

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

FOUNDATION CAPITAL RESOURCES,
INC.,

Plaintiff,

v.

PRAYER TABERNACLE CHURCH OF
LOVE, INC.,

Defendant.

No. 3:17-cv-00135 (JAM)

**ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR ORDER IN AID OF EXECUTION**

This is a real estate foreclosure action in which the plaintiff Foundation Capital Resources, Inc. (“Foundation Capital”) has obtained a judgment of strict foreclosure and order of possession with respect to several properties in Bridgeport, Connecticut, that were formerly owned by the defendant Prayer Tabernacle Church of Love, Inc. (“Prayer Tabernacle”).¹

After a state marshal served writs of execution for ejectment for some of the properties at issue, Prayer Tabernacle resisted on the ground that the properties were leased to tenants who could not be compelled to vacate the premises absent the procedural protections of state eviction law. Disputing that the claimed tenancies are genuine, Foundation Capital moved in turn for an order in aid of execution pursuant to Fed. R. Civ. P. 70 and seeking an order directing the purported tenants to vacate the premises within ten days.²

¹ See generally *Foundation Cap. Resources, Inc. v. Prayer Tabernacle Church of Love, Inc.*, 2020 WL 967466 (D. Conn. 2020).

² Doc. #193.

I referred the motion to U.S. Magistrate Judge Thomas O. Farrish to conduct a hearing and to issue a report and recommended ruling. Judge Farrish did so and has recommended that I grant the motion in part and deny the motion in part.³

Foundation Capital has not objected to Judge Farrish's ruling and recommendation. Prayer Tabernacle has filed an objection, and Foundation Capital has filed a response to the objection.⁴

I agree with the reasons that have been well and comprehensively stated by Judge Farrish for granting in part and denying in part Foundation Capital's motion. Having carefully reviewed and considered Prayer Tabernacle's objections, I conclude that the objections are without merit for substantially the reasons stated by Foundation Capital in its response.

Accordingly, the Court GRANTS in part and DENIES in part the motion of plaintiff Foundation Capital pursuant to Fed. R. Civ. P. 70 (Doc. #193). Consistent with the report and recommendation of Judge Farrish, the motion is GRANTED with respect to the properties known as 729 Union Avenue, 1243 Stratford Avenue, and 1277 Stratford Avenue but is DENIED with respect to the properties known as 851 Central Avenue and 1065 Central Avenue. To the extent necessary for effectuation of this order and to identify the specific purported tenants subject to the order, plaintiff Foundation Capital shall file a proposed order or other process for the Court's review on or before **September 3, 2021**.

Dated at New Haven, Connecticut, this 30th day of August 2021.

/s/ *Jeffrey Alker Meyer*
Jeffrey Alker Meyer
United States District Judge

³ Doc. #245.

⁴ Docs. #247, #248.