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STATE OF CONNECTICUT

DOCKET NUMBER CV 91 0062496 S

RETURN DATE: JULY 16, 1991

HIGH ST. ASSOCIATES : SUPERIOR COURT
V. : JUDICIAL DISTRICT OF
MIDDLESEX AT MIDDLETOWN
WILLIAM J. ZISK : NOVEMBER 23, 1992

WILLIAM J. ZISK

V.

HIGH ST. ASSOCIATES, MARY A. ZISK,
DONALD R. ZISK AND EDWARD J. ZISK,

COUNTERCLAIM

1. Counterclaimant William J. Zisk is the owner of
a four acre parcel in Higganum, Connecticut described as
follows:

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16

- 2 -

"All that certain real property situated in Middlesex County, Connecticut, fronting on the East side of Killingworth Road, being a portion of the Zisk property and having a frontage of approximately 300 feet on Killingworth Road and adjacent on the North side to the South boundary line of Professor West property; running East along the said boundary line to the east end of West property and thence in a Southerly direction along the extension of the East boundary line of West property to the South boundary line of Zisk property; thence West along the South boundary line of Zisk property to the West boundary line of Zisk property fronting on Killingworth Road, containing approximately four (4) acres, more or less, excepting and reserving a right of way for ingress and egress to the main real property along the North side of Professor West property, said right of way to be fifty (50) feet in width extending from the Killingworth Road to the main real property."

2. William J. Zisk is the owner of an undivided interest in approximately 28 acres located at 106 High Street, Higganum, Connecticut which is exclusive of the parcel described in paragraph one above.

3. Defendant High Street Associates claims an interest in both parcels owned by William J. Zisk and described more

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particularly in paragraphs one and two hereof.

4. Defendants Mary A. Zisk, Donald R. Zisk and Edward J. Zisk are either current owners of undivided interests in the 28 acre parcel described in paragraph two hereof or are the predecessors in interest of defendant High Street Associates by a purported sale that attempted to convey greater interests in the parcels described in paragraph one and two than said defendants owned at the time of the purported sale, and in either event their participation in this litigation as parties is necessary to adjudicate fully the legal and equitable interests of William J. Zisk in and to the parcel of land described in paragraphs one and two hereof.

5. Defendant Mary A. Zisk was the wife of William W. Zisk until his death on February 3, 1969. Defendant Mary A. Zisk and the decedent William W. Zisk acquired a thirty-two acre parcel of land commonly known as 106 High Street, Higganum, Connecticut on December 3, 1943 by Manuscript Warrantee Deed recorded in the land records of the Town of Haddam, Connecticut, volume 67, pages 469 and 470.

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- 4 -

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5 6. On July 20, 1952, defendant Mary A. Zisk and William
6 W. Zisk granted to their eldest son William J. Zisk, the four
7 acre parcel described in paragraph one hereof. At all times
8 since the gifted transfer, William J. Zisk has exercised
9 dominion and control over said four acre parcel and has been
10 seized of and possessed said parcel to the exclusion of all
11 other rights, interests and claims of any other person or
12 party.

13 7. William W. Zisk died intestate to the best knowledge
14 and belief of William J. Zisk. Defendant Mary A. Zisk, without
15 the knowledge, consent or participation of William J. Zisk,
16 initiated probate proceedings in Placer County, California.
17 At all times prior to his death, William W. Zisk was a resident
18 and domiciliary of Connecticut. The existence of probate
19 proceedings in California was first discovered by William J.
20 Zisk after the commencement of partition proceedings involving
21 the parcels described in paragraphs one and two hereof.

22 8. Defendant Mary A. Zisk also initiated ancillary
23 administration proceedings in the Probate Court for the District
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of Haddam, Connecticut on or about November 15, 1969. Defendant Mary A. Zisk, without the knowledge, consent or participation of William J. Zisk, submitted a one-half interest in the two parcels described in paragraphs one and two hereof to the court as being properly subject to administration as a decedent estate. In fact, the decedent held no interest in the four acre parcel having lawfully conveyed the same to William J. Zisk as alleged, and as to the second 28 acre parcel, the entire interest therein was subject to administration, not a one-half interest as defendant Mary A. Zisk represented to the court. As a proximate consequence of the misrepresentation of the estate property, a probate decree was entered distributing the purported one-half interest in the entire 32 acres to defendant Mary A Zisk as to an undivided one-third and the balance in equal undivided interests to William J. Zisk, Donald R. Zisk, Edward J. Zisk and Marion Krivanec. William J. Zisk acquired the interest of Marion A. Krivanec subsequent to the initiation of litigation to partition the subject real property.

9. William J. Zisk is informed and believes that all of

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- 6 -

the named defendants have conspired to defeat the interests of William J. Zisk in and to both parcels described in paragraphs one and two hereof by acts which include, but are not limited to, agreeing collectively to convey to defendant High Street Associates interests in the described real property that are greater than that which they owned at the time of the purported conveyance with the full knowledge and express intent on the part of each to cloud wrongfully and tortiously the legal and equitable title and interests of William J. Zisk in and to the subject parcels, with the ultimate goal of creating personal, emotional and economic duress and coercion, through litigation in Connecticut, to cause William J. Zisk to forego, waive, compromise, and otherwise acquire by unlawful means, the interests and title of William J. Zisk in and to the subject real property, all to the damage of William J. Zisk.

WHEREFORE, William J. Zisk prays for an order severing the real property in a manner that will confirm his ownership of the four acre parcel and including contiguous thereto his lawful share of the balance of the 28 acres as should have been

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21

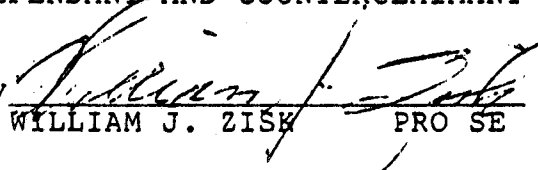
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distributed by intestate succession at the death of William W. Zisk and further, as against each defendant, money damages in an amount within the jurisdiction of this court as proof supports, including punitive damages, for the acts of fraud, deceit, interference with property rights, breach of fiduciary duty as will be shown at trial of this matter, together with costs of suit and such other and further legal and equitable relief as appears proper in the premises.

DATED: November 23, 1992 at Roseville, Placer County, California

DEFENDANT AND COUNTERCLAIMANT

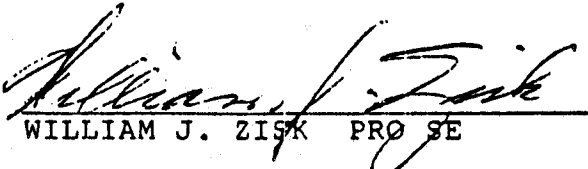
By


WILLIAM J. ZISK

PRO SE

CERTIFICATION

Pursuant to Section 123(a) of the Connecticut Practice Book, I hereby certify that a copy of the above was mailed on November 23, 1992 to Joseph E. Milardo, Jr., Esq. Jozus, Milardo & Thomasson, 73 Main Street, Middletown, Connecticut 06457.


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22

NO. 62496

HIGH STREET ASSOCIATES

: SUPERIOR COURT

V.

: JUDICIAL DISTRICT OF
MIDDLESEX AT MIDDLETOWN

WILLIAM J. ZISK

: DECEMBER 2, 1992

ANSWER TO COUNTERCLAIM DATED NOVEMBER 23, 1992

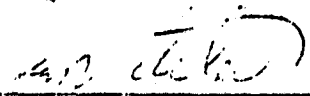
1. Plaintiff admits paragraphs 3 and 5 of the counterclaim.
2. As to paragraphs 1, 2, 4, 6, 7, 8, and 9 of the counterclaim, the plaintiff pleads that it has insufficient knowledge of the facts alleged therein with which to form a belief and leaves the defendant to his proof of said allegations.

BY WAY OF SPECIAL DEFENSE

Any claim of ownership by defendant pursuant to a conveyance of a four acre portion of the real property which is the subject matter of this partition action is barred by the provisions of Connecticut General Statutes Section 47-5.

PLAINTIFF

By


Joseph E. Milardo, Jr., Esq.
Jozus, Milardo & Thomasson
Its Attorney

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JAN 13 1993
CLERK OF COURT
JUDICIAL DISTRICT OF
MIDDLESEX AT MIDDLETOWN

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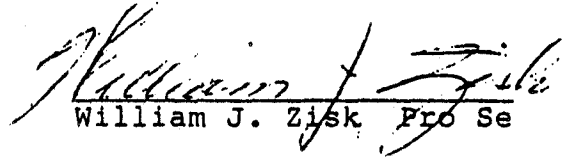
WILLIAM J. ZISK

: DECEMBER 8, 1992

ANSWER TO SPECIAL DEFENSES TO DEFENDANTS
COUNTERCLAIM DATED NOVEMBER 23, 1992

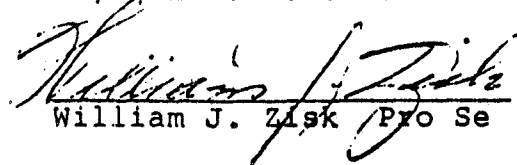
The Defendant denies each and every Special Defense interposed by the Plaintiff on December 2, 1992.

Defendant


William J. Zisk Pro Se

CERTIFICATION

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