

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**IN RE: CUMBERLAND  
INVESTMENT CORPORATION**

**CA. NO. 89-11051**

**MOTION IN OBJECTION TO  
TRUSTEE'S MOTION TO STRIKE**

Now comes Petitioner, Harold F. Chorney, without assistance of Counsel, and objects to the Trustee's Motion to Strike and states for cause the following:

1. On October 29, 1999, Mr. Monzack sent a NOTICE OF INTENDED SALE of 7,491 silver dollars.
2. This 7,491 silver dollars was not an estimated number of silver dollars, but an exact amount of silver dollars as evidenced by the enclosed exhibit that contains exactly 7,491 silver dollars. (The sum of 4, 52, 815 5,492 and 1128 silver dollars.) See Exhibit A.
3. Exhibit A contains a detailed breakdown of 6,363 silver dollars but lists 1,128 silver dollars in groups of dollars where an individual breakdown of how many of each different year and mint mark that were part of this 1,128 silver dollars is missing.
4. There were some 8,004 silver dollars in this December 7, 1999 Spink America sale. There was no breakdown of the extra 513 silver dollars

in the December 7, 1999 sale, nor was there any indication as to where these extra coins came from.

5. Attached to the Chapter 7 Trustee's MOTION TO STRIKE, dated December 11, 2000 is a UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION Request for Property Received/Returned/Released/Seized. (See Exhibit B.)

6. Exhibit B lists two sets of silver dollars. One set contains the "possessory collateral" of 7,809 silver dollars that were returned to FDIC on 1/8/99. A second set containing 183 silver dollars is also returned to FDIC. The sum total of silver dollars shipped to Spink America is 7,992.

7. Spinks America REVISED SCHEDULE OF PROPERTY, dated March 1, 1999, lists 1 "collection of approximately 7,491 US silver dollars and 242 banknotes", yet the SALE LOT ADVICE, dated 30 November 1999, lists lot number 993 through 1291 comprised of 242 banknotes and 8,004 silver dollars.

8. The Trustee has supplied an undated Schedule A, Offer for Outright Purchases, and an undated Schedule B, Re-Offer at Public Auction. (See Exhibits C & D.)

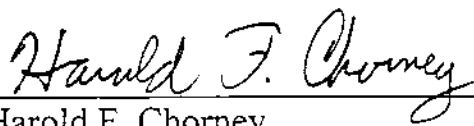
9. Exhibits C & D indicate that certain lot numbers not only had reserve bids but also contained offers for outright purchase of silver dollars.

10. In a letter to Mr. Monzack, dated May 1, 2000, Spink America states that "Unfortunately, the specialist who dealt with the original inventory, counting and cataloguing of the silver dollars is no longer employed with Spink America, so it is no longer possible for me to inquire as to the source of the discrepancy." The discrepancy referred to is that there were 8,004 silver dollars in the auction versus the 7,992 silver dollars shipped by Mr. Cadigan of FDIC. (See Exhibit E.)

11. In light of all the inconsistencies with the inventory offered for sale, as listed in the above paragraphs, it would be reasonable to have the Chapter 7 Trustee provide an accounting of the assets of this auction and to be available to testify concerning same.

**WHEREFORE**, Petitioner requests that the court compel the Chapter 7 Trustee to provide an accounting of the assets in the December 7, 1999 auction as well as whatever discovery is necessary to reconcile the inventory of the estate of Cumberland Investment Corporation.

Respectfully submitted,

  
Harold F. Chorney  
5 Cathedral Square, Apt. 106  
Providence, R.I. 02903  
401 351-7311

**CERTIFICATION**

I hereby certify that on this 21<sup>st</sup> day of December 2000, I sent a copy of the above by first class mail to the following:

Jason D. Monzack  
Kirshenbaum & Kirshenbaum  
888 Reservoir Avenue  
Cranston, R.I. 02910

Warren D. Taft  
P.O. Box 52  
Mendon, MA 01756

Sheryl Serrese  
Office of the U.S. Trustee  
10 Dorrance Street  
Providence, R.I. 02903

John Boyajian, Esq.  
Boyajian, Harrington and Richardson  
182 Waterman Street  
Providence, R. I. 02906

FDIC Legal Division  
Northeast Service Center  
101 East River Drive, 5<sup>th</sup> Floor  
P.O. Box 280402  
East Hartford, Ct 06108-0402

United States Trustee  
Thomas P. O'Neill, Jr.  
Federal Office Bldg.  
10 Causeway Street. Room 472  
Boston, MA 02222-1043

Justin T. Shay, Esq.  
Cameron & Mittleman LLP  
56 Exchange Terrace  
Providence, R.I. 02903

  
HAROLD F. CHORNEY