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William J. Zisk
205 Thomas Street
Roseville, CA 95678

CV 98-0086079S

WILLIAM J. ZISK

: SUPERIOR COURT

V.

: JUDICIAL DISTRICT OF

: MIDDLESEX AT MIDDLETOWN

WALKLEY HEIGHTS ASSOCIATES

: NOVEMBER 4, 1998

ANSWER AND SPECIAL DEFENSES

BY WAY OF ANSWER:

Defendant, Walkley Heights Associates, hereby answers the Amended Complaint dated July 17, 1998, as follows:

1. Defendant denies the allegations contained in paragraphs 1 and 2.

2. Defendant admits the allegations contained in paragraph 3 but denies the alleged volume said mortgage deed is found in the Haddam Land Records.

3. Defendant denies the allegations contained in paragraph 4.

4. Defendant denies the allegations in paragraph 5 that "even though no executor has been appointed to her estate" and that Donald Zisk signed documents as "purported executor." Defendant admits the remaining allegations in paragraph 5.

5. Defendant has insufficient knowledge to respond to paragraphs 6, 7, 8, and 9, and therefore, leaves the plaintiff to

his proof.

6. Defendant denies the allegations in paragraph 10.

7. Answering paragraph 11, defendant denies the allegations "further added interest" and admits the remainder of the allegations.

8. Defendant denies the allegations in paragraph 12.

BY WAY OF SPECIAL DEFENSES:

1. Mary Zisk died a resident of Roseville, California and her will is admitted to probate in that state. Plaintiff is not a beneficiary of the estate of Mary Zisk since he was not named in her will, nor is he an heir at law. Therefore, he can have no interest in any property of Mary Zisk, including her interest in the mortgage which is the subject of this action.

2. Plaintiff is barred from bringing this action because he has no interest in the subject real estate as has been ruled on by the court in the matter known as High Street Associates v. William J. Zisk, bearing docket number 62496 and decided by State Trial Referee Judge Spallone in his Memorandum of Decision dated May 5, 1993 attached hereto as Exhibit A. In said case of partition the

court found that William Zisk failed to prove allegations in his counterclaim including his claim to quiet title. Allegations set forth in paragraphs 6, 7, 8, and 9 of plaintiff's Amended Complaint were raised and addressed by the Court in High Street Associates v. William J. Zisk. Therefore, said issues determined by Judge Spallone are res judicata in this matter, and plaintiff is estopped from having those matters retried in this case.

3. Defendant states no cause of action regarding the mortgage in question.

DEFENDANT

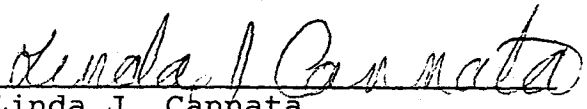
By Linda J. Cannata
Linda J. Cannata
Jozus, Milardo & Thomasson
Its Attorney

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed, postage prepaid, this 4th day of November 1998 to all counsel and pro se parties of record, as follows:

Charles W. Snow, Jr., Esq.
547 Main Street
Middletown, CT 06457

William J. Zisk
205 Thomas Street
Roseville, CA 95678


Linda J. Cannata

answer.wha