

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

CIVIL ACTION
NO. 22 MISC 333

NATHANIEL RONO & CHRISTINE RONO Plaintiff(s)

v.
CAMBRIDGE REDEVELOPMENT AUTHORITY &
A LIVING PERSON OR PERSONS CLAIMING Defendant(s)
UNDER MARIA MENDONCA

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon MICHAEL DUFFY, ETHAN DAVIS, &
MEGHAN HUGGAN, at Tymann, Davis & Duffy

Plaintiff's attorney, whose address is 1 BOSTON PLACE Ste. 2600, Boston, MA 02108, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Recorder of this court at Three Pemberton Square, Room 507, Boston, MA 02108 either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Gordon H. Piper, Chief Justice, at Boston, _____

Deborah J. Patterson

Recorder

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) EQUITY — (2) OTHER

Both Antonio and Maria Mendonca owned Lot 28F-4 as tenants by the entirety. Antonio died on December 28, 2004, and Maria died on March 13, 2018. The Mendoncas never conveyed the balance of Lot 28F-4 and remained the owners through their deaths. No grantee, heir, or devisee of Maria appears of record in the chain of title to Lot 28F-4. The potentially disputed 5 foot strip of land between the Rono Property and Lot 28F-4 has been in use by Plaintiffs since they acquired the Rono Property from Madsudur R. Sikder and Mohammed M. Jamader in 2001. Accordingly, Plaintiffs seek in this action a judgment declaring and quieting title of any of the Defendant(s) in the 5 strip of Lot 11, including the 5 by 5-foot square potentially omitted from the metes and bounds descriptions in the relevant deeds, and declaring Plaintiffs as the sole owners with exclusive right, title and interest in the entirety of the 5 foot section of Lot 11 by adverse possession.

I. Parties

1. Plaintiff Nathaniel Rono is an individual and the record owner of his secondary residence at 11-13 Marcella Street, Cambridge, Massachusetts.
2. Plaintiff Christine Rone (f/k/a Christine Fournier) is an individual and the record owner of her secondary residence at 11-13 Marcella Street, Cambridge, Massachusetts.
3. The Defendant Cambridge Redevelopment Authority is a public body, politic and corporate, in Massachusetts with a principal place of business in the City of Cambridge, County of Middlesex, Massachusetts.
4. The Defendant(s), A Living Person or Persons Claiming Under Maria Mendonca, are unknown individuals.

II. Facts

5. In or about 2001, Plaintiffs acquired the Rono Property. At the time they acquired the Property, their predecessor-in-title, Madsudur R. Sikder and Mohammed M. Jamader had been making open, continuous, exclusive, adverse, and notorious use of the adjacent 5-foot strip of land at the base of both Lots 5 and 11.

6. Based on their viewing of the Rono Property and through Madsudur R. Sikder and Mohammed M. Jamader's representations, Plaintiffs understood that their acquisition of the Rono Property included acquisition of the 5-foot strip of land.

7. Since their acquisition of the Rono Property and the 5-foot strip, Plaintiffs have likewise made open, continuous, exclusive, adverse and notorious use of the 5-foot strip. Among other things, Plaintiffs have gardened, improved and maintained an existing a shed, built a stone wall, performed rodent control, mowed, planted, and pruned trees on the subject 5-foot strip of land. In addition, Plaintiffs have paid taxes on the 5-foot strip.

8. During Plaintiffs' ownership of the Rono Property and use of the 5-foot strip, they have not seen any other person or entity using the 5-foot strip for any purpose. Any individuals or entities that have entered the 5-foot strip at the boundaries of Lots 5 and 11 have done so with Plaintiffs' consent and/or have done so for their benefit.

9. In connection with their efforts to establish title to the 5-foot strip, Plaintiffs discovered recorded deeds for Lot 11 and Lot 28 F-4. Lot 11 had been owned by the Cambridge Redevelopment Authority by deed until it was re-divided into Lot 28F-4 and conveyed to Antonio and Maria Mendonca.

10. Lot 28F-4 is approximately 5 feet narrower than Lot 11.

11. Antonio Mendonca died December 28, 2004 and Maria Mendonca died on March 13, 2018. No grantee, heir, or devisee of Maria Mendonca appears of record in the chain of title to Lot 28F-4.

12. It is unknown if Maria Mendonca left a will. Ms. Mendonca's obituary lists four siblings: Maria dos Anjos Costa, Maria do Carmo Soares, Francisco Vaz Medeiros, and Jorge Vaz Medeiros. These siblings would have been Ms. Mendonca's heirs if she died without a will and with no surviving spouse, parents, children or children of predeceased children

13. It appears that the Cambridge Redevelopment Authority may hold title to the 5-foot strip between Lots 5 and 11 because the Redevelopment Authority owned all of Lot 11 when it was re-divided into Lot 28F-4. Had the Redevelopment Authority conveyed all of Lot 11 to the Mendoncas, the Mendoncas would have been the last known owners of the 5-foot strip. To the extent Lot 28F-4 excluded a section 5 feet narrower than Lot 11, Lot 28F-4 as conveyed to the Mendoncas does not include the subject 5 foot strip between Lot 5 and 11.

14. At no time have Plaintiffs conceded or represented that the 5-foot strip belongs to any other party. Their efforts to locate the last owner of the 5-foot strip were solely for the purposes of foreclosing any competing claims to title.

15. During the entire period of time from 2001 to the present, the 5-foot strip has been in the sole and exclusive possession and use of the Plaintiffs. No other abutting property owner has entered onto, made use of, or contributed to the maintenance, development or cultivation of the 5-foot strip in any fashion during that time period.

16. Upon information and belief, the Cambridge Redevelopment Authority has not made any claims or undertaken any actions consistent with retaining title to the 5-foot strip. During the period of Plaintiffs' ownership of the Rono Property, no person or entity acting for the

Cambridge Redevelopment Authority has ever entered the 5-foot strip or asserted title by words or actions.

III. CLAIMS FOR RELIEF

COUNT I: QUIET TITLE

17. Plaintiffs incorporate herein by reference the allegations made in the foregoing paragraphs of this complaint above.

18. Plaintiffs are the sole owners in fee simple of the Rono Property located at 11-13 Marcella Street, Cambridge, Massachusetts. A true and accurate copy of Plaintiffs' deed is attached hereto at **Exhibit A**.

19. During the entirety of Plaintiffs' ownership of the Rono Property, they have had sole, exclusive, open, continuous, adverse and notorious use of the adjacent 5-foot section of land within Lot 11.

20. Upon information and belief, Defendants have not claimed a right, interest or title in the 5-foot section of land within Lot 11.

21. Plaintiffs maintain that any such rights in the 5-foot section of land within Lot 11, if previously existing, have been extinguished and abandoned.

22. Plaintiffs seek in this action to quiet title against any claim of right, title, and interest, including, without limitation, access of Defendants in the 5-foot section of Lot 11. Defendants have no right, title or interest of any kind in the 5-foot section of Lot 11, or any part thereof. Plaintiffs seek to quiet title solely in their names and interest as of the date of commencement of this action.

COUNT II: DECLARATORY JUDGMENT

23. Plaintiffs incorporate herein by reference the allegations made in the preceding paragraphs of this Complaint.

24. Plaintiffs claim that any title or rights of Defendants in the in the 5-foot section of land within Lot 11 have been extinguished and supervened by Plaintiffs' adverse possession of such land.

25. Plaintiffs seek a declaration that Defendants herein have no such right, title or interest, including rights of access to the 5-foot section of Lot 11, and/or that any such rights, if previously existing, have been extinguished.

26. Plaintiffs seeks a declaration that Plaintiffs have exclusive right, title, and interest, including, without limitation, any rights of use or access to the 5-foot section of Lot 11 by adverse possession.

COUNT III: PERMANENT INJUNCTION

27. Plaintiffs incorporate herein by reference the allegations made in the preceding paragraphs of this Complaint.

28. Based on the aforementioned allegations, Plaintiffs are entitled to an injunction against Defendants to prevent and preclude them from accessing or using the 5-foot section of Lot 11.

WHEREFORE, Plaintiffs respectfully request that this Court enter the following relief:

- (a) Enter judgment in Plaintiffs' favor under Count I of this Complaint and quiet title of any and all of Defendants in or to the 5-foot section of Lot 11 pursuant to G.L. c. 240, §§ 6-10, finding that Plaintiffs are the owner thereof in fee simple and that Defendants have no enforceable right, title or interest in or to any of the 5-foot section of Lot 11;
- (b) Enter judgment in Plaintiffs' favor under Count II of this Complaint and enter a declaration that Plaintiffs have exclusive right, title and interest in

the 5-foot section of Lot 11, and that Defendants have no right, title or interest in or to any of the 5-foot section of Lot 11;

- (c) Enter a permanent injunction in favor of Plaintiffs and against Defendants precluding and preventing Defendants from accessing or using the 5-foot section of Lot 11; and
- (d) Grant such other relief as the Court deems appropriate under the circumstances.

PLAINTIFFS,

**NATHANIEL RONO AND
CHRISTINE RONO**

By their attorneys,

/s/ Michael J. Duffy

Michael J. Duffy (BBO No. 652621)

Ethan Z. Davis (BBO No. 668973)

TYMANN, DAVIS & DUFFY, LLP

One Boston Place, Suite 2600

Boston, MA 02108

Tel: (617) 933-9490

mduffy@tddlegal.com

edavis@tddlegal.com

Dated: June 21, 2022

**Tymann,
Davis &
Duffy**

One Boston Place, Suite 2600
Boston, MA 02108

CERTIFIED MAIL



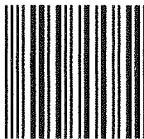
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COMMONWEALTH OF MASSACHUSETTS

LAND COURT DEPARTMENT
OF THE TRIAL COURT

NATHANIEL RONO AND
CHRISTINE RONO,

Plaintiffs,

v.

CAMBRIDGE REDEVELOPMENT
AUTHORITY AND IMACULADA
C. MIRANDA,

Defendant(s).

CIVIL ACTION NO. 22 MISC 000333

**PLAINTIFFS NATHANIAL AND CHRISTINE RONO'S
MOTION FOR LEAVE TO AMEND COMPLAINT
AND TO POSTPONE ENTRY FOR DEFAULT JUDGMENT**

Plaintiffs Nathaniel and Christine Rono (“Plaintiffs”) hereby move the Court for leave to file a Second Amended Complaint to clarify and correct certain allegations Plaintiffs have alleged concerning the details of the adversely possessed property. In the course of addressing the identification and inclusion of Imaculada Miranda (“Ms. Miranda”) as the heir to Maria Mendonca and a defendant in this case, Plaintiffs have also determined that their allegations concerning the boundaries of the adversely possessed property were insufficiently and confusingly alleged. Accordingly, Plaintiffs request that the Court allow Plaintiffs leave to amend to clarify and further detail the relevant facts. Additionally, on April 6, 2023, Plaintiffs’ counsel received a notice of docket entry advising that the Court has directed the entry of default judgment against defendants Cambridge Redevelopment Authority (the “CRA”) and Ms. Miranda (the CRA and Ms. Miranda are referred to together as the “Defendants”). Plaintiffs request that any entry of default not be

entered against the Defendants until after service of a Second Amended Complaint and the period for the Defendants to file a responsive pleading has passed. In support hereof, Plaintiffs attach a proposed Second Amended Complaint and state as follows:

1. Plaintiffs' Complaint alleges that they have adversely possessed land to the rear of the lot on which their house sits within a lot designated as Lot 28F-4 in a plan of land dated 1979.
2. The chain of title indicates that, among other things, a portion of Lot 28F-4 was not conveyed with either conveyances from the Cambridge Redevelopment Authority or from the Mendonca Family. Those facts are alleged in the Complaint.
3. What is not sufficiently and clearly enough alleged is that Plaintiffs' adverse possession claim encompasses the entirety of what was defined as Lot 28F-4.
4. The proposed amended complaint clarifies those facts. A copy of the proposed amended complaint showing the changes to the First Amended Complaint is attached as **Exhibit A**.
5. There is no prejudice to the defendants in this action. Both the Cambridge Redevelopment Authority, through its counsel, and Ms. Miranda have disclaimed any interest in the adversely possessed property in its entirety, including all the property defined within the boundaries of Lot 28F-4.

ARGUMENT

Pursuant to Massachusetts Rule of Civil Procedure 15(a), leave to amend “shall be freely given when justice so requires.” While recognizing that leave to amend is “within the discretion of the judge”, the Supreme Judicial Court has interpreted Rule 15(a) to mean that “leave should be granted unless there appears some good reason for denying the motion.” *Goulet v. Whitin Mach. Works, Inc.*, 399 Mass. 547, 549 (1987); *see also, Sharon v. City of Newton*, 437 Mass. 99, 102-

03 (2002) (affirming grant of leave to amend). Amendment may even be permitted after trial to conform to the evidence admitted during trial.

There is no “good reason” to deny this motion. Plaintiffs’ proposed amendment clarifies allegations of the original complaint and first amended complaint without changing any parties or issues. The defendants are apprised of the changes to the allegations and no party will be prejudiced by allowing the motion.

WHEREFORE, for the forgoing reasons, Plaintiffs respectfully request that the Court allow this Motion in its entirety and grant the following relief:

- A. Allow Plaintiffs leave to amend the complaint and file a Second Amended Complaint to clarify and further detail the relevant fact of their claim for adverse possession;
- B. Allow Plaintiffs’ motion to that entry of default not be entered until after service of a Second Amended Complaint and the period for the CRA and Ms. Miranda has passed; and
- C. Grant such other further relief as this Court deems just and appropriate.

Respectfully submitted,

PLAINTIFFS,
**NATHANIEL RONO AND
CHRISTINE RONO**

By their attorneys,
/s/Michael J. Duffy
Michael J. Duffy (BBO No. 652621)
Ethan Z. Davis (BBO No. 668973)
TYMANN, DAVIS & DUFFY, LLP
One Boston Place, Suite 2600
Boston, MA 02108
Tel: (617) 933-9490
mduffy@tddlegal.com
edavis@tddlegal.com

Dated: April 6, 2023

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

LAND COURT DEPARTMENT
OF THE TRIAL COURT

_____)	
NATHANIEL RONO AND)	
CHRISTINE RONO,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 22 MISC 000333
)	
CAMBRIDGE REDEVELOPMENT)	
AUTHORITY AND)	
IMACULADA C. MIRANDA,)	
)	
Defendant(s).)	
_____)	

SECOND AMENDED COMPLAINT

This is an action pursuant to G.L. c. 240, §§ 6-10 to quiet title and also seeking equitable, declaratory, and injunctive relief pursuant to G.L. c. 231A, § 1.

As described below, plaintiffs Nathaniel Rono and Christine Rono (“Plaintiffs”), are the owners of legal title to real property known and numbered as 11-13 Marcella Street, Cambridge, Massachusetts (the “Rono Property”). In 2001, Plaintiffs purchased the Rono Property from Madsudur R. Sikder and Mohammed M. Jamader, who had previously purchased the Rono Property from Antonio and Maria Mendonca. Adjacent to the Rono Property is a lot of approximately 2,324 square feet (“Lot 11”). All of Lot 11 had been owned by the Cambridge Redevelopment Authority (the “CRA”) by deed, until Lot 11 was re-divided into Lot 28F-4 and the CRA then conveyed Lot 28F-4 to Antonio and Maria Mendonca. Lot 28F-4 is approximately 5 feet narrower than Lot 11. Mendonca attempted to convey Lot 11 and the adjacent lot, known as Lot 5, to himself. Mendonca later conveyed Lot 5 to Madsudur R. Sikder and Mohammed M.

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Jamader, predecessors-in-title to Plaintiffs. The boundaries of Lot 5 and Lot 28F-4 are unclear. As such, 5-foot strip of land (the “5-foot Strip”) exists at the boundary of the Rono Property and Lot 28F-4.

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Both Antonio and Maria Mendonca owned Lot 28F-4 as tenants by the entirety. Antonio died on December 28, 2004, and Maria died on March 13, 2018. When the Mendoncas conveyed the Rono Property to Madsudur R. Sikder and Mohammed M. Jamader, the Mendoncas intended to (but did not) convey their interest in Lot 28F-4 and remained the owners through their deaths. No grantee, heir, or devisee of Maria Mendonca appears of record in the chain of title to Lot 28F-4. Following an investigation by the Guardian Ad Litem appointed by this Court, a copy of the will of Maria Mendonca was obtained (the “Mendonca Will”). The Mendonca Will names Ms. Mendonca’s niece, Imaculada “Connie” Miranda (“Ms. Miranda”), as Ms. Mendonca’s sole devisee.

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The potentially disputed 5-foot Strip and Lot 28F-4 has been in use by Plaintiffs since they acquired the Rono Property from Madsudur R. Sikder and Mohammed M. Jamader in 2001. Accordingly, Plaintiffs seek in this action a judgment declaring and quieting title of the CRA in the 5-foot Strip and Ms. Miranda of Lot 28F-4 in its entirety, and declaring Plaintiffs as the sole owners with exclusive right, title and interest in the entirety of the 5-foot Strip and Lot 28F-4 by adverse possession.

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I. Parties

1. Plaintiff Nathaniel Rono is an individual and the record owner of his secondary residence at 11-13 Marcella Street, Cambridge, Massachusetts.

2. Plaintiff Christine Rone (f/k/a Christine Fournier) is an individual and the record owner of her secondary residence at 11-13 Marcella Street, Cambridge, Massachusetts.

3. The Defendant Cambridge Redevelopment Authority is a public body, politic and corporate, in Massachusetts with a principal place of business in the City of Cambridge, County of Middlesex, Massachusetts.

4. Defendant Imaculada C. Miranda is an individual residing at 4 Collins Road, Wakefield, Massachusetts.

II. Facts

5. In or about 2001, Plaintiffs acquired the Rono Property. At the time they acquired the Rono Property, their predecessor-in-title, Madsudur R. Sikder and Mohammed M. Jamader had been making open, continuous, exclusive, adverse, and notorious use of Lot 28F-4 and the 5-foot Strip).

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6. Based on their viewing of the Rono Property and through Madsudur R. Sikder and Mohammed M. Jamader's representations, Plaintiffs understood that their acquisition of the Rono Property included acquisition of Lot 28F-4 and the 5-foot Strip.

7. Since their acquisition of the Rono Property, Plaintiffs have likewise made open, continuous, exclusive, adverse and notorious use of Lot 28F-4 and the 5-foot Strip. Among other things, Plaintiffs have gardened, improved and maintained an existing shed, built a stone wall, performed rodent control, mowed, planted, and pruned trees on Lot 28F-4 and the 5-foot Strip. In addition, Plaintiffs have paid taxes on of Lot 28F-4 and the 5-foot Strip.

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8. During Plaintiffs' ownership of the Rono Property and use of Lot 28F-4 and the 5-foot Strip, they have not seen any other person or entity using Lot 28F-4 or the 5-foot Strip for any purpose. Any individuals or entities that have entered Lot 28F-4 or the 5-foot Strip have done so with Plaintiffs' consent and/or have done so for their benefit.

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9. In connection with their efforts to establish title to [Lot 28F-4 and the 5-foot Strip](#), Plaintiffs discovered recorded deeds for Lot 11 and Lot 28 F-4. Lot 11 had been owned by the [CRA](#) by deed until it was re-divided into Lot 28F-4 and conveyed to Antonio and Maria Mendonca.

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10. The descriptions of the property conveyed to [Madsudur R. Sikder and Mohammed M. Jamader](#), Lot 28F-4 and Lot 5 are unclear. [As a result](#), it appears the [5-foot Strip was conveyed to Madsudur R. Sikder and Mohammed M. Jamader](#), but may not have been included in the boundary of Lot 28F-4 [when the CRA conveyed Lot 28F-4 to the Mendoncas](#).

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11. Antonio Mendonca died [on](#) December 28, 2004 and Maria Mendonca died on March 13, 2018. No grantee, heir, or devisee of Maria Mendonca appears of record in the chain of title to Lot 28F-4.

12. Following an investigation by the Guardian Ad Litem appointed by this Court, a copy of the Mendonca Will has been obtained. The Mendonca Will names Ms. Mendonca's niece, Imaculada "Connie" Miranda, as Ms. Mendonca's sole devisee. A true and accurate copy of the Mendonca Will is attached as **Exhibit A**.

13. In the Mendonca Will, Ms. Mendonca named her niece, the defendant Imaculada "Connie" Miranda, as sole devisee.

[14.](#) It appears that the [CRA](#) may hold title to the 5-foot Strip because the [CRA](#) owned all of Lot 11 when it was re-divided into Lot 28F-4. Had the [CRA](#) conveyed all of Lot 11 to the Mendoncas, the Mendoncas would have been the last known owners of the 5-foot [Strip](#). To the extent Lot 28F-4 excluded a section 5 feet narrower than Lot 11, Lot 28F-4 as conveyed to the Mendoncas does not include the 5-foot Strip.

15. At no time have Plaintiffs conceded or represented that the 5-foot Strip or Lot 28F-4 belongs to any other party. Their efforts to locate the last owner of the 5-foot Strip and Lot 28F-4 were solely for the purposes of foreclosing any competing claims to title.

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16. During the entire period of time from 2001 to the present, the 5-foot Strip and Lot 28F-4 have been in the sole and exclusive possession and use of the Plaintiffs. No other abutting property owner has entered onto, made use of, or contributed to the maintenance, development or cultivation of the 5-foot Strip or Lot 28F-4 in any fashion during that time period.

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17. Upon information and belief, the CRA has not made any claims or undertaken any actions consistent with retaining title to the 5-foot Strip. During the period of Plaintiffs' ownership of the Rono Property, no person or entity acting for the CRA has ever entered the 5-foot Strip or asserted title by words or actions.

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18. In communications with counsel for the Ronos, the CRA has indicated that it has no interest in the 5-foot Strip and does not intend to contest Plaintiff's right to the 5-foot Strip by adverse possession.

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19. Likewise, Ms. Miranda has not made any claims or undertaken any actions consistent with retaining title to Lot 28F-4. During the period of Plaintiffs' ownership of the Rono Property, neither Ms. Miranda nor any person or entity acting on her behalf has ever entered the Lot 28F-4 or asserted title by words or actions.

20. In communications with counsel for the Ronos, Ms. Miranda has indicated that she has no interest in any portion of Lot 28F-4 and does not intend to contest Plaintiff's right to Lot 28F-4 by adverse possession.

COUNT I
(Quiet Title Against Cambridge Redevelopment Authority)

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21. Plaintiffs incorporate herein by reference the allegations made in the foregoing paragraphs of this complaint above.

22. Plaintiffs are the sole owners in fee simple of the Rono Property located at 11-13 Marcella Street, Cambridge, Massachusetts. A true and accurate copy of Plaintiffs' deed is attached hereto at **Exhibit B**.

23. During the entirety of Plaintiffs' ownership of the Rono Property, they have had sole, exclusive, open, continuous, adverse and notorious use of the 5-foot Strip.

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24. Upon information and belief, the CRA does not claim any right, interest or title in the 5-foot Strip.

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25. Plaintiffs maintain that any such rights in the 5-foot Strip, if previously existing, have been extinguished and abandoned.

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26. Plaintiffs seek in this action to quiet title against any claim of right, title, and interest, including, without limitation, access of the CRA in the 5-foot Strip. The CRA has no right, title or interest of any kind in the 5-foot Strip, or any part thereof. Plaintiffs seek to quiet title solely in their names and interest as of the date of commencement of this action.

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COUNT II
(Quiet Title Against Imaculada C. Miranda)

27. Plaintiffs incorporate herein by reference the allegations made in the foregoing paragraphs of this complaint above.

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28. During the entirety of Plaintiffs' ownership of the Rono Property, they have had sole, exclusive, open, continuous, adverse and notorious use of Lot 28F-4

29. Upon information and belief, Ms. Miranda does not claim any right, interest or title in Lot 28F-4.

30. Plaintiffs maintain that any such rights in Lot 28F-4, if previously existing, have been extinguished and abandoned.

31. Plaintiffs seek in this action to quiet title against any claim of right, title, and interest, including, without limitation, access of the Ms. Miranda in Lot 28F-4. Mr. Miranda has no right, title or interest of any kind in Lot 28F-4, or any part thereof. Plaintiffs seek to quiet title solely in their names and interest as of the date of commencement of this action.

COUNT III
(Declaratory Judgment Against Cambridge Redevelopment Authority)

32. Plaintiffs incorporate herein by reference the allegations made in the preceding paragraphs of this Complaint.

33. Plaintiffs claim that any title or rights of the CRA in the 5-foot Strip within Lot 11 have been extinguished and supervened by Plaintiffs' adverse possession of such land.

34. Plaintiffs seek a declaration that the CRA has no such right, title or interest, including rights of access to the 5-foot Strip, and/or that any such rights, if previously existing, have been extinguished.

35. Plaintiffs seeks a declaration that Plaintiffs have exclusive right, title, and interest, including, without limitation, any rights of use or access to the 5-foot Strip of Lot 11 by adverse possession.

COUNT IV
(Declaratory Judgment Against Imaculada C. Miranda)

36. Plaintiffs incorporate herein by reference the allegations made in the preceding paragraphs of this Complaint.

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37. Plaintiffs claim that any title or rights of Ms. Miranda in Lot 28F-4 within Lot 11 have been extinguished and supervened by Plaintiffs' adverse possession of such land.

38. Plaintiffs seek a declaration that Ms. Miranda has no such right, title or interest, including rights of access to Lot 28F-4, and/or that any such rights, if previously existing, have been extinguished.

39. Plaintiffs seeks a declaration that Plaintiffs have exclusive right, title, and interest, including, without limitation, any rights of use or access to Lot 28F-4 by adverse possession.

COUNT V: PERMANENT INJUNCTION

40. Plaintiffs incorporate herein by reference the allegations made in the preceding paragraphs of this Complaint.

41. Based on the aforementioned allegations, Plaintiffs are entitled to an injunction against Defendants to prevent and preclude either the CRA or Ms. Mendonca from accessing or using the 5-foot Strip or Lot 28F-4.

WHEREFORE, Plaintiffs respectfully request that this Court enter the following relief:

(a) Enter judgment in Plaintiffs' favor under Count I of this Complaint and quiet title of any the Cambridge Redevelopment Authority in or to the 5-foot Strip of Lot 11 pursuant to G.L. c. 240, §§ 6-10, finding that Plaintiffs are the owner thereof in fee simple and that the Cambridge Redevelopment Authority has no enforceable right, title or interest in or to any of the 5-foot Strip within Lot 11;

(b) Enter judgment in Plaintiffs' favor under Count II of this Complaint and quiet title of any Imaculada C. Miranda or to Lot 28F-4 pursuant to G.L. c. 240, §§ 6-10, finding that Plaintiffs are the owner thereof in fee simple and that Imaculada C. Miranda has no enforceable right, title or interest in or to any of Lot 28F-4;

(c) Enter judgment in Plaintiffs' favor under Count III of this Complaint and enter a declaration that Plaintiffs have exclusive right, title and interest in the 5-foot Strip of Lot 11, and that the Cambridge Redevelopment

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Authority has no right, title or interest in or to any of the 5-foot Strip within Lot 11;

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- (d) Enter judgment in Plaintiffs' favor under Count IV of this Complaint and enter a declaration that Plaintiffs have exclusive right, title and interest in Lot 28F-4, and that Imaculada C. Miranda has no right, title or interest in or to any of Lot 28F-4;
- (e) Enter a permanent injunction in favor of Plaintiffs and against Defendants precluding and preventing either the CRA or Ms. Mendonca from accessing or using the 5-foot Strip or Lot 28F-4; and
- (f) Grant such other relief as the Court deems appropriate under the circumstances.

Deleted: Defendants

Deleted: section of Lot 11

PLAINTIFFS,

**NATHANIEL RONO AND
CHRISTINE RONO**

By their attorneys,

/s/ Ethan Z. Davis

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Dated: April 6, 2023

COMMONWEALTH OF MASSACHUSETTS

LAND COURT DEPARTMENT
OF THE TRIAL COURT

NATHANIEL RONO AND)
CHRISTINE RONO,)
)
Plaintiffs,)
)
v.)
)
CAMBRIDGE REDEVELOPMENT)
AUTHORITY AND IMACULADA)
C. MIRANDA,)
)
Defendant(s).)

CIVIL ACTION NO. 22 MISC 000333

AGREEMENT FOR JUDGMENT FOR THE PLAINTIFFS

Now come the Plaintiffs Nathaniel and Christine Rono and the Defendant Cambridge Redevelopment Authority in the above-entitled action, by their attorneys, and hereby stipulate and agree that the following entries be made: “Judgment for the Plaintiff with prejudice and without costs as to Counts I and III. Count V is dismissed as to Defendant Cambridge Redevelopment Authority.”

Dated this ___ day of May, 2023.

Respectfully submitted,

PLAINTIFFS,

**NATHANIEL RONO AND
CHRISTINE RONO**

By their attorneys,

/s/Michael J. Duffy

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DEFENDANT

**CAMBRIDGE REDEVELOPMENT
AUTHORITY**

By their attorneys,

/s/ Seth Reiner

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