

CV-98-0086079S : SUPERIOR COURT  
WILLIAM J. ZISK : J.D. AT MIDDLESEX  
VS : AT MIDDLETOWN  
WALKLEY HEIGHTS ASSOCIATES : AUGUST 28, 1998

OBJECTIONS TO MOTION TO STRIKE

The Plaintiff in the above entitled action is the heir at law of Mary Zisk, who died on December 8, 1994 owning a one third interest in a mortgage, wherein, the Defendant is the mortgagor. The said Mary Zisk's estate probated in a California Court, wherein, no inventory was filed.

The said Mary Zisk acquired the property in conjunction with her husband on December 3, 1943 and subsequent alleged owners such as the Defendant and High Street Associates were non-existing entities, all of which can only be determined at a trial of the issues of law and fact. As an heir at law of Mary Zisk, the Plaintiff has an interest in said property and therefore has an interest in said premises in question to have a standing as a Plaintiff in said action.

ORAL ARGUMENT REQUESTED

THE PLAINTIFF

BY

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 of the foregoing was hand delivered, this 28th day of August, 1998 to all counsel of record as follows: Jozus, Milardo & Thomasson

73 Main Stret  
Middletown, CT 06457

Charles W. Snow, Jr.

CV-98-0086079S : SUPERIOR COURT  
WILLIAM J. ZISK : J.D. AT MIDDLESEX  
VS : AT MIDDLETOWN  
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MEMORANDUM IN SUPPORT OF PLAINTIFF'S OBJECTION  
IN THE DEFENDANT'S MOTION TO STRIKE

The Plaintiff, William J. Zisk submits the following memorandum of law in support of it's objection to the Defendant's Motion to Strike.

1. The Plaintiff is the son of Mary Zisk and William W. Zisk, who acquired the property in question December 3, 1943 and as such has an interest in said premises, especially inasmuch as his mother, who died on December 8, 1994, held a one third interest in a mortgage on said premises as the facts will show and although she died in California, the Probate Court in California has no record of an inventory showing her interest in the property in Haddam, Connecticut, now allegedly owned by Walkley Heights Associates.

The case of Brill vs. Ulrey, 159 Conn., 371 cited by the Defendant in it's brief, specifically states that in citing the Conn. Statute, that an interest in said premises is enough to sustain an action to Quiet Title.

The Conn. Statute 47-31 states that such action may be brought whether or not the Plaintiff is entitled to the immediate or exclusive possession of the property.

The fact that the Plaintiff's mothers' estate contained no inventory showing that she in fact owns a one third mortgage interest in the premises in question allows the Plaintiff as her heir at law to maintain this action.

The fact that Donald Zisk, who conveyed his interest in said premises to the Defendant, purports to act for the estate of Mary Zisk, the evidence will show that he has no such authority and the Probate Court in California, in closing out the estate of Mary Zisk with no inventory on file gives credence to the fact that the Plaintiff has an interest in said land.

THE PLAINTIFF

BY

CHARLES W. SNOW, JR.  
HIS ATTORNEY  
547 MAIN STREET  
MIDDLETOWN, CT 06457  
(860)347-4437  
JURIS NO. 59800

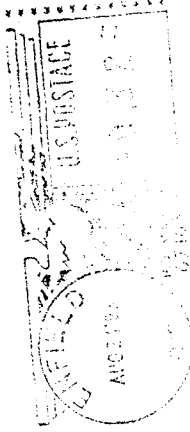
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delivered this 28th day of August, 1998 to all counsel of record  
as follows:

Jozus, Milardo & Thomasson Attorneys At Law  
73 Main Street  
Middletown, CT 06457

SUPERIOR COURT  
1 COURT STREET  
MIDDLETOWN, CONNECTICUT 06457-3374

FIRST CLASS MAIL

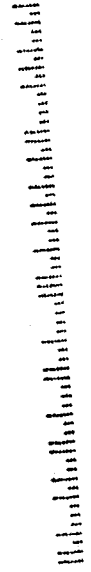


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004892  
WILLIAM J ZISK  
205 THOMAS STREET  
ROSEVILLE, CA.

95678

8-31-98

93678-1258 0A



Middletown  
SUPERIOR COURT

Short Calendar

Hon. Salvatore F. Arena  
1 Court Street  
5th Floor, Room 505  
Courtroom A  
9:30 A.M.

NOTICE REGARDING PROPERTY SHORT  
CALENDAR PROCEDURE

Counsel and pro se parties must inform the court of those matters on this calendar that are "READY FOR ADJUDICATION" by calling the Clerk's Office at (860) 343-6400, or send a fax to (860) 343-6423. MATTERS THAT HAVE NOT BEEN MARKED "READY FOR ADJUDICATION" WILL BE DEEMED "OFF" AND WILL NOT BE REINSTATED ON THIS CALENDAR.

"READY FOR ADJUDICATION" markings may be made at any time after the receipt of the calendar, but no later than 11:00 a.m. on the last business day preceding the scheduled calendar. In the event a state holiday falls on the Friday preceding the scheduled (Notice Continued on Last Column)

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H. L. SCHIFF  
MIDDLETOWN C ATT  
J. J. SHAINNESS

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