

UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF RHODE ISLAND

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In Re:

CUMBERLAND INVESTMENT CORPORATION  
Debtor

Case No. 89-11051  
Chapter

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TRUSTEE'S EMERGENCY MOTION FOR A HEARING TO PHYSICALLY  
REMOVE THE DEBTOR FROM THE PREMISES

Now comes John F. Cullen, the duly acting and qualified Chapter 11 trustee ("Trustee") of the above captioned matter and respectfully represents as follows:

1. On August 15, 1990, the United States Trustee's Office appointed John F. Cullen the Chapter 11 Trustee.

2. After a briefing from the United States Trustee's Office concerning the nature and complexities of the case, the Chapter 11 Trustee made arrangements with Eastland Bank to gain access to the premises at 141 Main Street, Woonsocket, Rhode Island ("Premises").

3. The Trustee met John Doherty, Executive Vice President of the Eastland Bank, at the Premises at 7:30 p.m. on August 15, 1990. Entry was made onto the Premises without incident.

4. The Trustee met with, Harold Chorney, the debtor in the above captioned matter ("Debtor") and inspected the Premises with him.

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5. On August 15, 1990, the Debtor, after nearly five and a half hours of conversation with the Trustee, steadfastly refused to remove himself from the basement of the building.

6. The Trustee had received specific instructions to enforce this Court's Order discharging all employees and to ensure that the Debtor was removed from the Premises.

7. This Court has had numerous dealings with the Debtor during the Chapter 11 proceeding so the Trustee will not take time restating facts that this Court is familiar with.

8. The Trustee informed the Debtor that if he did not leave voluntarily, a Court Order would be sought to cause his physical removal by the United States Marshall Service and local police.

9. The Debtor, on August 15, 1990, at 10:58 p.m., again declined to remove himself from the Premises because, in his words, "he had no place to live and no one had ever told him he had to leave, including the Court".

THEREFORE, the Trustee respectfully requests that this Honorable Court grant an emergency hearing to consider the following requests:

1. An order that the Debtor and his personnel property be physically removed from the Premises located at 141 Main Street, Woonsocket, Rhode Island.
2. An order that the Trustee, his agents, employees, attorneys and others similarly engaged to be permitted to enter the Premises to change the locks as necessary and to arrange for the removal of all personnel items including clothing of the Debtor and store them in a warehouse, if necessary, to effectuate this order.
3. An order that the United States Marshall Service, the Rhode Island State Police and local law enforcement

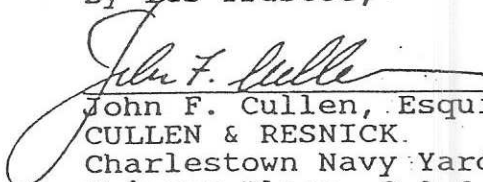
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officials shall be used by the Trustee to remove the Debtor physically from the Premises at 141 Main Street, Woonsocket, Rhode Island, forthwith.

4. An order that the Debtor, Lou Chorney and Gerald Aubin have no access to the Premises located at 141 Main Street, Woonsocket, Rhode Island or their agents or appointees including counsel.

Respectfully submitted,  
CUMBERLAND INVESTMENT CORPORATION

By its Trustee,

  
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Dated: 8/16/90

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