

SUMMONS**CIVIL (except family actions)****JD-CV-1 Rev. 3-91**

GEN. STAT. 51-346, 51-347, 51-349, 51-350, 52-45a,

52-48, 52-259

BK. 49, 63, 66

SUPERIOR COURT**INSTRUCTIONS**

1. Prepare on typewriter: sign original summons (top sheet) and conform copies of the summons (sheets 3 and 4).
2. If there is more than one defendant, prepare or photocopy conformed summons for each additional defendant.
3. Attach the original summons, with computer sheet attached (page 2), to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
4. After service has been made by officer, file original papers and officer's return with the clerk of the court.
5. The party recognized to pay costs must appear personally before the authority taking the recognizance.
6. Do not use this form for actions in which an attachment, garnishment or replevy is being sought. See Practice Book Section 49 for other exceptions.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

- "X" ONE OF THE FOLLOWING:
Amount, legal interest or property in demand, exclusive of interest and costs is
- a. ☐ less than \$2,500
 - b. ☐ \$2,500 through \$14,999.99
 - c. ☒ \$15,000 or more
 - d. ☒ Claiming other relief in addition to or in lieu of money damages.

JUDICIAL DISTRICT <input type="checkbox"/> HOUSING SESSION <input type="checkbox"/> G.A. _____	AT (Town in which writ is returnable) (Gen. Stat. 51-346, 51-349) Middletown	RETURN DATE (Mo., day, yr.) July 14, 1998
ADDRESS OF CLERK OF COURT WHERE WRIT AND OTHER PAPERS SHALL BE FILED (Gen. Stat. 51-347, 51-350) 1 Court Street Middletown, CT 06457		CASE TYPE (From Judicial Dept. code list) Major P-20 Minor

PARTIES	NOTE: Individual's Names: Last, First, Middle Initial	NAME AND ADDRESS OF EACH PARTY	<input type="checkbox"/> Form JD-CV-2 attached
FIRST NAMED PLAINTIFF ▶		Zisk William J. 205 Thomas Street Roseville, CA 95678	
Additional Plaintiff			
FIRST NAMED DEFENDANT ▶		Walkley Heights Associates-Sтивен Rocco 1783 Saybrook Rd Haddam C	
Additional Defendant			
Additional Defendant			
Additional Defendant			

NOTICE to each DEFENDANT

1. You are being sued.
2. This paper is a Summons in a lawsuit.
3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
4. To respond to this summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above named Court at the above Court address on or before the second day after the above Return Date.
5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
6. The "Appearance" form may be obtained at the above Court address.
7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions.

DATE June 9, 1998	SIGNED (sign and "X" proper box) <i>Charles W. Snow</i>	<input checked="" type="checkbox"/> Commissioner of Superior Court <input type="checkbox"/> Assistant Clerk	TYPE IN NAME OF PERSON SIGNING AT LEFT Charles W. Snow, Jr
FOR THE PLAINTIFF(S) ENTER THE APPEARANCE OF: NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE Charles W. Snow, Jr. 547 Main St Middletown, CT		TELEPHONE NO. 8603474437	JURIS NO. (If atty. or law firm) 59800
NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 Kathleen Waz 100 Shore Drive Higganum, CT			SIGNATURE OF PLAINTIFF IF PRO SE
NO. PLFS. 1	NO. DEFS. 1	NO. CNTS. 1	SIGNED (Official taking recognizance, "X" proper box) <i>Charles W. Snow</i>
			<input checked="" type="checkbox"/> Commissioner of Superior Court <input type="checkbox"/> Assistant Clerk

IF THIS SUMMONS IS SIGNED by a CLERK:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof.

I hereby certify I have read	SIGNED (Pro se plaintiff)	DATE SIGNED	DOCKET NO.
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RETURNABLE DATE: JULY 14, 1998

: SUPERIOR COURT

WILLIAM J. ZISK

: J.D. OF MIDDLESEX

VS.

: AT MIDDLETOWN

WALKLEY HEIGHTS ASSOCIATES

: JUNE 9, 1998

COMPLAINT

1. The Plaintiff in the above entitled action has an interest in a certain piece or parcel of land situated 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 Carl Anderson 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, with the dwelling house and all other buildings and improvements thereon together with such rights of way and rights to maintain water pipes appurtenant to the land granted so of record may approximately and especially so described in deed from Charles B. Carlson to Otto F. Carlson dated August 1, 1908 and recorded in Volume 47, pages 420, 421 and 422 of Haddam Land Records; the previous being also subject to certain rights of way and to maintain water pipes; as by record will appear and especially as described in deed from Otto F. Carlson to Gustaf B. Carlson dated September 9, 1913 and recorded in Volume 51, Page 228 of Haddam Land Records, and in agreement between Otto F. Carlson and Charles B. Carlson dated August 18, 1916 and recorded in Haddam Land Records, Volume 51, Page 393; these premises being the same as those included in Mortgage Deed from Otto F. Carlson to Gustaf B. Carlson, dated August 1, 1908, recorded in Volume 49 Page 259 of Haddam Land Records.

Second Piece: Being sprout land and containing sewer (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 Anderson and westerly by the third piece herein described in deed from Charles B. Carlson to Otto F. Carlson, dated August 1, 1908, recorded in Volume 47, Pages 420, 421, and 422 of Haddam Land Records.

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 formerly of Cyrus A. Hubbard and westerly by land formerly of Chauncey D. Skinner being the same land described as the third piece in said deed of Carlson to Carlson, recorded in Volume 47, pages 420-422 of said Haddam Land Records.

2. The Plaintiffs interest in said property comes about by being an heir of William and Mary Zisk who acquired said property described above as tenants in common by warranty deed, dated December 3, 1943, and found in Volume 67, Page 469 of the Haddam Land Records.

3. The said Mary Zisk acquired a mortgage interest in said premises described above as a result of a mortgage deed wherein she is a mortgagee with Edward Zisk and Donald Zisk as outlined in a mortgage deed from High Street Associates predecessor to the Defendant Walkley Heights Associates to the said Mary Zisk, Edward Zisk and Donald Zisk, dated May 23, 1991 and found in Volume 81, Page 238 of the Haddam Land Records.

On September 8, 1994, the said Mary Zisk died a resident of Roseville, California and on the date of her death she had a one-third (1/3) interest in the mortgage deed and note referred to above.

4. No executor has been appointed for her estate as shown in a Probate Order, dated December 6, 1994 and marked Exhibit A attached hereto.

5. Even though no executor has been appointed to her estate the said Donald Zisk signed the following documents as her purported executor:

- a. mortgage extension agreement as found in Volume 202, Page 679 of the Haddam Land Records.
- b. subordination agreement subordinating the mortgage held by Mary Zisk, et al to a mortgage given by the Farmers & Mechanics Savings Bank, dated October 17, 1996 and recorded in Volume 209, Page 605 of the Haddam Land Records.
- c. a partial release of mortgage dated June 16, 1995 and recorded in Volume 202, Page 651 of the Haddam Land Records.
- d. a subordination agreement dated October 17, 1996 and found in Volume 209, Page 674 of the Haddam Land Records.

As an heir at law of Mary Zisk, the Plaintiff, William J. Zisk, claims an interest in said premises described above.

WHEREFORE, the Plaintiff claims a judgment determining the rights of the parties in or to the land and settling the title thereto.

THE PLAINTIFF

By Charles W. Snow, Jr.

Charles W. Snow, Jr.
HIS ATTORNEY
547 Main Street
Middletown, CT 06457
(860)347-4437
JURIS NO. 59800

RETURNABLE DATE: JULY 14, 1998

: SUPERIOR COURT

WILLIAM ZISK

: J.D. OF MIDDLESEX

VS.

: AT MIDDLETOWN

WALKLEY HEIGHTS ASSOCIATES

: JULY 2, 1998

AMENDMENT TO THE COMPLAINT

Paragraph four (4) of the Plaintiff's complaint is hereby amended by adding the Probate Order, dated, December 6th, 1994 and marked Exhibit A, which we are attaching, hereto.

6. The Plaintiff's complaint is further amended by adding the following as paragraph #6. The Plaintiff, William J. Zisk and Lois E. Paolini, were married in Roseville, California on July 20, 1952. As a "wedding gift" to the newlyweds, the father and mother of the Plaintiff, namely William W. Zisk and Mary A. Zisk promised to convey to the said William J. Zisk, as their son, a 4 acre parcel of land constituting a portion of the premises referred to in paragraph 1 and more particularly bounded and described as follows:

"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 the Zisk property to the west boundary line of the Zisk property fronting on Killinworth 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"

7. The Plaintiff, William J. Zisk, materially relying upon the promise of his mother and father to convey the premises, i.e. the 4 acre parcel described above, has expended large sums of money in improving the premises in question. The Plaintiff cleared trees, built a driveway on said premises, staked out a house site and further expended monies in rebuilding a household on the 32 acre parcel belonging to William W. Zisk and Mary A. Zisk, all in reliance in obtaining title to the 4 acre parcel described in paragraph 2.

8. On June 24, 1974, the Plaintiff's mother, who on this date now held title to said premises, executed a Will which in the fourth paragraph of said Will specifically described said premises to be given by herself and her now deceased husband over to the said William J. Zisk and further describes said premises in the Will.

9. The Plaintiff, William J. Zisk, was aware of the provisions of this Will and further materially relied upon the promise of his mother and father to convey said property. He spent further sums of money in keeping up the property and paid the taxes on the property.

10. The Defendant, Steven A. Rocco, purports to have an interest in said property as a result of a Warrantee Deed from Mary A. Zisk, Donald R. Zisk and Edward J. Zisk, over to High Street Associates, a 10/12 interest dated May 8, 1991 and recorded in Volume 180, Page 230 of the Haddam Land Records.

11. The Defendant, High Street Associates, also purports to have a further added interest in said premises as a result of a Committee Deed, dated September 20, 1994 and recorded in Volume 199, Page 885 of the Haddam Land Records.

12. The entity known as High Street Associates, which purported to have an interest in said property as a result of a Warrantee Deed as referred to above, did not exist at time of said transfer, dated May 8th, 1991 and therefore all subsequent transfers from the alleged High Street Associates are null and void.

THE PLAINTIFF

By Charles W. Snow, Jr.
Charles W. Snow, Jr.
HIS ATTORNEY
547 Main Street
Middletown, CT 06457
(860)347-4437
JURIS NO. 59800

CERTIFICATION

I hereby certify that a copy was delivered to the Defendant, Steven A. Rocco 1783 Saybrook Road in Haddam CT on July 2, 1998.

Charles W. Snow, Jr. - Attorney

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): 63253 LAW OFFICES OF TOSH G. YAMAMOTO (916) 421-8455 A Professional Corporation 930 Florin Road, Suite 200 Sacramento, CA 95831 ATTORNEY FOR (Name): DONALD R. ZISK SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 101 Maple Street MAILING ADDRESS: CITY AND ZIP CODE: Auburn, CA 95603 BRANCH NAME:	TELEPHONE NO. (916) 421-8455
ESTATE OF (NAME): MARY A. ZISK <div style="text-align: right;">DECEDENT</div>	
<div style="text-align: center;">ORDER FOR PROBATE</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> ORDER APPOINTING <input type="checkbox"/> Executor <input type="checkbox"/> Administrator with Will Annexed <input type="checkbox"/> Administrator <input checked="" type="checkbox"/> Special Administrator <input type="checkbox"/> Order Authorizing Independent Administration of Estate <input type="checkbox"/> with full authority <input checked="" type="checkbox"/> with limited authority </div> <div style="width: 35%;"> CASE NUMBER: SPR-0567 </div> </div>	

FOR COURT USE ONLY

FILED

 DEC - 6 1994

CARL DePIETRO
 CLERK OF THE SUPERIOR COURT
 BY [Signature] DEPUTY

1. Date of hearing: 11/22/94 Time: 8:30 A.M. Dept/Rm: 3 Judge: J. RICHARD COUZENS

THE COURT FINDS

2. a. All notices required by law have been given.
 b. Decedent died on (date): 9/8/94
 (1) ☒ a resident of the California county named above
 (2) ☐ a nonresident of California and left an estate in the county named above
 c. Decedent died
 (1) ☐ intestate
 (2) ☐ testate and decedent's will dated:
 and each codicil dated:
 was admitted to probate by Minute Order on (date)

THE COURT ORDERS

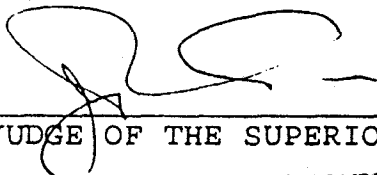
3. (Name): DONALD R. ZISK
 is appointed **personal representative**:
 a. ☐ Executor of the decedent's will
 b. ☐ Administrator with will annexed
 c. ☐ Administrator
 d. ☒ Special Administrator
 (1) ☒ with general powers
 (2) ☐ with special powers as specified in Attachment 3d
 (3) ☐ without notice of hearing
 and letters shall issue on qualification.
4. a. ☐ Full authority is granted to administer the estate under the Independent Administration of Estates Act.
 b. ☒ Limited authority is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property)
5. a. ☒ Bond is not required
 b. ☐ Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
 c. ☐ Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location):
 and receipts shall be filed. No withdrawals shall be made without a court order.

6. ☒ (Name) **A. E. DIERKES**
P.O. Box 7003 is appointed probate referee
Auburn, CA 95604

7. ☒ Number of pages attached: 1 JUDGE OF THE SUPERIOR COURT
☒ Signature follows last attachment

1 The Petition for Probate of Lost Will or Probate of Will and
2 for Letters Testamentary and Authorization to Administer Under
3 the Independent Administration of Estates Act is continued to
4 January 24, 1995 at 8:30 a.m. in Department 3 of the Placer
5 County Superior Court.

6 Dated: DEC - 6 1994

7 
8 JUDGE OF THE SUPERIOR COURT
9 J. RICHARD COUZENS

WILLIAM J. ZISK

: SUPERIOR COURT

VS.

: J.D. OF MIDDLESEX
AT MIDDLETOWN

WALKLEY HEIGHTS ASSOCIATES

: JUNE 9, 1998

LIS PENDENS

TO WHOM IT MAY CONCERN, TAKE NOTICE, that an action has been brought to the SUPERIOR COURT, the case title as set forth above and returnable on July 14, 1998 in the Judicial District of Middlesex at Middletown, in which William J. Zisk of 205 Thomas Street, Roseville, California is the Plaintiff and Walkley Heights Associates of Haddam, Connecticut is the Defendant.

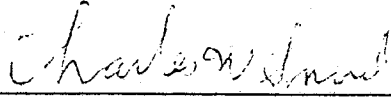
The purpose of this action is to quiet the title to certain property located on High Street in the Town of Haddam, Connecticut and alleged owned by the above parties.

The property affected by said partition action is more particularly described in Schedule A attached hereto and incorporated herein.

Dated at Middletown, Connecticut this 9th day of June, 1998.

THE PLAINTIFF

By


Charles W. Snow, Jr.
His Attorney
547 Main Street
Middletown, CT 06457
(860)347-4437
JURIS NO. 59800

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 Carl Anderson 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, with the dwelling house and all other buildings and improvements thereon together with such rights of way and rights to maintain water pipes appurtenant to the land granted so of record may approximately and especially so described in deed from Charles B. Carlson to Otto F. Carlson dated August 1, 1908 and recorded in Volume 47, pages 420, 421 and 422 of Haddam Land Records; the previous being also subject to certain rights of way and to maintain water pipes; as by record will appear and especially as described in deed from Otto F. Carlson to Gustaf B. Carlson dated September 9, 1913 and recorded in Volume 51, Page 228 of Haddam Land Records, and in agreement between Otto F. Carlson and Charles B. Carlson dated August 18, 1916 and recorded in Haddam Land Records, Volume 51, Page 393; these premises being the same as those included in Mortgage Deed from Otto F. Carlson to Gustaf B. Carlson, dated August 1, 1908, recorded in Volume 49 Page 259 of Haddam Land Records.

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RECEIVED FOR RECORD *P*
7-8 19 *98* at *1:45* M.
TOWN CLERK'S OFFICE
HADDAM, CONN.
Jan P. Huffstetler
TOWN CLERK
Vol. 218, Pg. 375

ZISK, WILLIAM J VS.
WALKLEY HEIGHTS ASSO CV-98-0086079-S

STANDARD TRACK NOTICE

THIS CASE HAS BEEN ENTERED IN THE STANDARD TRACK. COUNSEL WILL HAVE 360 DAYS FROM THE RETURN DATE TO CLOSE THE PLEADINGS, COMPLETE DISCOVERY AND CLAIM THE CASE TO THE TRIAL LIST. IT IS EXPECTED THAT THIS CASE WILL GO TO TRIAL 08/99, IF NOT DISPOSED OF SOONER. APPROXIMATELY 330 DAYS FROM THE RETURN DATE COUNSEL WILL HAVE AN OPPORTUNITY TO SEEK ADDITIONAL TIME, IF CAUSE IS SHOWN. CASES GIVEN MORE TIME WILL BE CONTINUED TO A DATE CERTAIN. THESE CASES WILL CONTINUE TO BE SUBJECT TO THE PRESENT "DORMANT PROGRAM" EXCEPT EXEMPTIONS WILL BE GRANTED ONLY TO A DATE CERTAIN. FAILURE TO COMPLY WILL RESULT IN DISMISSAL. PER ORDER OF THE COURT, HIGGINS, J. BARBRA LINK, C.C.

SUPERIOR COURT

1 COURT STREET
MIDDLETOWN, CONNECTICUT 06457

DATED: AUG 07, 1998
MMX

WILLIAM J ZISK
205 THOMAS STREET
ROSEVILLE, CA.

95678

***** P L A I N T I F ***** D E F E N D A N T *****

*** PRO SE PARTIES
WILLIAM J ZISK
205 THOMAS STREET
ROSEVILLE, CA.

95678

SNOW CHARLES W PC
ROOM 3
547 MAIN STREET

MIDDLETOWN CT 06457

JOZUS MILARDO & THOMASSON
73 MAIN STREET

MIDDLETOWN CT 06457
WALKLEY HEIGHTS ASSOCIATES
06/30/98

***** D E F E N D A N T *****

***** THE ABOVE INFORMATION REFLECTS THE STATUS OF APPEARANCES FOR THIS CASE AS OF 07/09/98. PLEASE DIRECT INQUIRIES TO CLERKS OFFICE *****

ZISK, WILLIAM J
VS.
WALKLEY HEIGHTS ASSO
DOCKET NUMBER CV 98 0086079S

MIDDLETOWN
SUPERIOR COURT

1 COURT STREET
MIDDLETOWN, CONNECTICUT 06457

638/1830

WILLIAM J ZISK
205 THOMAS STREET
ROSEVILLE, CA.
95678

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