

RETURN DATE: DECEMBER 21, 1999	:	STATE OF CONNECTICUT
CITIZENS BANK OF	:	SUPERIOR COURT
CONNECTICUT	:	JUDICIAL DISTRICT
V.	:	
WALKLEY HEIGHTS ASSOCIATES,	:	OF MIDDLESEX
ELWIN G. SCHWARTZ, STEVEN A. ROCCO	:	
JONATHAN GOTTLIEB,	:	
ACEES MANAGEMENT, INC., ACEES, LLC	:	
ARCHITECTS EQUITY, INC., ACF, INC., DAVID:	:	AT MIDDLETOWN
ROCZNAK D/B/A EARTHWORKS, CYCLOPS	:	
EXPLOSIVE TECHNIQUES, INC., CHARLES	:	
H. UPHAM, WALKLEY WOODS, INC., EDWARD	:	
J. ZISK, DONALD R. ZISK, INDIVIDUALLY	:	
AND AS EXECUTOR OF THE ESTATE OF	:	
MARY A. ZISK, TRAIAN NEAG, FREDERICK	:	
NORTON, FERN LBALA AND	:	
WILLIAM J. ZISK	:	NOVEMBER 12, 1999

**COMPLAINT TO FORECLOSE MORTGAGES**

1. By its Adjustable Rate Commercial Mortgage Note dated October 30, 1996, the Defendant Walkley Heights Associates ("Borrower") promised to pay to the order of Farmers & Mechanics Bank N/K/A Citizens Bank of Connecticut ("Plaintiff"), the principal amount of \$1,025,000.00 (the "Construction Note"); together with interest thereon and other charges as provided for under the Construction Note.
2. To secure the Construction Note, by a certain Construction Mortgage Deed, Assignment of Leases and Rents and Security Agreement dated October 30, 1996 in the principal

amount of \$1,025,000.00, Borrower mortgaged to Plaintiff certain pieces or parcels of land, together with all improvements thereon, located in Haddam, Connecticut, which property is more particularly bounded and described on Schedule A (parcels I, III, IV, and V), attached hereto and incorporated herein by reference (the "**Property**"); which deed was conditioned to pay the Construction Note in accordance with its tenor and the performance of certain other covenants and conditions as set forth in such Mortgage Deed, which deed was recorded in Volume 209 at Page 614 of the Haddam Land Records (the "**Construction Mortgage**").

3. The Construction Note is also secured by a certain UCC-1 Financing Statement from Borrower to Plaintiff as secured party, which is recorded in Volume 209 at Page 641 of the Haddam Land Records and filed in the Connecticut Secretary of State's Office covering certain property therein described ("UCC-1").
4. The Defendants, ELWIN G. SCHWARTZ, STEVEN A. ROCCO, JONATHAN GOTTLIEB, ACEES MANAGEMENT, INC., ARCHITECTS EQUITY, INC., and ACF, INC., (collectively, the "**Guarantors**") have unconditionally jointly and severally guaranteed the indebtedness under the Construction Note and all Loan Documents, (as defined below) pursuant to a certain Continuing Guaranty from Guarantors dated October 30, 1996 (the "**Guaranty**"). Upon information and belief, the defendant, Acees Management, Inc., is now known as the Defendant Acees, LLC.

5. To secure his guaranty obligation under the Guaranty, the Defendant, Steven A. Rocco, joined in by Elizabeth A. Rocco, granted a mortgage in favor of Plaintiff dated October 30, 1996 and recorded in Volume 209 at Page 648 of the Haddam Land Records on property owned by them at that time, but now only owed by the Defendant Steven A. Rocco, and described therein and on Schedule A (parcel II), attached hereto and made a part hereof. (the "Guaranty Mortgage"). The property described on Schedule A, parcels I through V, attached hereto and made a part hereof together comprise the "Mortgaged Property".
6. Plaintiff also issued two irrevocable letters of credit in favor of the Town of Haddam, Connecticut for the account of Borrower both dated October 30, 1996 and subsequently and at the request of the Borrower and the Guarantors provided extensions of those letters of credit as follows: letter of credit number 13-10-201 in the amount of \$350,000.00 (as extended, the "First Letter of Credit"), and letter of credit number 13 -10-202 in the amount of \$5,000.00 (as extended, the "Second Letter of Credit", the First Letter of Credit and the Second Letter of Credit, both as extended are sometimes collectively referred to herein as the "Letters of Credit").
7. Borrower also entered into a Commercial Revolving Promissory Note for Letter of Credit dated October 30, 1996 in the principal amount of \$350,000.00 for the benefit of Plaintiff

to evidence the indebtedness of Borrower to Plaintiff with respect to the First Letter of Credit ("**First Note**").

8. Borrower entered into a Commercial Revolving Promissory Note for Letter of Credit dated October 30, 1996 in the principal amount of \$5,000.00 for the benefit of Plaintiff to evidence the indebtedness of Borrower to the Plaintiff with respect to the Second Letter of Credit ("**Second Note**", and collectively, with the First Note, the "L/C Notes").
9. The L/C Notes are secured by a certain Commercial Open End Mortgage Deed from Borrower to Plaintiff dated October 30, 1996 in the principal amount of \$355,000.00, on the same property as is mortgaged to the plaintiff to secure the Construction Note and is described on Schedule A, attached hereto, which deed was conditioned to pay the L/C Notes in accordance with their tenor and the performance of certain other covenants and conditions as set forth in such Mortgage Deed which was recorded in Volume 209 at Page 683 of the Haddam Land Records (the "L/C Mortgage"). The Construction Note, the Construction Mortgage, the Guaranty, the UCC-1, the Guaranty Mortgage, the L/C Notes, the L/C Mortgage and any other documents or instruments given to evidence or secure indebtedness thereunder or in connection therewith are hereinafter collectively referred to as the "**Loan Documents**" or the "**Obligations**".
10. Plaintiff is the current owner and holder of the Loan Documents.

11. Borrower and Guarantors are in default of their respective obligations under the Loan Documents, including, specifically, the Construction Note, Construction Mortgage and Guaranty, and Plaintiff has properly demanded payment in full of all indebtedness due thereunder and such indebtedness is presently due and payable in full and without offset, deduction, defense or counterclaim on the part of the Borrower or the Guarantors. Borrower and Guarantor are also in default of and indebted to Plaintiff under the L/C Notes and L/C Mortgage by virtue of their failure to comply with their agreements with and/or requirements of the Town of Haddam which resulted in Plaintiff advancing funds under the L/C Notes and Mortgage, which amounts are also immediately due and owing in full.
12. Additional amounts are and will continue to become due and owing under the Loan Documents including but not limited to interest, default interest, costs and attorneys fees.
13. The following encumbrances are prior in right to the Construction, Guaranty and L/C Mortgages sought to be foreclosed herein and are not affected by this action:
  - a. The Town of Haddam claims an interest in the Mortgaged Property by virtue of Tax Liens for taxes due on the List of October 1, 1995, dated and recorded May 8, 1997 in Volume 212 at Page 36 of the Haddam Land Records, and by virtue of unpaid taxes on the Lists of October 1, 1996, 1997 and the first half of 1998.

- b. The Connecticut Light and Power Company claims an interest in the Property by virtue of a certain Electric Distribution Easement dated October 28, 1998 and recorded October 29, 1997 in Volume 214 at Page 424 of the Haddam Land Records.
- c. Spring rights and rights to lay and maintain pipes as contained in a deed dated August 9, 1889 and recorded August 20, 1889 in the Haddam Land Records in Volume 42 at Page 289 and as otherwise of record may appear.
- d. Notes and restrictions as shown on the Record Subdivision Maps all recorded September 14, 1992 in the Haddam Land Records as Maps #2035 and #2036 and re-recorded January 27, 1993 in the Haddam Land Records as Maps #2049, #2050 and #2051. Sheet 3 of 16 was further revised and recorded May 4, 1993 in the Haddam Land Records as Map #2060.
- e. Conservation Easement, Turnaround Easement and 25' Drainage Easement as shown on the Record Subdivision Map recorded September 14, 1992 in the Haddam Land Records as Map #2034 and re-recorded January 27, 1993 in the Haddam Land Records as Map #2051 and as revised and recorded as Map #2060 and as conveyed to the Town of Haddam by instruments dated January 14, 1993 and recorded January 27, 1993 at Volume 190 Pages 462, 466 and 469 respectively in the Haddam Land Records.
- f. Riparian rights of others in and to Swain Johnson Brook.

- g. Electrical Distribution Easement from Walkley Heights Associates to The Connecticut Light and Power Company dated November 18, 1993 and recorded December 2, 1993 at Volume 195 at Page 211 of the Haddam Land Records.
- h. Real Estate Development Easement from Walkley Heights Associates to the Southern New England Telephone Company dated November 18, 1993 and recorded December 2, 1993 at Volume 195 at Page 217 of the Haddam Land Records.
- i. Easements and rights of way in common with others over roadways to be known as Forest Ridge Road, Forest Ridge Road as it may be extended and Rockrimmon Road until such time as they are accepted by the Town of Haddam as town roads.
- j. Conservation Easement as shown on the Record Subdivision Map recorded September 14, 1992 in the Haddam Land Records as Map #2035 and re-recorded January 27, 1993 in the Haddam Land Records as Map #2050 and as conveyed to the Town of Haddam by instrument dated January 14, 1993 and recorded January 27, 1993 at Volume 190 at Page 458 in the Haddam Land Records.
- k. Declaration of Covenants, Conditions and Restrictions by Walkley Heights Associates dated February 9, 1993 and recorded February 10, 1993 at Volume 190, Page 713 in the Haddam Land Records.
- l. A right of way to pass with teams and on foot to the May Lot from the original bottling works as more fully described in a Quit Claim Deed from Otto F. Carlson to

Charles B. Carlson dated August 1, 1908 and recorded August 19, 1908 in Volume 47 at Page 422 of the Haddam Land Records.

m. A right to use, lay pipes and maintain and conduits to the May Lot from the original bottling works as more fully described in a Quit Claim Deed from Otto F. Carlson to Charles B. Carlson dated August 1, 1908, and recorded August 19, 1980 in Volume 47, at Page 422 of the Haddam Land Records.

n. A right to use water from two (2) springs and the right to lay and maintain pipes and to connect to present pipe lines from a lot north of the original bottling works as more fully described in a Quit Claim Deed from Otto F. Carlson to Gustaf B. Carlson dated September 9, 1913 and recorded November 22, 1913 in Volume 51, at Page 228 of the Haddam Land Records which two springs and pipe rights are more fully described and labeled as the Undina or Granite Rock Spring on the May Lot and the other known as Cold Spring in Boiling Spring on the Huntington Lot (Zisk) as contained in a Warranty Deed and recorded February 14m 1948 in Volume 73, at Page 108 of the Haddam Land Records.

o. An easement in common with others for the purpose of traveling on foot, with horses, cattle teams and motor vehicles being ten (10) feet in width along the easterly boundary of the old bottling works as more fully described in a "right of Way" from William W. Zisk and Mary A. Zisk to Buckley E. Johnson and Eric H. Johnson dated



July 17, 1947 and recorded February 14, 1948 in Volume 73, at Page 311 of the Haddam Land Records.

p. An Easement and Right of Way in favor of High St. Associates dated March 4, 1994 and recorded March 8, 1994 at Volume 196 at Page 906 of the Haddam Land Records.

q. Prescriptive rights of access to a certain piece or parcel of land known as Rockrimmon Lodge from the Highway.

r. A right of way to pass and repass with teams and on foot over the May Lot as more fully described in a Quit Claim Deed from Charles B. Carlson to Otto F. Carlson dated August 1, 1908 and recorded August 19, 1908 in Volume 47, at Page 420 of the Haddam Land Records.

s. A right to lay, maintain and repair water pipes on said May Lot as more fully described in a Quit Claim Deed from Charles B. Carlson to Otto F. Carlson dated August 1, 1908 and recorded August 19, 1908 in Volume 47, at Page 420 of the Haddam Land Records.

t. Rights of Undina Bottling Plant property and rights of others in and to the Undina Spring or Granite Rock Spring located on the May Lot through pipes as specified and as referenced in a Warranty Deed from Charles B. Carlson to Annie Carlson Johnson dated

July 3, 1935 and recorded July 5, 1935 at Volume 64 at Page 179 and referenced in other deeds as of record may appear.

14. The Defendant, DAVID ROCZNIAK D/B/A EARTHWORKS may claim an interest in the Property by virtue of a certain Mechanic's Lien in the amount of \$99,500.00, dated June 22, 1998 and recorded June 23, 1998 in Volume 218 at Page 159 of the Haddam Land records and by virtue of a certain Lis Pendens to foreclose said Mechanic's Lien, said Lis Pendens being dated June 4, 1999 and recorded on June 10, 1999 in Volume 225 at Page 338 of the Haddam Land Records. Said interests of such Defendant are subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein.
15. The Defendant, CYCLOPS EXPLOSIVE TECHNIQUES, INC., may claim an interest in the Mortgaged Property by virtue of a certain Mechanic's Lien in the amount of \$12,106.00, dated August 27, 1998 and recorded September 1, 1998 in Volume 219 at Page 420 of the Haddam Land Records . Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein.
16. The Defendant, CHARLES H. UPHAM, may claim an interest in the Mortgaged Property by virtue of a certain mortgage to secure payment of \$250,000.00 dated May 9, 1988 and recorded May 10, 1988 at Volume 165 Page 923 of the Haddam Land Records. Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff

sought to be foreclosed herein by virtue of a certain Subordination Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 600 and by virtue of an Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 669 of the Haddam Land Records.

17. The Defendants, CHARLES H. UPHAM AND WALKLEY WOODS, INC., may claim an interest in the Mortgaged Property by virtue of a certain Bond for Deed dated May 9, 1988 and recorded May 19, 1988 at Volume 165 Page 931 of the Haddam Land Records. Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein by virtue of a certain Subordination Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 602 and by virtue of an Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 671 of the Haddam Land Records.
18. The Defendants, EDWARD J. ZISK, DONALD R. ZISK, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF MARY A. ZISK, may claim an interest in the Mortgaged Property by virtue of a certain mortgage to secure payment of \$183,333.32 dated May 23, 1991 and recorded June 3, 1991 in Volume 180 at Page 238, as modified by Agreement dated March 30, 1995 and recorded June 28, 1995 in Volume 202 at Page 679 of the Haddam Land Records. Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein by virtue of a certain

Subordination Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 605 and by virtue of an Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 674 of the Haddam Land Records.

19. The Defendants, TRAIAN NEAG and FREDERCIK NORTON, may claim an interest in the Mortgaged Property by virtue of a certain mortgage to secure payment of \$105,000.00 dated February 11, 1994 and recorded February 14, 1994 in Volume 196 at Page 566 of the Haddam Land Records. Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein by virtue of a certain Subordination Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 610 and by virtue of an Agreement dated October 30, 1996 and recorded November 1, 1996 in Volume 209 at Page 679 of the Haddam Land Records.
20. The Defendant, WILLIAM J. ZISK, may claim an interest in the Mortgaged Property by virtue of a certain Lis Pendens seeking to quiet title, said Lis Pendens being dated June 9, 1998 and recorded July 8, 1998 in Volume 218 at Page 375 of the Haddam Land Records. Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein.
21. The Defendants WALKLEY HEIGHTS ASSOCIATES AND STEVEN A. ROCCO are the record owners of the Mortgaged Property sought to be foreclosed herein and they are currently in possession thereof.

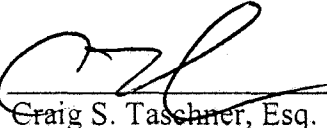
22. The Defendant, Fern Albala, may claim an interest in the Mortgaged Property by virtue of a certain Sale and Purchase Agreement dated August 31, 1999 and recorded September 30, 1999 in Volume 227 at Page 473 of the Haddam Land Records. Said interest is subsequent and subordinate in right to the mortgages of the Plaintiff sought to be foreclosed herein.

WHEREFORE, PLAINTIFF CLAIMS:

1. A foreclosure of the Construction Mortgage, the Guaranty Mortgage and the L/C Mortgage;
2. Counsel fees and court costs;
3. Immediate possession of the Mortgaged Property;
4. A deficiency judgment against the Defendants WALKLEY HEIGHTS ASSOCIATES, ELWIN G. SCHWARTZ, STEVEN A. ROCCO, JONATHAN GOTTLIEB, ACEES MANAGEMENT, INC., ACEES, LLC, ARCHITECTS EQUITY, INC., AND ACF, INC.;
5. The Appointment of a Receiver to collect the rents and profits from the Mortgaged Property;
6. Such other and further legal and equitable relief as may be required.

PLAINTIFF, CITIZENS BANK OF  
CONNECTICUT

BY

  
Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
Six Central Row  
Hartford, CT 06103  
(860) 560-1180  
ITS ATTORNEYS

RETURN DATE: DECEMBER 21, 1999 : STATE OF CONNECTICUT  
CITIZENS BANK OF : SUPERIOR COURT  
CONNECTICUT : JUDICIAL DISTRICT  
V. :  
WALKLEY HEIGHTS ASSOCIATES, : OF MIDDLESEX  
ELWIN G. SCHWARTZ, STEVEN A. ROCCO  
JONATHAN GOTTLIEB,  
ACEES MANAGEMENT, INC., ACEES, LLC  
ARCHITECTS EQUITY, INC., ACF, INC., DAVID: AT MIDDLETOWN  
ROCZNAK D/B/A EARTHWORKS, CYCLOPS  
EXPLOSIVE TECHNIQUES, INC., CHARLES  
H. UPHAM, WALKLEY WOODS, INC., EDWARD  
J. ZISK, DONALD R. ZISK, INDIVIDUALLY  
AND AS EXECUTOR OF THE ESTATE OF  
MARY A. ZISK, TRAIAN NEAG, FREDERICK  
NORTON, FERN ALBALA AND  
WILLIAM J. ZISK : NOVEMBER 12, 1999

**AMOUNT IN DEMAND**

Wherefore, the Plaintiff claims an amount in excess of \$15,000.00, exclusive of interest and costs.

PLAINTIFF, CITIZENS BANK OF  
CONNECTICUT

BY 

Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
Six Central Row  
Hartford, CT 06103  
(860) 560-1180  
ITS ATTORNEYS

**SCHEDULE A  
(LEGAL DESCRIPTION)**

**Parcel I**

All those certain pieces or parcels of land situated on the northerly side of Swain Johnson Trail in the Town of Haddam, County of Middlesex and State of Connecticut and shown as Lots 2 and 3, a parcel designated "Other Lands of Walkley Heights Assoc. 3.31± Ac", and "Remaining Lands of Walkley Heights Associates" on a certain map or plan entitled "Swain Johnson Subdivision Haddam, CT. Walkley Hill Road and Swain Johnson Trail Record Subdivision Map Scale: 1" = 100' Date: 1-5-90 Sheet 3 of 16 last revised 9/8/92, Sheet 4 of 16 last revised 6/14/91 and Sheet 5 of 16 last revised 6/14/91 which maps are filed as Maps #2034, #2035 and #2036 in the Haddam Town Clerks Office, which maps were rerecorded January 27, 1993 in the Haddam Town Clerk's Office as Maps #2049, #2050 and #2051. A portion of said premises are further shown as revised on a certain map or plan entitled "Swain Johnson Subdivision Haddam, CT. A.K.A. "Walkley Heights" - Swain Johnson Trail Forest Ridge Road Record Subdivision Map Scale: 1" = 100' Date: 1-5-90 Sheet 3 of 16 last revised 3/25/93, Christman Associates" which map is filed as Map #2060, in the Haddam Town Clerk's Office.

Lots 2 and 3, a parcel designated "Other Lands of Walkley Heights Assoc. 3.31± Ac", and "Remaining Lands of Walkley Heights Associates" are conveyed together with a right of way in common with others for all purposes for which a public highway is used over a roadway to be known as Forest Ridge Road and Forest Ridge Road as it may be extended until such time as the road is accepted by the Town of Haddam as a town road.

**Parcel II**

A certain piece or parcel of land together with all improvements thereon located on the easterly side of Old Chester Road in the Town of Haddam, County of Middlesex, and State of Connecticut and shown and designated as Parcel 2 on a map entitled, "Subdivision Plan Rock Ridge Town of Haddam, Connecticut Richard Ziobron - Surveyor - East Haddam, Connecticut 06423 Date Dec. 29, 1987 Scale 1" = 40' Revised Feb. 27, 1988 and Apr. 25, 1988" which map is filed as Map #1669 in the Haddam Town Clerks Office.



**SCHEDULE A  
(LEGAL DESCRIPTION)**

**Parcel III**

A parcel of land near the Village of Higganum, Town of Haddam in said State of Connecticut, with a log cabin thereon called Rockrimmon Lodge, bounded northerly by a line parallel to and fifty feet from the north side of the cabin; easterly by the brook at the foot of the hill near and back of the cabin; southerly by a line parallel to and forty feet from the south side of the cabin, and westerly by the land now or formerly of Otto Carlson.

**Parcel IV**

All those three (3) certain pieces or parcels of land situated in the Village of Higganum, in the Town of Haddam, County of Middlesex and State of Connecticut, bounded and described as follows:

First Piece - The Homestead, so called, bounded by a line beginning on the highway at the northwest corner of said homestead property and running thence easterly by land of Frank Skrivanek, to land of Charles B. Carlson; thence southerly by lands now or formerly of Charles B. Carlson, Robert H. Carlson and Burr & Baroni, Incorporated, to land now or formerly of Carl Andeen; thence westerly by land of Carl Andeen to the highway; thence northerly by highway to land of Herbert S. Johnson; thence easterly, northerly and northwesterly by land of said Herbert S. Johnson and land of Charles B. Carlson to land of Mazie M. Carlson; thence northerly and westerly by land of said Mazie M. Carlson to the highway; thence northerly by highway to the point of beginning containing by estimation twenty-four (24) acres more or less.

Second Piece - Being sprout land and containing seven (7) acres, more or less, bounded northerly and easterly by land now or formerly of Burr & Baroni, Incorporated; southerly by lands now or formerly of Mashinda and Carl Andeen and westerly by the Third Piece herein described.

Third Piece - Being sprout land and containing one acre, more or less, bounded northerly by land formerly of Cyrus A. Hubbard, easterly by land formerly of Cyrus A. Hubbard, in part and partly by land formerly of James C. Walkley; southerly by land of Cyrus A. Hubbard and westerly by land formerly of Chauncey D. Skinner.

**SCHEDULE A  
(LEGAL DESCRIPTION)**

Excepting therefrom the following pieces:

1. A certain piece of parcel of land being 20 feet by 220 feet, more or less, easterly of the old bottling works as more fully described in a Quit Claim Deed from William W. Zisk and Mary A. Zisk to Buckley E. Johnson and Eric H. Johnson dated February 3, 1948 and recorded April 14, 1948 in Volume 73, at Page 351 of the Haddam Land Records.
2. A certain piece or parcel of land being 20 feet by 111 feet, more or less, northerly of the old bottling works as more fully described in a Quit Claim Deed from William W. Zisk and Mary A. Zisk to Jennie E. Johnson dated February 3, 1948 and recorded April 14, 1948 in Volume 73, at Page 353 of the Haddam Land Records.
3. A certain piece or parcel of land resulting from a "Boundary Agreement and Mutual Quit Claim" between William W. Zisk and Mary A. Zisk and Willard B. Marsden and Roslyn B. Marsden dated May 26, 1959 and recorded May 26, 1959 in Volume 90, at Page 438 of the Haddam Land Records.
4. A certain piece or parcel of land, situated on the easterly side of a roadway known as High Street and located in the Town of Haddam, County of Middlesex and State of Connecticut and being shown on a certain map entitled "First Division Plan - Prepared For - High Street Associates 106 High Street Haddam, Connecticut Scale: 1" = 40' Date: April 5, 1995 Sheet 1/1 Centroplex Engineering, LTD." which map or plan is filed in the Haddam Town Clerks Office Map #2204. Said premises are described in a Quit Claim Deed from High Street Associates to Steven A. Rocco and Jonathan Gottlieb dated April 7, 1995 and recorded April 10, 1995 in Volume 201 Page 682 of the Haddam Land Records.

Said premises are conveyed together with:

1. A right of way to pass and repass with teams and on foot over the May Lot as more fully described in a Quit Claim Deed from Charles B. Carlson to Otto F. Carlson dated August 1, 1908 and recorded August 19, 1908 in Volume 47, at Page 420 of the Haddam Land Records.
2. A right to lay, maintain and repair water pipes on said May Lot as more fully described in a Quit Claim Deed from Charles B. Carlson to Otto F. Carlson dated August 1, 1908 and recorded August 19, 1908 in Volume 47, at Page 420 of the Haddam Land Records.
3. A certain piece or parcel of land resulting from a "Boundary Agreement and Mutual Quit Claim" between William Zisk and Mary Zisk and Willard B. Marsden and Roslyn B. Marsden dated May 26, 1959 and recorded May 26, 1959 in Volume 90, at Page 438 of the Haddam Land Records.

**SCHEDULE A  
(LEGAL DESCRIPTION)**

**Parcel V**

Two certain pieces or parcels of land situated in the Village of Higganum, in the Town of Haddam, County of Middlesex and State of Connecticut, bounded and described as follows:

**FIRST PIECE:**

A certain piece or parcel of land commonly called the May Lot, containing fourteen (14) acres, more or less, bounded

NORTHERLY on land now or formerly of H. A. Huntington and land now or formerly of Cyron J. Usher;

EASTERLY on land formerly of Otto F. Carlson, now or formerly of Frederick Otto Carlson, Jr.;

SOUTHERLY by land formerly of Beda L. Brainard; and

WESTERLY by land formerly of Beda L. Brainard, now or formerly of William W. and Mary A. Zisk;

excepting therefrom certain property of Robert Henry Carlson on which a log cabin commonly called "Rockrimmon Lodge" is in part located, bounded on the NORTH by a line parallel to the Northern side of said cabin and fifty (50) feet therefrom; EASTERLY by the brook at the foot of hill near back of said cabin, SOUTHERLY by a line parallel to the South side of said cabin and forty (40) feet therefrom; WESTERLY by land formerly of Beda L. Brainard, now or formerly of William W. and Mary A. Zisk, more fully described in a deed from Minerva Calef, Administratrix of the Estate of Arthur B. Calef to Robert Henry Carlson dated June 18, 1925, recorded in Volume 56 page 228.

**SECOND PIECE:**

A certain piece or parcel of land containing Four (4) acres more or less, bounded and described as follows, viz:

Beginning at a pile of stones about 110 feet southwesterly from a pile of stones at the northeast corner of land formerly of Gustaf B. Carlson and deeded to him by heirs of John May; from thence fifty-four (54) rods in straight line to a pile of stones at the Southeasterly corner of land formerly of Sarah H. Arnold and Ephraim P. Arnold and at corner of land now or formerly owned by Charles B. Carlson; from thence Northwesterly to the Southwesterly corner of aforesaid tract formerly of Gustaf B. Carlson; from thence following the line of said land formerly of Gustaf B. Carlson to place of beginning.

**SCHEDULE A  
(LEGAL DESCRIPTION)**

Said granted land is bounded

NORTHERLY by land formerly of Gustaf B. Carlson;

EASTERLY by land formerly of Sarah H. Arnold and Ephraim P. Arnold;

SOUTHEASTERLY by land now or formerly of Charles B. Carlson; and

WESTERLY by land formerly of Gustaf B. Carlson;

Said premises are conveyed together with an easement for the purpose of traveling on foot, with horses, cattle teams, and motor vehicles over a certain piece of land now or formerly owned by William W. Zisk and Mary A. Zisk as is more particularly described in a Deed from William W. Zisk and Mary A. Zisk to Buckley E. Johnson and Eric H. Johnson, dated July 17, 1947, recorded February 14, 1948 in Volume 73 Pages 311-312, the interest of said Buckley E. Johnson having been conveyed to Carl J. Anderson by Quit-Claim Deed dated February 11, 1948 recorded April 14, 1948 in Volume 73 Pages 353-354 to which reference is hereby made.

Said premises are further conveyed together with a right of way to pass with teams and on foot to the May Lot from the original bottling works as more fully described in a Quit Claim Deed from Otto F. Carlson to Charles B. Carlson dated August 1, 1908 and recorded August 19, 1908 in Volume 47, at Page 422 of the Haddam Land Records.

**SCHEDULE A**  
**(LEGAL DESCRIPTION)**

EXCEPTING THEREFROM Lot No. 13, 14, 15, 16, 17 & 18 as shown on a certain plan entitled "Record Subdivision Map Phase One Walkley Heights Prepared for High Street Associates Saybrook Road, Haddam, Connecticut Sheet 3 of 16 Scale 1"-100' February 2, 1996 revised 4-1-96, 4-15-96, 4-29-96, 5-2-96, 10-28-96."

STATE OF CONNECTICUT )

SS HADDAM/EAST HADDAM/MIDDLETOWN/CROMWELL/  
HARTFORD/STAMFORD/GREENWICH/HAMDEN  
MIDDLEFIELD NOVEMBER 23, 1999

COUNTIES OF MIDDLESEX)  
HARTFORD/FAIRFIELD/  
NEW HAVEN

Then and by virtue of the original writ and by direction of the plaintiff's attorney, I left a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of the within named defendant, STEVEN A. ROCCO at said 55 Bridge Rd. Haddam, Ct.

And afterwards on the 23rd day of November , 1999, I made due and legal service upon the within named defendant, WALKLEY HEIGHTS ASSOCIATES by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of STEVEN A. ROCCO , President of Architects Equity, Inc. who is a General Partner of Walkley Heights Associates and duly authorized to accept service for the within named defendant at said 55 Bridge Rd. Haddam, Ct.

And afterwards on the 23rd day of November, 1999, I made due and legal service upon the within named defendant, ARCHITECTS EQUITY, INC. by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of STEVEN A. ROCCO, its President and duly authorized to accept service for the within named defendant at said 55 Bridge Rd. Haddam, Ct.

And afterwards on the 23rd day of November, 1999, I left a true and attested copy of the original writ, summons, complaint and exhibits at the usual place of abode of the within named defendant, DAVID ROZNIAK D/B/A EARTHWORKS at said 11 Wickham Road, East Haddam, Ct.

And afterwards on the 23rd day of November, 1999, I left a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of the within named defendant, TRIAIAN NEAG at said 407 Ballfall Road, Middletown, Ct.

And afterwards on the 24th day of November, 1999, I left a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of ELWIN G. SCHWARTZ at said 195 South Main St. Middletown, Ct.

And afterwards on the 24th day of November, 1999, I made due and legal service upon the within named defendant, ACEES MANAGEMENT, INC. by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of ELWIN G. SCHWARTZ, its PRESIDENT and duly authorized to accept service for the within named defendant at said 195 South Main St Middletown, Ct.

And afterwards on the 24th day of November, 1999, I made due and legal service upon the within named defendant, ACEES, LLC by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of ELWIN G. SCHWARTZ, its Registered Agent for Service of Process and duly authorized to accept service for the within named defendant at said 195 South Main St. Middletown , Ct.

And afterwards on the 24th day of November, 1999, I left a true and attested copy of the original writ, summons, complaint and exhibits at the usual place of abode of the within named defendant, FREDERICK NORTON at said 5 Briadon Drive, Cromwell, Ct.

And afterwards on the 24th day of November, 1999, I made due and legal service upon the within named defendant, DONALD R. ZISK, INDIVIDUALLY by leaving a true and attested copy of the original writ, summons, complaint and exhibits at the office of Susan Bysiewicz, Secretary of the State of Connecticut at least twelve days before the session of the court to which this writ is returnable. Said Secretary of the State of Connecticut is the duly authorized Agent and Attorney to accept service for the within named non resident defendant pursuant to the Connecticut General Statutes.

And afterwards on the 24th day of November, 1999 I made due and legal service upon the within named defendant, DONALD R. ZISK, AS EXECUTOR of the Estate of Mary A. Zisk by leaving a true and attested copy of the original writ, summons, complaint and exhibits at the office of Susan Bysiewicz, Secretary of the State of Connecticut at least twelve days before the session of the court to which this writ is returnable. Said Secretary of the State of Connecticut is the duly authorized Agent and Attorney to accept service for the within named non resident defendant pursuant to the Connecticut General Statutes.

And afterwards on the 24th day of November, 1999 I made due and legal service upon the within named defendant, WILLIAM J. ZISK by leaving a true and attested copy of the original writ, summons, complaint and exhibits at the office of Susan Bysiewicz, Secretary of the State of Connecticut at least twelve days before the session of the court to which this writ is returnable. Said Secretary of the State of Connecticut is the duly authorized Agent and Attorney to accept service for the within named non resident defendant pursuant to the Connecticut General Statutes.

And afterwards on the 24th day of November, 1999, I made due and legal service upon the within named defendant, EDWARD ZISK by leaving a true and attested copy of the original writ, summons, complaint and exhibits at the office of Susan Bysiewicz, Secretary of the State of Connecticut at least twelve days before the session of the court to which this writ is returnable. Said Secretary of the State of Connecticut is the duly authorized Agent and Attorney to accept service for the within named non

resident defendant pursuant to the Connecticut General Statutes. And afterwards on the 2nd day of December, 1999, I left a true and attested copy of the original writ, summons, complaint and exhibits at the usual place of abode of the within named defendant, FERN ALBALA at said 46 Breezy Hill Road, Stamford, Ct.

And afterwards on the 2nd day of December, 1999, I left a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of the within named defendant, CHARLES H. UPHAM at said 121 Cat Rock Road, Village of Cos Cob, Greenwich, Ct.

And afterwards on the 2nd day of December, 1999, I made due and legal service upon the within named defendant, WALKLEY WOODS, INC. by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of CHARLES H. UPHAM its Registered Agent for Service of Process and duly authorized to accept service for the within named defendant at said 121 Cat Rock Road, Village of Cos Cob, Greenwich, Ct.

And afterwards on the 2nd day of December, 1999, I deposited in the Post Office at Cromwell, Ct. a true and attested copy of the original writ, summons, complaint and exhibits postage paid, letter certified, return receipt requested with my doings thereon endorsed addressed to the within named:

Edward Zisk  
36524 Ed Yates Road  
Pearl River, LA 70452 Receipt # Z 384 588 757

And afterwards on the 2nd day of December, 1999, I deposited in the Post Office at Cromwell, Ct. a true and attested copy of the original writ, summons, complaint and exhibits postage paid, letter certified, return receipt requested with my doings thereon endorsed addressed to the within named:

Donald R Zisk, Individually  
637 Encinal Avenue  
Roseville, CA 95678 Receipt # Z 384 588 758

And afterwards on the 2nd day of December, 1999, I deposited in the Post Office at Cromwell, Ct. a true and attested copy of the original writ, summons, complaint and exhibits postage paid, letter certified, return receipt requested with my doings thereon endorsed addressed to the within named:

Donald R. Zisk, As Executor of the Estate of Mary A. Zisk  
637 Encinal Avenue  
Roseville, CA 95678 Receipt # Z 384 588 759



And afterwards on the 3rd day of December, 1999, I deposited in the Post Office at Middlefield, Ct. a true and attested copy of the original writ, summons, complaint and exhibits postage paid, letter certified, return receipt requested with my doings thereon endorsed addressed to the within named:

William J. Zisk

205 Thomas St.

Roseville, CA 95678 Receipt # Z 384 588 760

And afterwards on the 3rd day of December, 1999, I made due and legal service upon the within named defendant, ACF, INC. by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of RONALD M. BENDER, ATTORNEY AT LAW and duly authorized to accept service for Bender and Anderson P.C. who is the Registered Agent for Service of Process for the within named defendant, ACF, INC. at said 3190 Whitney Avenue, Building 5 Hamden, Ct.

And afterwards on the 3rd day of December, 1999, I made due and legal service upon the within named defendant, JONATHAN GOTTLEIB by leaving a true and attested copy of the original writ, summons, complaint and exhibits with and in the hands of RONALD M. BENDER, ATTORNEY AT LAW and duly authorized to accept service for the within named defendant at said 3190 Whitney Avenue, Building 5, Hamden, Ct.

And afterwards on the 8th day of December, 1999, I made due and legal service upon the within named defendant, CYCLOPS EXPLOSIVE TECHNIQUES, INC. by leaving a true and attested copy of the original writ, summons, complaint and exhibits at the usual place of abode of DAVID M. OATES, its REGISTERED AGENT FOR SERVICE OF PROCESS and duly authorized to accept service for the within named defendant at said 349 Hidden Lake Road, Village of Higganum, Haddam, Ct.

And afterwards on the                      day of                      I received the  
return receipt # Z 384 588 757 (See Supplemental return)

And afterwards on the                      day of                      I received the  
return receipt # Z 384 588 758 (See Supplemental Return)

And afterwards on the                      day of                      I received the  
return receipt # Z 384 588 759 (See Supplemental Return )

And afterwards on the                      day of                      I received the  
return receipt # Z 384 588 760 (See Supplemental Return)

Z 384 588 757

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <b>EDUARDO ZISK</b>	
Street & Number <b>36524 FOYATE ROAD</b>	
Post Office, State, & ZIP Code <b>PEARL RIVER, LA 70452</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <b>4.30</b>
Postmark or Date <b>DEC - 2 1999</b>	

PS Form 3800, April 1995

Z 384 588 758

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <b>DONALD R. ZISK, INDIVIDUALLY</b>	
Street & Number <b>637 ENCINAL AVENUE</b>	
Post Office, State, & ZIP Code <b>ROSEVILLE, CA 95678</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <b>4.30</b>
Postmark or Date <b>DEC - 2 1999</b>	

PS Form 3800, April 1995

Z 384 588 759

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <b>DONALD R. ZISK</b>	
Street & Number <b>637 ENCINAL AVENUE</b>	
Post Office, State, & ZIP Code <b>ROSEVILLE, CA 95678</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <b>4.30</b>
Postmark or Date <b>DEC - 2 1999</b>	

PS Form 3800, April 1995

Z 384 588 760

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

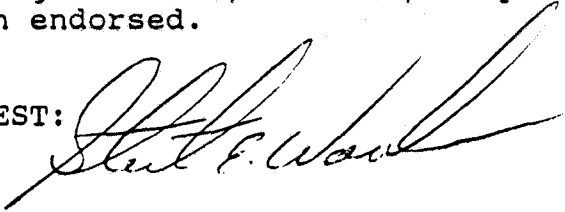
Sent to <b>WILLIAM J. ZISK</b>	
Street & Number <b>205 THOMAS STREET</b>	
Post Office, State, & ZIP Code <b>ROSEVILLE, CA 95678</b>	
Postage	\$ <b>1.65</b>
Certified Fee	<b>1.40</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<b>1.25</b>
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <b>4.30</b>
Postmark or Date	

PS Form 3800, April 1995

The within and foregoing is the original writ, summons, complaint and exhibits with my doings hereon endorsed.

FEEs:	
Service	\$200.00
Copy	552.00
Endorsement	28.00
Travel	120.90
Pd Sec. St.	100.00
Pd Postage	17.20
Total	1018.10

ATTEST:

  
Stuart E. Woods, Deputy Sheriff  
Middlesex County

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL INSTRUMENT RECORDED IN THE HADDAM LAND RECORDS.

*Ann P. Haffner*  
Town Clerk

RETURN DATE: DECEMBER 21, 1999 : STATE OF CONNECTICUT  
CITIZENS BANK OF : SUPERIOR COURT  
CONNECTICUT : JUDICIAL DISTRICT  
V. :  
WALKLEY HEIGHTS ASSOCIATES, : OF MIDDLESEX  
ELWIN G. SCHWARTZ, STEVEN A. ROCCO  
JONATHAN GOTTLIEB,  
ACEES MANAGEMENT, INC., ACEES, LLC  
ARCHITECTS EQUITY, INC., ACF, INC., DAVID: AT MIDDLETOWN  
ROCZNIAK D/B/A EARTHWORKS, CYCLOPS  
EXPLOSIVE TECHNIQUES, INC., CHARLES  
H. UPHAM, WALKLEY WOODS, INC., EDWARD  
J. ZISK, DONALD R. ZISK, INDIVIDUALLY  
AND AS EXECUTOR OF THE ESTATE OF  
MARY A. ZISK, TRAIAN NEAG, FREDERICK  
NORTON, FERN ALBALA AND  
WILLIAM J. ZISK : NOVEMBER 12, 1999

NOTICE OF LIS PENDENS

KNOW ALL MEN BY THESE PRESENTS:

Notice is hereby given of the pendency of a civil action wherein CITIZENS BANK OF CONNECTICUT is the Plaintiff and WALKLEY HEIGHTS ASSOCIATES, ELWIN G. SCHWARTZ, STEVEN A. ROCCO, JONATHAN GOTTLIEB, ACEES MANAGEMENT, INC., ARCHITECTS EQUITY, INC., ACF, INC., CHARLES H. UPHAM, WALKLEY WOODS, INC., DAVID ROCZNIAK D/B/A EARTHWORKS, CYCLOPS EXPLOSIVE

TECHNOLOGIES, INC., WILLIAM J. ZISK, TRAIAN NEAG, FREDERICK NORTON, FERN ALBALA, EDWARD J. ZISK, DONALD R. ZISK AND DONALD R. ZISK AS EXECUTOR OF THE ESTATE OF MARY A. ZISK are the Defendants, brought by Writ Summons and Complaint returnable on December 21, 1999, to the Superior Court for the Judicial District of Middlesex, at Middletown, which Complaint is brought to foreclose certain mortgages on certain parcels of property located in Haddam Connecticut, Connecticut from Walkley Heights Associates and Steven A. Rocco to Farmers & Mechanics Bank, n/k/a Citizens Bank of Connecticut, to wit:

1. A certain Construction Mortgage Deed, Assignment of Leases and Rents and Security Agreement from Walkley Heights Associates dated October 30, 1996 in the principal amount of \$1,025,000.00, which is recorded in Volume 209 at Page 614 of the Haddam Land Records covering certain property therein described and described on Schedule A, parcels I, III, IV, and V, attached hereto and made a part hereof;

2. A certain mortgage from Steven A. Rocco, joined in by Elizabeth A. Rocco, dated October 30, 1996 and recorded in Volume 209 at Page 648 on property owned by them at that time, now owned by Steven A. Rocco, described on Schedule A, parcel II, attached hereto and made a part hereof; and

3. A certain Commercial Open End Mortgage Deed from Walkley Heights Associates dated October 30, 1996 in the principal amount of \$355,000.00, which is recorded in

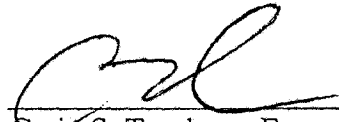
Volume 209 at Page 683 of the Haddam Land Records covering certain property therein described and described on Schedule A attached hereto and made a part hereof.

The parcels of real estate affected by this civil action and described in the mortgage deeds are described in Schedule A attached hereto.

Dated at Hartford, Connecticut this 12<sup>th</sup> day of November, 1999.

PLAINTIFF, CITIZENS BANK OF  
CONNECTICUT

BY



Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
Six Central Row  
Hartford, CT 06103  
(860) 560-1180  
ITS ATTORNEYS

# APPEARANCE

JD-CL-12 Rev. 6-94  
Pr. Bk. §§ 64, 65, 630

## STATE OF CONNECTICUT SUPERIOR COURT

### INSTRUCTIONS

1. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
2. **Geographical Area or Juvenile Matters Court Locations:** In any action returnable to a Geographical Area or Juvenile Matters court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
3. **In Criminal Actions (Pr. Bk. 630):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
4. **In Summary Process Actions:** In addition to instruction #1 or #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
5. **For "In-lieu-of" Appearances (Pr. Bk. § 65):** Complete the certification below.
6. Pursuant to Practice Book § 352, if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.

DOCKET NO.	90899
RETURN DATE	12/21/99

### TO: The Superior Court

NAME OF CASE (FIRST-NAMED PLAINTIFF (last name, first name) VS. FIRST-NAMED DEFENDANT (last name, first name))

Citizens Bank of Connecticut v. Walkley Heights Associates, et. al.

<input checked="" type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. No.	ADDRESS OF COURT (No., street, town and zip code) One Court Street, Middletown, CT 06457
---	--	-----------------------------------	---

### ↓ PLEASE ENTER THE APPEARANCE OF ↓

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

Charles W. Pieterse Whitman Breed Abbott & Morgan, LLP

MAILING ADDRESS (No., street, P.O. Box)

100 Field Point Road, P.O. Box 2250

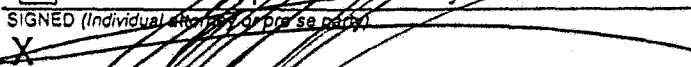
CITY/TOWN Greenwich	STATE CT	ZIP CODE 06836	JURIS NO. (If applicable) WBAM 41113 306116/ TELEPHONE NO. 203-
------------------------	-------------	-------------------	--

in the above-entitled case for: ("X" appropriate box)

- ☐ The Plaintiff.
- ☐ All Plaintiffs.
- ☐ The following Plaintiff(s) only: \_\_\_\_\_
- ☐ The Defendant.
- ☐ All Defendants.
- ☒ The following Defendant(s) only: Charles H. Upham and Walkley Woods, Inc.

NOTE: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:

- ☐ In lieu of appearance of attorney or firm \_\_\_\_\_ already on file (Pr.Bk. 65) O (Name)
- ☐ In addition to appearance already on file.

SIGNED (Individual attorney or pro se party) 	PRINT OR TYPE NAME OF PERSON SIGNING AT LEFT Charles W. Pieterse, Esq.	DATE SIGNED 12/07/99
--	---	-------------------------

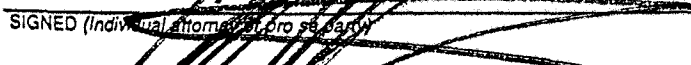
### CERTIFICATION

### FOR COURT USE ONLY

This certification must be completed in summary process cases (Pr. Bk. § 64(c)); for "in-lieu-of" appearances (Pr. Bk. § 65); and in criminal cases (Pr. Bk. § 630).

I hereby certify that a copy of the above was mailed/delivered to:

- ☒ All counsel and pro se parties of record. (For summary process and criminal actions)
- ☐ Counsel or the party whose appearance is to be replaced. (For "in-lieu-of" appearances)

SIGNED (Individual attorney or pro se party) 	DATE COPY(IES) MAILED/DELIVERED 12/20/99
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**Notice To Pro Se Parties**  
It is your responsibility to inform the Clerk's Office if you have a change of address.

DEC 21 11 24 AM '99  
STATE OF CONNECTICUT  
CLERK OF THE COURT

APPEARANCE

# APPEARANCE

JD-CL-12 Rev. 6-98

Pr. Bk. §§ 3-1 thru 3-6, 3-8

## STATE OF CONNECTICUT SUPERIOR COURT

### INSTRUCTIONS

1. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
2. **Geographical Area Locations:** In any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
3. **In Criminal and Motor Vehicle Actions (Pr. Bk. Secs. 3-4, 3-5):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
4. **In Summary Process Actions:** In addition to instruction #1 or #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
5. **For "In-lieu-of" Appearances (Pr. Bk. Sec. 3-8):** Complete the certification below.
6. Pursuant to Pr. Bk. Sec. 17-20, if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
7. **In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.

90899

RETURN DATE

December 21, 1999

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT)

CITIZENS BANK OF CONNECTICUT V. WALKLEY HEIGHTS ASSOCIATES, ET AL.

☒ Judicial District☐ Housing Session☐ G.A. No. \_\_\_\_\_

ADDRESS OF COURT (No., street, town and zip code)

1 Court Street, Middletown, CT 06457

### ▼ PLEASE ENTER THE APPEARANCE OF ▼

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

Bender and Anderson, P.C.

MAILING ADDRESS (No., street, P.O. Box)

3190 Whitney Avenue, Building 5

JURIS NO. (If applicable)

105040

CITY/TOWN

Hamden

STATE

CT

ZIP CODE

06518

TELEPHONE NO.

203-248-6440

FAX NO.

203-288-9054

in the above-entitled case for: ("X" one of the following)

☐ The Plaintiff.☐ All Plaintiffs☐ The following Plaintiff(s) only: \_\_\_\_\_☐ The Defendant.☐ The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).☐ All Defendants.☒ The following Defendant(s) only: Jonathan Gottlieb

Note: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:

☐ In lieu of appearance of attorney or firm \_\_\_\_\_

(Name)

already on file (P.B. Sec. 3-8) (

☐ In addition to appearance already on file.

SIGNED (Individual attorney or pro se party)

X *R. M. Bender*

NAME OF PERSON SIGNING AT LEFT (Print or type)

Ronald M. Bender

DATE SIGNED

### CERTIFICATION

This certification must be completed in summary process cases (Pr. Bk. Sec. 3-5(a)); for "in lieu of" appearances (Pr. Bk. Sec. 3-8); and in criminal cases (Pr. Bk. Sec. 3-5(d)).

I hereby certify that a copy of the above was mailed/delivered to:

☐ All counsel and pro se parties of record. (For summary process and criminal actions)☐ Counsel or the party whose appearance is to be replaced. (For "in lieu of" appearances)

SIGNED (Individual attorney or pro se party)

X

DATE COPY(IES) MAILED OR DELIVERED

NAME OF EACH PARTY SERVED \*

ADDRESS AT WHICH SERVICE WAS MADE

### FOR COURT USE ONLY

OFFICE OF THE CLERK  
CLERK'S COURT  
STATE OF CONNECTICUT  
Dec 13 12 41 PM '99

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

### NOTICE TO PRO SE PARTIES

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

APPEARANCE



1

DOCKET NO.: CV 99 0090899 S : STATE OF CONNECTICUT  
CITIZENS BANK OF : SUPERIOR COURT  
CONNECTICUT :  
V. : JD OF MIDDLESEX  
: AT MIDDLETOWN  
WALKLEY HEIGHTS ASSOCIATES, ET AL. : DECEMBER 21, 1999

DEMAND FOR DISCLOSURE OF DEFENSE

Pursuant to the provisions of Section 13-19 of the Connecticut Practice Book, the Plaintiff hereby demands that Counsel appearing for the Defendants, **Charles H. Upham** and **Walkley Woods, Inc.**, present to the Court, to become part of the file in this case, a writing, signed by Counsel, stating whether he has reason to believe and does believe that there exists a bona fide defense to the Plaintiff's action and whether such defense will be made, together with a general statement of the nature or substance of such defense.

THE PLAINTIFF  
CITIZENS BANK

By 

Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
Six Central Row, 2<sup>nd</sup> FL  
Hartford, CT 06103  
(860) 560-1180

66 JUN 21 11 57 AM '99

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid to the following counsel and parties of record on this 21<sup>st</sup> day of December, 1999.

Scott w. Jezek, Esq.  
31 W.F Palmer Road  
P.O. Box 376  
Moodus, CT 06469

Charles W. Pieterse, Esq.  
Whitman Breed Abbott & Morgan, LLP  
100 Field Point Road  
PO Box 2250  
Greenwich, CT 06836

Bender & Anderson, PC  
3190 Whitney Avenue  
Building 5  
Hamden, CT 06518

  
\_\_\_\_\_  
Craig S. Taschner

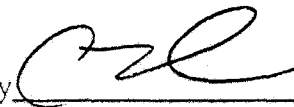
~~CV 99-844~~ 90899

RETURN DATE: DECEMBER 21, 1999 : STATE OF CONNECTICUT  
CITIZENS BANK OF : SUPERIOR COURT  
CONNECTICUT : JUDICIAL DISTRICT OF  
MIDDLESEX  
V. : AT MIDDLETOWN  
WALKLEY HEIGHTS ASSOCIATES, ET AL. : DECEMBER 2, 1999

**DEMAND FOR DISCLOSURE OF DEFENSE**

Pursuant to the provisions of Section 13-19 of the Connecticut Practice Book, the Plaintiff hereby demands that Counsel appearing for the Defendant, **David Rozniak, d/b/a Earthworks**, present to the Court, to become part of the file in this case, a writing, signed by Counsel, stating whether he has reason to believe and does believe that there exists a bona fide defense to the Plaintiff's action and whether such defense will be made, together with a general statement of the nature or substance of such defense.

THE PLAINTIFF  
CITIZENS BANK

By   
Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
Six Central Row, 2<sup>nd</sup> FL  
Hartford, CT 06103  
(860) 560-1180

Dec 3 12 23 PM '99

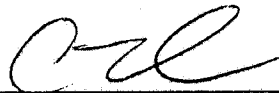
102

9/11/99  
12-24

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid to the following counsel and parties of record on this 2<sup>nd</sup> day of December, 1999.

Scott w. Jezek, Esq.  
31 W.F Palmer Road  
P.O. Box 376  
Moodus, CT 06469



---

Craig S. Taschner

11

RETURN DATE: DECEMBER 21, 1999	:	SUPERIOR COURT
CITIZENS BANK OF CONNECTICUT	:	JUDICIAL DISTRICT OF MIDDLESEX
V.	:	AT MIDDLETOWN
WALKLEY HEIGHTS ASSOCIATES, ET AL.	:	December 6, 1999

**DISCLOSURE OF DEFENSE BY THE DEFENDANT DAVID ROCZNIAK**

Upon information provided by the Defendant David Rocznia, the undersigned believes a *bona fide* defenses exists to the above captioned matter.

The nature of the defenses to be asserted are as follows:

The Defendant Rocznia denies that his interest is subordinate to the mortgage being foreclosed as claimed in Paragraph 14 of the Plaintiff's Complaint. Plaintiff's mortgage is dated October 30, 1996, but the Defendant Rocznia asserts in his mechanic's lien that he commenced work at the site at least sixty days prior to the October 30, 1996, date.

Additionally, after the Defendant Rocznia commenced work the Defendant Walkley Heights Associates failed to pay him for work performed. As a result, a Mr. Brown (sic) who represented himself as officer of the Plaintiff Bank, communicated on divers dates with the Defendant Rocznia and induced him to continue working

102 103  
SCOTT W. JEZEK, ESQ.

P.O. Box 376 • MOODUS, CONNECTICUT 06469 • (860) 873-1449 • FAX (860) 873-1113

11/27/99  
504  
12-28

on the project by promising the Plaintiff Bank would pay him directly.

In addition to asserting a defense based on the above, the Defendant Roczniak will be filing counter claim at the appropriate time.

It is the undersigned intention to make these defenses on behalf of the Defendant Roczniak.

THE DEFENDANT  
David Roczniak  
d/b/a Earthworks

By 

\_\_\_\_\_  
Scott W. Jezek, his Attorney

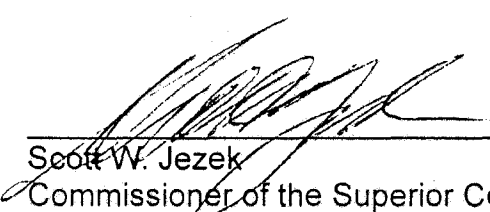
SCOTT W. JEZEK, ESQ.

P.O. Box 376 • MOODUS, CONNECTICUT 06469 • (860) 873-1449 • FAX (860) 873-1113  
JURIS NUMBER 105045

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing was mailed to all counsel, pro se and non appearing parties of record on this 6th day of December, 1999, by prepaid postage. The name of each party served and the address at which service as made is:

Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
P.O. Box 230294  
Hartford, CT 06123-0294



---

Scott W. Jezek

Commissioner of the Superior Court

# APPEARANCE

ID-CL-12 Rev. 2/96  
Pr. Bk. §§64, 65, 630

## STATE OF CONNECTICUT SUPERIOR COURT

### INSTRUCTIONS

- Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
- Geographical Area or Juvenile Matters Court Locations:** In any action returnable to a Geographical Area, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
- In Criminal Actions (Pr. Bk. 630):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
- In Summary Process Actions:** In addition to instruction #1 and #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
- For "in-lieu-of" Appearances (Pr. Bk. Sec. 65):** Complete the certification below.
- Pursuant to Practice Book Sec. 52,** if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
- In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.

RETURN DATE  
12/21/99

### TO: The Superior Court

NAME OF CASE (FIRST-NAMED PLAINTIFF (last name, first name) VS. FIRST-NAMED DEFENDANT (last name, first name))  
CITIZENS BANK OF CONNECTICUT vs. WALKLEY HEIGHTS ASSOCIATES, et al

Judicial Housing  
☒ District ☐ Session ☐ G.A. No. ADDRESS OF COURT (No., street, town and zip code)  
One Court Street, Middletown, CT 06457

### ▼ PLEASE ENTER THE APPEARANCE OF ▼

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

Theodore V. Raczka, Esq., Raczka & Raczka

MAILING ADDRESS (No., street, P.O. Box)

363 Main Street

JURIS NO. (If applicable)  
100151

CITY/TOWN

Middletown

STATE

CT

ZIP CODE

06457

TELEPHONE NO.

(860) 347-3341

in the above-entitled case for : ("X" appropriate box)

☐ The Plaintiff.

☐ All Plaintiffs.

☐ The following Plaintiff(s) only: \_\_\_\_\_

☐ The Defendant.

☐ Defendants.

☒ The following Defendant(s) only: Edward Zisk and Donald R. Zisk

NOTE: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:

☐ In lieu of appearance of attorney or firm (Name) \_\_\_\_\_

already on file (Pr. Bk. 65)

OR

☐ In addition to appearance already on file

SIGNED (Individual attorney or pro se party)

NAME OF PERSON SIGNING AT LEFT (Print or type)

Theodore V. Raczka

DATE SIGNED

12/22/99

### CERTIFICATION

### FOR COURT USE ONLY

This certification must be completed in summary process cases (Pr. Bk. Sec. 64(c)), for "in-lieu-of" appearances (Pr. Bk. Sec. 65); and in criminal cases (Pr. Bk. Sec. 630).

I hereby certify that a copy of the above was mailed/delivered to:

☐ All counsel and pro se parties of record. (For summary process and criminal actions)

☐ Counsel or the party whose appearance is to be replaced. (For "in-lieu-of" appearances)

SIGNED (Individual attorney or pro se party)

DATE COPY(IES) MAILED/DELIVERED

NAME OF EACH PARTY SERVED \*

ADDRESS AT WHICH SERVICE WAS MADE

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

### Notice to Pro Se Parties

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

APPEARANCE



# APPEARANCE

D-CL-12 Rev. 2/96  
Pr. Bk. §§64, 65, 630

## STATE OF CONNECTICUT SUPERIOR COURT

### INSTRUCTIONS

- Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
- Geographical Area or Juvenile Matters Court Locations:** In any action returnable to a Geographical Area, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
- In Criminal Actions (Pr. Bk. 630):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
- In Summary Process Actions:** In addition to instruction #1 and #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
- For "in-lieu-of" Appearances (Pr. Bk. Sec. 65):** Complete the certification below.
- Pursuant to Practice Book Sec. 52,** if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
- In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.

RETURN DATE  
12/21/99

TO: The Superior Court

NAME OF CASE [FIRST-NAMED PLAINTIFF (last name, first name) VS. FIRST-NAMED DEFENDANT (last name, first name)]  
CITIZENS BANK OF CONNECTICUT vs. WALKLEY HEIGHTS ASSOCIATES, et al

Judicial Housing  
☒ District ☐ Session ☐ G.A. No. ADDRESS OF COURT (No., street, town and zip code)  
One Court Street, Middletown, CT 06457

### ▼ PLEASE ENTER THE APPEARANCE OF ▼

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

Theodore V. Raczka, Esq., Raczka & Raczka

MAILING ADDRESS (No., street, P.O. Box)  
363 Main Street

JURIS NO. (If applicable)  
100151

CITY/TOWN  
Middletown

STATE  
CT

ZIP CODE  
06457

TELEPHONE NO.  
(860) 347-3341

in the above-entitled case for : ("X" appropriate box)

☐ The Plaintiff.

☐ All Plaintiffs.

☐ The following Plaintiff(s) only: \_\_\_\_\_

☐ Defendant.

☐ All Defendants.

☒ The following Defendant(s) only: Triaian Neag and Frederick Norton

NOTE: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:

☐ In lieu of appearance of attorney or firm (Name) \_\_\_\_\_

already on file (Pr. Bk. 65)

OR

☐ In addition to appearance already on file

SIGNED (Individual attorney or pro se party)

NAME OF PERSON SIGNING AT LEFT (Print or type)

DATE SIGNED

Theodore V. Raczka

12/22/99

### CERTIFICATION

### FOR COURT USE ONLY

This certification must be completed in summary process cases (Pr. Bk. Sec. 64(c)); for "in-lieu-of" appearances (Pr. Bk. Sec. 65); and in criminal cases (Pr. Bk. Sec. 630).

I hereby certify that a copy of the above was mailed/delivered to:

☐ All counsel and pro se parties of record. (For summary process and criminal actions)

☐ Counsel or the party whose appearance is to be replaced. (For "in-lieu-of" appearances)

SIGNED (Individual attorney or pro se party)

DATE COPY(IES) MAILED/DELIVERED

NAME OF EACH PARTY SERVED \*

ADDRESS AT WHICH SERVICE WAS MADE

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

### Notice to Pro Se Parties

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

APPEARANCE

**APPEARANCE**

JD-CL-12 5-97

**STATE OF CONNECTICUT****SUPERIOR COURT****INSTRUCTIONS**

Pr. Bk. Sec. 64, 65, 630

1. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.  
**Geographical Area Locations:** In any action returnable to a Geographical Area court locations, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
3. **In Criminal and Motor Vehicle Actions** (Pr. Bk. Sec. 630): Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
4. **In Summary Process Actions:** In addition to instruction #1 and #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
5. **For "In-lieu-of" Appearances** (Pr. Bk. Sec. 65): Complete the certification below
6. Pursuant to Pr. Bk. Sec. 52, if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
7. **In Juvenile Matters:** Do not use this form. Use JD-JM-13 Appearance, Juvenile Matters

DOCKET NO.

CV99-0090899

RETURN DATE

December 21, 1999

NAME OF CASE (FIRST-NAMED PLAINTIFF (last name, first name) VS. FIRST-NAMED DEFENDANT (last name, first name)

Citizens Bank of Connecticut v. Walkley Heights Associates

☒ Judicial District ☐ Housing Session ☐ G.A. No.

ADDRESS OF COURT (No., street, town and zip code)

One Court Street, Middletown, CT 06475

**PLEASE ENTER THE APPEARANCE OF**

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

Gozzi &amp; Paladino

MAILING ADDRESS (No., street, P.O. Box)

929 Boston Post Road

JURIS NO. (If applicable)

11070

CITY/TOWN

Old Saybrook

STATE

CT

ZIP CODE

06475

TELEPHONE NO.

860-395-3344

in the above-entitled case for ("X" appropriate box)

- ☐ The Plaintiff
- ☐ All Plaintiffs
- ☐ The following Plaintiff(s) only \_\_\_\_\_
- ☐ The Defendant
- ☐ The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only.)
- ☐ All Defendants
- ☒ The following Defendant(s) only David Rocznia d/b/a Earthworks

**NOTE: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:**☒ In lieu of appearance of attorney or firm Scott W. Jezek, Esq. already on file (Pr. Bk. 65) OR☐ In addition to appearance already on file \_\_\_\_\_ (Name)

SIGNED (Individual attorney or pro se party)

NAME OF PERSON SIGNING AT LEFT (Print or type)

Richard F. Paladino, Esq.

DATE SIGNED

12/21/99

**CERTIFICATION****FOR COURT USE ONLY**

This certification must be completed in summary process cases (Pr. Bk. Sec. 64(c)); for "in-lieu-of" appearances (Pr. Bk. Sec. 65); and in criminal cases (Pr. Bk. Sec. 630).

I hereby certify that a copy of the above was mailed/delivered to:

☒ All counsel and pro se parties of record (For summary process and criminal actions)☐ Counsel or the party whose appearance is to be replaced (For "in-lieu-of" appearances)

SIGN (Individual attorney or pro se party)

DATE COPY(IES) MAILED /DELIVERED

12/21/99

NAME EACH PARTY SERVED.

See attached

ADDRESS AT WHICH SERVICE WAS MADE

\* If necessary, attach additional sheet with names of each party and the address of which services was made.

**Notice to Pro Se Parties**

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address

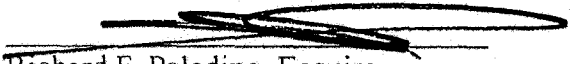
**APPEARANCE**

CERTIFICATION

This is to certify that a copy of the foregoing Appearance was mailed on December 21, 1999 to the following counsel:

Craig S. Traschner, Esquire  
Polivy & Traschner, LLC  
Six Central Row, 2nd FL  
Hartford, CT 06103  
PH#: 860-560-1180  
FAX#: 860-560-1354

Scott W. Jezek, Esquire  
31 W.F. Palmer Road  
P.O. Box 376  
Moodus, CT 06469  
PH#: 860-873-1449  
FAX#: 860-873-1113

  
Richard F. Paladino, Esquire

**APPEARANCE**

JD-CL-12 Rev. 6-98

Pr. Bk. §§ 3-1 thru 3-8, 3-8

**STATE OF CONNECTICUT  
SUPERIOR COURT****INSTRUCTIONS**

1. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
2. **Geographical Area Locations:** In any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
3. **In Criminal and Motor Vehicle Actions (Pr. Bk. Secs. 3-4, 3-5):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
4. **In Summary Process Actions:** In addition to instruction #1 or #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
5. **For "In-lieu-of" Appearances (Pr. Bk. Sec. 3-8):** Complete the certification below.
6. **Pursuant to Pr. Bk. Sec. 17-20,** if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
7. **In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.  
CV-99-0090899S

RETURN DATE

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT)

CITIZENS BANK OF CT V. WALKLEY HEIGHTS ASSOCIATES, ET AL.

☒ Judicial  
District☐ Housing  
Session☐ G.A. No. \_\_\_\_\_

ADDRESS OF COURT (No., street, town and zip code)

1 Court Street, Middletown, CT 06457

**PLEASE ENTER THE APPEARANCE OF**

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

Bender and Anderson, P.C.

MAILING ADDRESS (No., street, P.O. Box)

3190 Whitney Avenue, Building 5

JURIS NO. (If applicable)  
105040CITY/TOWN  
HamdenSTATE  
CTZIP CODE  
06518TELEPHONE NO.  
203-248-6440FAX NO.  
203-288-9054

in the above-entitled case for: ("X" one of the following)

- ☐ The Plaintiff.  
☐ All Plaintiffs

☐ The following Plaintiff(s) only: \_\_\_\_\_

- ☐ The Defendant.

☐ The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).

- ☐ All Defendants.

☒ The following Defendant(s) only: ACF, Inc

Note: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:

- ☐ In lieu of appearance of attorney or firm \_\_\_\_\_ already on file (P.B. Sec. 3-8) OR  
(Name)  
☐ In addition to appearance already on file.

SIGNED (Individual attorney or pro se party)

X

NAME OF PERSON SIGNING AT LEFT (Print or type)

Ronald M. Bender

DATE SIGNED

12-22-99

**CERTIFICATION**

This certification must be completed in summary process cases (Pr. Bk. Sec. 3-5(a)); for "in lieu of" appearances (Pr. Bk. Sec. 3-8); and in criminal cases (Pr. Bk. Sec. 3-5(d)).

I hereby certify that a copy of the above was mailed/delivered to:

- ☐ All counsel and pro se parties of record. (For summary process and criminal actions)  
☐ Counsel or the party whose appearance is to be replaced. (For "in lieu of" appearances)

SIGNED (Individual attorney or pro se party)

X

DATE COPY(IES) MAILED OR DELIVERED

NAME OF EACH PARTY SERVED \*

ADDRESS AT WHICH SERVICE WAS MADE

**FOR COURT USE ONLY**STATE OF CONNECTICUT  
CLERK OF THE COURT  
DEC 23 12 16 PM '99

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

**NOTICE TO PRO SE PARTIES**

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

**APPEARANCE**

# APPEARANCE

JD-CL-12 Rev. 5-97  
Pr. Bk. Sec. 64, 65, 630, 632

## STATE OF CONNECTICUT SUPERIOR COURT INSTRUCTIONS

- Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
- Geographical Area Locations:** In any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
- In Criminal and Motor Vehicle Actions (Pr. Bk. Sec. 630):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
- In Summary Process Actions:** In addition to instruction #1 or #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
- For "In-lieu-of" Appearances (Pr. Bk. Sec. 65):** Complete the certification below.
- Pursuant to Pr. Bk. Sec. 352,** if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
- In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.	99 0090899
RETURN DATE	12/21/99

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT)

CITIZENS BANK OF CONNECTICUT vs. WALLLEY HEIGHTS ASSOCIATES

<input checked="" type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. No.	ADDRESS OF COURT (No., street, town and zip code) ONE COURT STREET, MIDDLETOWN, CT 06450
---	--	-----------------------------------	---

### ▼ PLEASE ENTER THE APPEARANCE OF ▼

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

STEVEN A. ROCCO

MAILING ADDRESS (No., street, P.O. Box)

P.O. BOX 310

JURIS NO. (If applicable)

-

CITY/TOWN

HADDAM, CT

STATE

CT

ZIP CODE

06438

TELEPHONE NO.

860-345-3533

in the above-entitled case for: ("X" appropriate box)

- ☐ The Plaintiff.  
☐ All Plaintiffs  
☐ The following Plaintiff(s) only: \_\_\_\_\_
- ☐ The Defendant.  
☐ The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).  
☐ All Defendants.  
☒ The following Defendant(s) only: STEVEN A. ROCCO ; ARCHITECTS & EQUITY INC

Note: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:

- ☐ In lieu of appearance of attorney or firm \_\_\_\_\_ already on file (Pr. Bk. 65) OR  
☐ In addition to appearance already on file. (Name)

SIGNED (Individual attorney or pro se party)

X Steven A. Rocco

NAME OF PERSON SIGNING AT LEFT (Print or type)

STEVEN A. ROCCO

DATE SIGNED

1/22/99

### CERTIFICATION

This certification must be completed in summary process cases (Pr. Bk. Sec. 64(c)); for "in lieu of" appearances (Pr. Bk. Sec. 65); and in criminal cases (Pr. Bk. Sec. 630).

I hereby certify that a copy of the above was mailed/delivered to:

- ☐ All counsel and pro se parties of record. (For summary process and criminal actions)  
☐ Counsel or the party whose appearance is to be replaced. (For "in lieu of" appearances)

SIGNED (Individual attorney or pro se party)

Steven A. Rocco

DATE COPY(IES) MAILED OR DELIVERED

NAME OF EACH PARTY SERVED

POULY & TASCHNER, LLC  
- CRAIG TASCHNER, ESQ.

ADDRESS AT WHICH SERVICE WAS MADE

6 CENTRAL ROW  
HARTFORD CT 06150

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

### FOR COURT USE ONLY

JAN 3 12 30 PM '00	
1-4-2000	

### NOTICE TO PRO SE PARTIES

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

APPEARANCE

DOCKET NO. CV-99-0090899S : STATE OF CONNECTICUT  
CITIZENS BANK OF CONNECTICUT : SUPERIOR COURT  
V. : JUDICIAL DISTRICT OF  
MIDDLESEX  
: AT MIDDLETOWN  
WALKLEY HEIGHTS ASSOCIATES, ET AL. : JANUARY 5, 2000

DEMAND FOR DISCLOSURE OF DEFENSE

Pursuant to the provisions of Section 13-19 of the Connecticut Practice Book, the Plaintiff hereby demands that Counsel appearing for the Defendants, **Jonathan Gottlieb, ACF, Inc., Charles H. Upham, Walkley Woods, Inc., Edward Zisk, Donald R. Zisk, Triaian Neag, Frederick Norton, Steven A. Rocco and Architects Equity, Inc.,** present to the Court, to become part of the file in this case, a writing, signed by Counsel, stating whether they have reason to believe and do believe that there exists a bona fide defense to the Plaintiff's action and whether such defense will be made, together with a general statement of the nature or substance of such defense.

THE PLAINTIFF  
CITIZENS BANK

By 

Craig S. Taschner, Esq.  
Polivy & Taschner, LLC  
Six Central Row, 2<sup>nd</sup> FL  
Hartford, CT 06103  
(860) 560-1180

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid to the following counsel and parties of record on this 5<sup>th</sup> day of January, 2000.

Bender & Anderson, P.C.  
3190 Whitney Ave  
Building 5  
Hamden, CT 06518

Charles W. Pieterse, Esq.  
Abbott & Morgan  
200 Park Ave.  
New York, NY 10166

Gozzi & Paladino  
Suites 3 and 4  
929 Boston Post Road  
Old Saybrook, CT 06475

Whitman, Breed, Abbott & Morgan  
100 Field Point Road  
P.O. Box 2250  
Greenwich, CT 06830

Theodore V. Raczka, Esq.  
363 Main Street  
Middletown, CT 06457

Steven A. Rocco  
P.O. Box 310  
Haddam, CT 06438



---

Craig S. Taschner

DOCKET NO. CV-99-0090899S : STATE OF CONNECTICUT  
CITIZENS BANK OF CONNECTICUT : SUPERIOR COURT  
V. : JUDICIAL DISTRICT OF  
MIDDLESEX  
: AT MIDDLETOWN  
WALKLEY HEIGHTS ASSOCIATES, ET AL. : JANUARY 11, 2000

**DISCLOSURE OF NO DEFENSE**

The defendants, Charles H. Upham and Walkley Wood, Inc., hereby disclose that they know of no defense, at the present time, to the foreclosure action by the plaintiff. However, the defendants hereby reserve the right to present a defense against the plaintiff, at a future date, should one be discovered.

Furthermore, said defendants do hereby reserve any right, claim or defense that they may have, by virtue of their interest in said property, with respect to whether foreclosure should be strict or by sale, the value of the property being foreclosed and the claims and encumbrances of any of the other defendants in this action including claims, rights and defenses with respect to the relative priorities of the claims and encumbrances of said plaintiff and/or defendants.

THE DEFENDANTS  
CHARLES H. UPHAM  
WALKLEY WOODS, INC.

By

Charles W. Pieterse, ct01577  
Whitman Breed Abbott & Morgan LLP  
100 Field Point Road  
Post Office Box 2250  
Greenwich, Connecticut 06836-2250

LMG  
1-20-2000



CERTIFICATE OF SERVICE

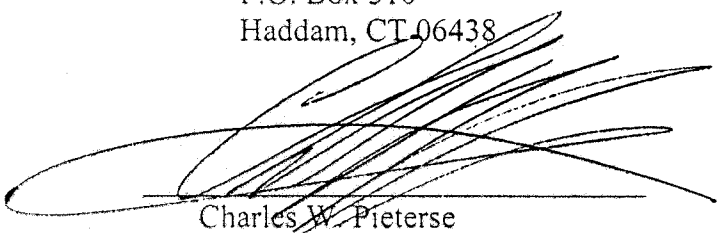
This is to certify that a copy of the foregoing Disclosure of no Defenses was sent via first class mail, this 11th day of January , 2000 to:

Bender & Anderson, P.C.  
3190 Whitney Avenue  
Building 5  
Hamden, CT 06518

Theodore V. Raczka, Esq.  
363 Main Street  
Middletown, CT 06457

Gozzi & Paladino  
Suite 3 and 4  
929 Boston Post Road  
Old Saybrook, CT 06475

Steven A. Rocco  
P.O. Box 310  
Haddam, CT 06438



Charles W. Pieterse

**APPEARANCE**JD-CL-12 Rev. 5-97  
Pr. Bk. Sec. 64, 65, 630, 632**STATE OF CONNECTICUT  
SUPERIOR COURT  
INSTRUCTIONS**

1. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #3.
2. **Geographical Area or Juvenile Matters Court Locations:** In any action returnable to a Geographical Area, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #3.
3. **In Criminal Actions**(Pr. Bk. 630): Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
4. **In Summary Process Actions:** In addition to instruction #1 and #2 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
5. **For "In-lieu-of" Appearances** (Pr. Bd. Sec. 65): Complete the certification below
6. Pursuant to Pr. Bk. Sec. 352, if a party who has been defaulted for failure to appear file an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
7. **In Juvenile Matters:** Do not use this form. Use JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.  
**CV 99 0090899 S**  
RETURN DATE

NAME OF CASE (FIRST NAMED PLAINTIFF VS FIRST-NAMED DEFENDANT)

**Citizens Bank of Connecticut v. Walkley Heights, et. al.**☒ Judicial  
District☐ Housing  
Session☐ G.A. No.

ADDRESS OF COURT (No., street, town and zip code)

**One Court Street, Middletown, CT 06457****▼ PLEASE ENTER THE APPEARANCE OF ▼**

NAME OF OFFICIAL, FIRM, PROFESSIONAL CORP., INDIVIDUAL ATTY., OR PRO SE PARTY (See "Notice to Pro Se Parties" at bottom)

**Kantrovitz & Brownstein, P.C.**

MAILING ADDRESS (No., street, P.O. Box)

**1764 Litchfield Turnpike, P.O. Box 3557**

JURIS NO. (If applicable)

**405873**

CITY/TOWN

**New Haven**

STATE

**CT**

ZIP CODE

**06525**

TELEPHONE NO.

**(203) 389-0070/389-4403 Fax**

in the above-entitled case for: ("X" the appropriate box)

☐

The Plaintiff.

☐

All Plaintiffs.

☐

The following Plaintiff(s) only: \_\_\_\_\_

☐

The Defendant.

☐

The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).

☐

All Defendants.

☒The following Defendant(s) only: Walkley Heights Associates and Elwin G. Schwartz**Note: If other counsel have already appeared for the party or parties indicated above, state whether this appearance is:**☐

In lieu of appearance of attorney or firm

\_\_\_\_\_ already on file (Pr. Bk. 65) OR

☐

In addition to appearance already on file.

(Name)

SIGNED (Individual attorney or pro se party)

**X**

NAME OF PERSON SIGNING AT LEFT (Print or type)

**Howard E. Kantrovitz**

DATE SIGNED

**1-14-00****CERTIFICATION****FOR COURT USE ONLY**

This certification must be completed in summary process cases (Pr. Bk. Sec. 64(c)); for "In-lieu-of" appearances (Pr. Bk. Sec. 65); and in criminal cases (Pr. Bk. Sec. 630)

**I hereby certify that a copy of the above was mailed/delivered to:**☐ All counsel and pro se parties of record. (For summary process and criminal actions)☐ Counsel or the party whose appearance is to be replaced (For "in lieu of" appearances)

SIGNED (Individual attorney or pro se party)

DATE COPY(IES) MAILED OR DELIVERED

NAME OF EACH PARTY SERVED\*

ADDRESS AT WHICH SERVICE WAS MADE

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

**NOTICE TO PRO SE PARTIES**

A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.

**APPEARANCE****UMG**  
**1-19-2000**