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Sun Staff Writer

WESTERLY - Ten days from now there's a "Mortgagee's Sale" scheduled at 7 Sleepy Hollow Court, a three-bedroom raised ranch assessed at \$185,100 in 2013. Many residents in Westerly may not have been informed of this foreclosure auction because the required legal notices were posted by a Providence law firm in an outof- town newspaper.

The law firm seemingly had little choice because a title company lawyer who operates a legal newsletter, citing a 1981 Rhode Island Supreme Court case, sent out word last September that the local paper here, The Westerly Sun, no longer satisfied the legal requirement for publishing such notices because it had moved its office to Pawcatuck.

That issue has now been remedied with the General Assembly's passage of legislation that makes it clear that published notices of such sales in Bristol, Kent or Washington counties can be printed by newspapers that are "distributed" daily - either the local daily papers in those counties or in the daily newspaper published in Providence. The only change in the text of the law (34-11-22. Statutory power of sale in mortgage) is the insertion of the word distributed.

Gov. Lincoln D. Chafee signed the law on July 1 and it took effect upon enactment. The bill, S-2272, was sponsored in the Senate by Sens. Dennis L. Algieri, R-Westerly, and Catherine Cool Rumsey, a Democrat who represents Charleston, Exeter, Hopkinton, Richmond and West Greenwich. The sponsors of the companion House legislation, H-7227, were Democratic Reps. Sam Azzinaro of Westerly, Donna M. Walsh of Charlestown, and Brian Patrick Kennedy, Hopkinton and Westerly.

Similar legislation sponsored in the Senate by Algieri (S-2238 as amended) and Azzinaro, Walsh and Kennedy (H-7228), was signed by the governor on July 2. Algieri said that measure was requested by the Town of Westerly and applies to probate notices. This measure is more particularly focused on The Sun because it inserts the phrase "or previously published in the county and presently distributed," evidently a reference to the paper's move across the Pawcatuck River.

In discussing the amendment requested by this publication, Azzinaro commented that "The Sun is in a unique situation where the news is mostly coming out of Westerly, and national, but your office is in Connecticut." But he noted that the legislation would also benefit other newspapers in Rhode Island because it applies to three counties.

Algieri said it was important that legal notices on matters like the foreclosures, or ordinances or zoning issues, for example, be distributed in the local community. He noted that he and other legislators acted specifically on the request of The Sun, but he added, "The whole idea behind notices is so people can see

and read them, and the newspaper is a good medium" for this type of material.

The Sun continues to publish many legal notices but no foreclosure sale notices have appeared in the paper since last fall, a result of communications to the legal community from Michael Mellion of Providence, a title attorney who publishes an underwriting newsletter.

Sun publisher Eliot White had been advised by attorneys before the move that the relocation would not cause such problems. He said he learned of the court case from Mellion's involvement and acknowledged that Mellion was duty-bound to raise the issue. White said he is hopeful that Mellion will now communicate to foreclosure attorneys that The Sun again satisfies the legal requirements to publish notices of foreclosures. White referred to the court's 1981 ruling as establishing a "narrow definition" of the word published, considering there is no definition that refers to an office location.

Mellion was contacted last week by a Sun reporter and declined to comment on the record. However, the practical effect of his action has been evident at the Washington County courthouse. Edward P. Morrone, the Superior Court clerk, said, "The law firms that are posting these notices have to be mindful of the approved list," which is controlled by the real estate title companies.

"You were not on the approved list for awhile," he said, so he was not able to refer to The Sun if he received an inquiry for publication placement from a law firm. Instead, the notices were given to The Providence Journal, which is circulated widely but is not the dominant newspaper in Westerly.

Morrone, who lives in Westerly and was Algieri's predecessor in the Senate, told The Sun that he was "glad that you're back in the game" as another approved source.

The Westerly area notices, which run about 4 or 5 inches in agate type in The Journal, are not a large component of that paper's Legals section, which is dominated by material from Providence and its suburbs. They are not a major source of revenue, but as White noted, they do add up - in the case of The Sun, he estimated the loss of such legal advertising was in excess of \$30,000 per year. But, as he noted, a more important consideration is the service to the readers.