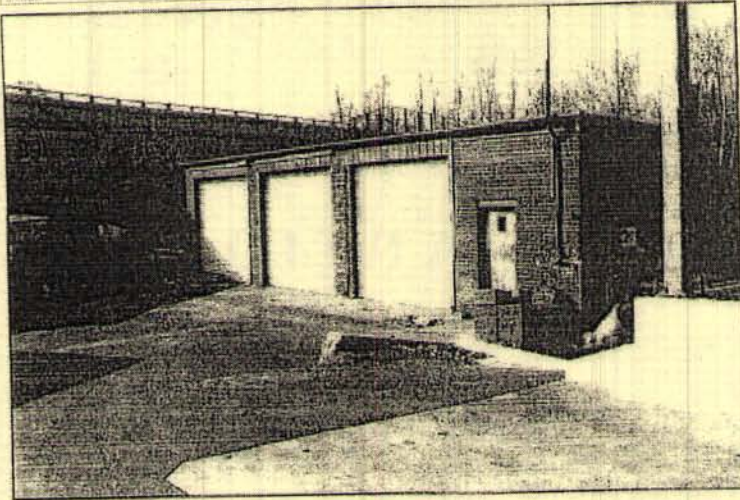
Garage Rear

Subject Photo Page

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<http://www.jdsupra.com/post/documentViewer.aspx?fid=14ec7703-e841-4c47-a1d5-56b3664205ce>

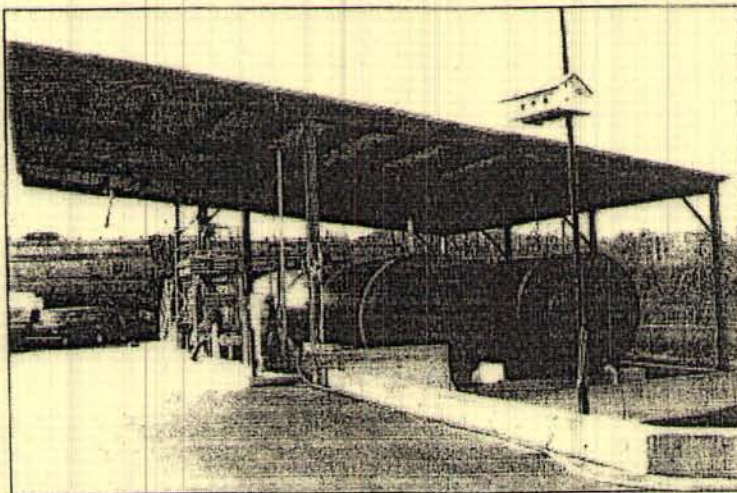
Owner/Client	ROCKLAND TRUST COMPANY		
Property Address	140 Howard Street		
City	Brockton	County	Plymouth
State	MA	Zip Code	02301
Order			



Detached Garage



Office



Fuel Oil Storage