

Kirshenbaum &
K Kirshenbaum
ATTORNEYS AT LAW, INC.

C-1

Red Factor
J. Russo
Charles A. Hirsch
Robert J. Mainelli
John E. McCann, III
Edmond J. Daniels
J.P. Philbin
John D. Monzack
Matthew J. Elliott
Alan G. Goldstein
William F. Holt
Christopher L. Russo
Jeffrey A. Regan

May 26, 1994

Harold Chorney
P.O. Box 1211
Woonsocket, RI 02895

RE: Cumberland Investment Corp.
Bk No. 89-11051

Dear Hal:

As you requested, and as has been authorized by the FDIC, enclosed please find the 14 page inventory list previously supplied to me by the FDIC.

As we also discussed, should you have any documentation substantiating your claims that there may be assets of Cumberland Investment Corp. which are not currently stored at the Fleet National Bank in Woonsocket, RI, you will provide me with copies of any such documentation so that I may further look into the matter.

Very truly yours,

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.

Jason D. Monzack

JDM:med

cc: Z. Hershel Smith, Esq.
with enclosures

CASTLAND SAVINGS BANK GENERAL INVENTORY OF SAFETY DEPOSIT BOXE WOONSOCKET, RI

SAFE DEP BOX NO.	DESCRIPTION	CONDITION	DATES	COUNT
860	PEACE DOLLARS	ExFine or better		28
	MORGAN DOLLARS	ExFine or better		1,703
853	PEACE DOLLARS	ExFine or better		3
	PEACE DOLLARS	MS SLABS-PCGS		3
	MORGAN DOLLARS	MS SLABS-NGCA		4
	MORGAN DOLLARS	MS SLABS-INS		15
	MORGAN DOLLARS	MS SLABS-PCGS		5
	MORGAN DOLLARS	ExFine or better		428
946	PEACE DOLLARS	E.F TO MS	1922	400
	PEACE DOLLARS	E.F TO MS		678
16	PEACE DOLLARS	ExFine or better		60
	PEACE DOLLARS	MS SLABS-PCGS		6
	MORGAN DOLLARS	ExFine or better		117
	MORGAN DOLLARS	MS SLABS-PCGS		62
606	PEACE DOLLARS	ExFine or better		15
	MORGAN DOLLARS	ExFine or better		533
849	PEACE DOLLARS	ExFine or better		309
	MORGAN DOLLARS	ExFine or better		1,115
12	PEACE DOLLARS	ExFine or better		513
	MORGAN DOLLARS	ExFine or better		752

SUBTOTAL:

6,721

945	PEACE DOLLARS	ROLLS	17
	MORGAN DOLLARS	ROLLS	100

Note: most of the rolls contain 18 in each with some as low as 12, should average around 15 per roll.

Note 2: Assuming an average of 15 per roll the total count is:

1,755

TOTAL ESTIMATED SILVER DOLLARS:

8,476

CURRENCY ONLY:			
\$50.00 BANK NOTES	GOOD TO UNC	1903-1919	57
\$50.00 BANK NOTES	GOOD TO UNC	1903-1919	40
\$50.00 BANK NOTES	GOOD TO UNC	1903-1919	34
\$50.00 BANK NOTES	GOOD TO UNC	1903-1919	50
\$50.00 BANK NOTES	GOOD TO UNC	1903-1919	1
\$1,000.00 GOLD CERT	E.F.	1922	3
\$10,000 GOLD CERT		1917	

TOTAL ESTIMATED BILLS:

229

First of 14 page (undated) Inventory

10 June 1994

C-2

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

Dear Mr. Monzack:

Thankyou for the listings from FDIC. Enclosed is a listing of assets that are missing, or misplaced or sold. If you have any questions concerning the items listed, I would be happy to discuss them with you.

If I had the following records, it would make it easier to pin point the assets. Consequently if you could obtain:

1. yellow inventory books of Cumberland's inventory that was allegedly given to the U.S. Attorney by Mr. Cullen believed to be with FDIC
2. Transcripts of assets removed from Cumberland's premises on August 17, 1990 that may be with the U.S. Attorney or FDIC, since Cullen stated that these were done by Eastland
3. Videos taken of the assets removed from Cumberland on August 17, 1990, believed to be at FDIC
4. Sign in and out cards of the assets that were kept in Eastland Bank, Cranston, probably with FDIC
5. Videos of the assets and appraisers at the Cranston facility
6. Appraisals allegedly taken by Christies of the possessory and non possessory collateral which Mr. Weingarten probably has. Weingarten gave FBI a copy of CMG's "Inventory Summary Reprort" which contained the gradings of coins by Russell Augustin."
7. Any and all inventories taken by the Examiner, in long hand not just what they put into their computer
8. Private sale offer for the 31,000 silver dollars and other assets completed by Russell Kaye, consultant to Christies or others.
9. Post petition report containing beginning and ending inventory.

Sincerely,

Harold F. Chorney

Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895
401 766-7808

List of possible items missing or sold but no accounting:

1. 170 coins from the Eastland Bank possessory collateral.

Grand Jury testimony of John Truslow, FBI on July 14, 1992, pg 35

"Now going back to that group that Chorney looked at, that 4,000 coins, of which Chorney pulled out 575 coins, Augustine looks at those coins, but at this point in time, there only exists 405 of them. Some of them were sold off."

This group of 170 coins is part of the 7820 collateral coins at Eastland and part of what may be some missing 1100 coins according to the General inventory of FDIC.

2. 202 coin sample of the inhouse inventory of CIC at 141 Main Street, Woonsocket on or about March 1990. These coins were at Cambridge Trust Co, Harvard Square, Cambridge, Mass. These coins, some quite identifiable, were not sold by Bowers or Christies, nor are they part of the inventory recently appraised. See attached Exhibits.
3. Persia Ring--Evidence Locker at LCF, See PW #17 listing
4. Roman plate--Evidence Locker at LCF, See PW #16 listing
5. McCrystal lot--consigned to Christies, was not sold, still in their possession?
6. Lot #412, in Christies auction, not sold consisting of 84 silver dollars dated 1896 (1-1896-0)
7. Two lots of stamps collateralizing Eastland note last seen in box 16
Possibility that this collateral was sold by Christies on June 12, 1991,
An inventory list taken by Peter Lockey of the Eastland Stamps exists.
8. Pre Columbian amulets (gold frogs etc.--some 25 pieces in inventory) June 5, 1991
9. Chinese coins including Tea Brick money June 5, 1991 report
10. Bonds, stock certificates and autographs, some copies mixed in with U.S. Attorn
11. Roll of Silver dollars--PW #4
12. Small size currency denominations of 1, 2, 5, 10, 20, 50, 100, 500, 1,000 stored in vault at 141 Main Street
13. 10K and 14K jewelry from 325 Mains Street Store. (Perhaps in box A-11)
14. Box of gemstones from 141 Main Street (Perhaps in box A-11)
15. bags of 90 percent silver coinage from 141 Main Street
16. Bars of bullion from 141 Main Street
17. Other antiquities like 3 & 4 above (Perhaps in box A-11)

C-3

13 September 1994

Clerk of Courts
U.S. Bankruptcy Court
District of Rhode Island
380 Westminster Mall
Providence, R.I. 02903

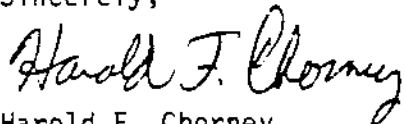
RE: CA NO 89-11051

Dear Sir/Madam:

Enclosed please find copy of letters with exhibits sent to Chapter 7 Trustee.
Please place a copy of these documents into the pleadings file for the above
referenced case.

Thank you.

Sincerely,



Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895
401 766-7808

13 September 1994

Jason D. Monzack
888 Reservoir Avenue
Cranston, R.I.

Dear Mr. Monzack:

This is a follow up letter to the 10 June 1994 request that was sent to you.

Enclosed please find a copy of #2 from that list which is a Transcript of the assets that were removed on 17 August 1990. Upon reading this transcript it should be abundantly clear to you that #3 from the 10 June 1994 request, namely still pictures and videos of that 17 August 1990 asset removal exist. These pictures and videos will aid in resolving some of the inventory problems that definately exist.

In addition there can be little doubt of missing assets, like the \$500.00 bills and the Pre Columbian art work that I have previously informed you as being missing.

The last time we had a conversation concerning taking an inventory of all the assets you indicated to me that you did not have the funds available to do this.

In light of the fact that you became Chapter 7 Trustee in December, and the fact that the Chapter 11 Trustee has not supplied a beginning inventory, what has been sold and an ending inventory, please inform me in writing what course of action you plan to take in relation to the above.

Sincerely,

Harold F. Chorney

Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895
401- 766-7808

13 September 1994

C-5

John Fitzgerald, AUST
Department of Justice
Thomas P. O'Neill Jr. Federal Bldg
10 Causeway Street, Room 472
Boston, MA 02222

RE: CA NO 89-11051

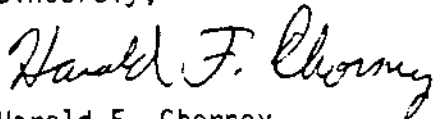
PLEASE TAKE NOTICE

Dear Mr. Fitzgerald:

Enclosed please find copy of letters to the Chapter 7 Trustee requesting an accounting of missing assets and records of Cumberland Investment Corporation.

To date there has been no post conversion report filed stating the assets that were in the possession of the Chapter 11 Trustee, those assets sold and those assets remaining.

Sincerely,



Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895
401 766-7808

C-6

13 September 1994

Sheryl Serreze
Attorney to the U.S. Trustee
Department of Justice
10 Dorrance Street, Room 519
Providence, R.I. 02903

RE: CA NO 89-11051

PLEASE TAKE NOTICE

Dear Ms. Serreze:

Enclosed please find copy of letters to the Chapter 7 Trustee requesting an accounting of missing assets and records of Cumberland Investment Corporation.

To date there has been no post conversion report filed stating the assets that were in the possession of the Chapter 11 Trustee, those assets sold and those assets remaining.

Sincerely,



Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895
401 766-7808

Area Code 401 769-4112

COPY

EXHIBIT F

C-7

NACU enterprises, inc.

323 MAIN STREET WOONSOCKET, RHODE ISLAND 02895-3125, U.S.A.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 10, 1995

MICHAEL E. SHAHEEN, Jr., Esq., Counsel
Office of Professional Responsibility
Department of Justice
Tenth Street and Constitution Avenue
Washington, D.C. 20530

RE: RI BANKRUPTCY
Chapter 11
No. 89-11051 (ANV)

Dear Counselor Shaheen:

I am writing in reference to the above stated Bankruptcy concerning missing records, documents, inventory lists and the unknown location of vital records and documents.

My name is Traian S. Nacu, a retired professional educator having attained the rank of Administrative Assistant Superintendent in a local Rhode Island School System. I am currently the landlord of a family owned building located at 323 Main Street in the City of Woonsocket, Rhode Island where we have been located for over sixty-five years. The Cumberland Investment Corporation maintained a retail store at street level in our building for some seventeen (17) years prior to being petitioned into Chapter 11 Bankruptcy.

We are a small family business and I am, at the present time, earnestly attempting to obtain BACK RENT DUE, as a creditor of the Cumberland Investment Corporation. At the onset of the Bankruptcy proceedings, I became a member of the Creditors' Committee to protect my interests. I possess no previous experience serving on a specialized committee in a Chapter 11 Bankruptcy proceeding.

On December 28, 1994, I attended a meeting concerning the above at the office of JASON MONZACK, the permanent receiver for Eastland Bank and the Cumberland Investment Corporation whose office is located at 888 Reservoir Ave. Cranston, Rhode Island. At that meeting, I was surprised to learn that Attorney Monzack represented both the Bank and Cumberland Investment Corporation which was petitioned into Bankruptcy by Eastland Bank which itself was closed by the FDIC.

COPY

Various discussions took place concerning redemption creditors and I was shocked to be informed that Counselor Monzack has been attempting to obtain all of the vital records and documents. He stated "NO RECORDS OR DOCUMENTS PERTINENT TO THIS BANKRUPTCY CASE WERE AVAILABLE AS THEY COULD NOT BE LOCATED BY THE OFFICE OF THE UNITED STATES ATTORNEY WHO HANDLED BANKRUPTCY NO. 89-11051 (ANV)."

Counselor Monzack also informed the group that he has repeatedly attempted to obtain these records - records, inventories, documents, videos and still photographs of the seized assets as they were being removed from the building. I also learned that several thousand dollars in assets belonging to Cumberland Investment Corporation that were seized by the Chapter 11 trustee, John F. Cullen, Esq. were missing. Attorney Monzack informed us that "it was only \$300,000 or \$400,000 dollars that was missing - not a hell of a lot of money we're talking about."

Consequently, I am requesting that someone in authority look into these vitally important missing assets, records, documents, videos and still photographs concerning this case as I am awaiting some five thousand dollars (\$ 5,000) in back rent.

Following the December 28, 1994 meeting, I was informed by Mr. Chorney, a principal in the Cumberland Investment Corporation, that possibly - millions of dollars in assets may be missing due to the fact that all official records of the asset inventory have mysteriously disappeared from the protection of the United States Attorney.

I am currently attempting to obtain copies of various documents relative to this case. Finally, Counselor Monzack is also the permanent receiver for Eastland Bank, the Bank that petitioned Cumberland Investment Corporation into Chapter 11 Bankruptcy. The attorney has apparently also entered into an agreement with the FDIC (which took over Eastland Bank) NOT TO PERSUE OR FILE ANY CLAIM AGAINST THE BANK which I believe would not include any missing assets. Lastly, the United States Trustee, Sheryl Serreze, previously represented Eastland Bank during the Chapter 11 Bankruptcy proceedings against Cumberland Investment Corporation.

I would appreciate any assistance your office might render in locating all missing documents specifically delineated earlier.

Thank you for your time, cooperation and kind assistance in this most important matter.

Sincerely,



Traian S. Nacu

N.B. I finally located copies of some documents which I have enclosed.
EXHIBITS A, B, C, and D.

JDM:med
APPLICATION.D5

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

EX A

IN RE: Eastland Financial Corp.

BK No. 92-
Chapter 7

APPLICATION FOR TURNOVER OF FUNDS IN
REGISTRY OF THE COURT TO THE TRUSTEE

Now comes the duly appointed Trustee and applies to this Court to
turnover to the Trustee those funds previously deposited into the
registry of this Court by the debtor.

The Trustee relies on the attached memorandum.

Granted Denied Approved

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.


Arthur N. Violato
U.S. Bankruptcy Judge

Date: February 18, 1993

Jason D. Monzack, Esq., #1445
888 Reservoir Avenue
Cranston, RI 02910
(401) 946-3200

C E R T I F I C A T I O N

I, the undersigned, hereby certify that on the 18th day of Jan-
uary, 1993, I mailed a copy of the within to the following:

Michael A. Silverstein, Esq.,
HINCKLEY, ALLEN & SNYDER
1500 Fleet Center
Providence, RI 02903

Fred Singerman, Esq.
SEYFARTH, SHAW, FAIRWEATHER
& GERALDSOW
815 Connecticut Avenue,
N.W., Suite 500
Washington, DC 20006-4004

Adam J. Ruttenberg, Esq.,
Federal Deposit Insurance Corp.
124 Grove Street
P. O. Box 9104
Franklin, MA 02038-9104

Michael E. Geltner, Esq.
Number Ten E Street, S.E.
Washington, D.C. 20003

Citizens Trust Company
870 Westminster Street
Providence, RI 02903

C.A. Simmons & Associates,
Inc.
39 Pike Street
Providence, RI 02903

U.S. Trustee's Office
BFOB Rm 472
10 Causeway Street
Boston, MA 02222

Entered on docket
Date: 2/18/93

J#93-cal-013

JDM:med
EASTLAND.D

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: Eastland Financial Corp.

BK No. 92-13527
Chapter 7

M E M O R A D U M

On December 14, 1992, this Court ordered the debtor to deposit funds into the registry of this Court until such time as a Chapter 7 Trustee is appointed. As a Chapter 7 Trustee has now been appointed and as the §341 meeting has been completed, those funds presently held in the registry of this Court should be turned over to the Trustee.

RESPECTFULLY SUBMITTED,

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.

Jason D. Monzack, Esq., #1445
888 Reservoir Avenue
Cranston, RI 02910
(401) 946-3200

C E R T I F I C A T I O N

I, the undersigned, hereby certify that on the 17th day of January, 1993, I mailed a copy of the within to the following:

Michael A. Silverstein, Esq.,
HINCKLEY, ALLEN & SNYDER
1500 Fleet Center
Providence, RI 02903

Adam J. Ruttenberg, Esq.
Federal Deposit Insurance Corp
124 Grove Street
P. O. Box 9104
Franklin, MA 02038-9104

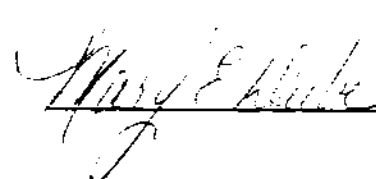
Citizens Trust Company
870 Westminster Street
Providence, RI 02903

U.S. Trustee's Office
BFOB Rm 472
10 Causeway Street
Boston, MA 02222

Fred Singerman, Esq.
SEYFARTH, SHAW, FAIRWEATHER
& GERALDSOW
815 Connecticut Avenue,
N.W., Suite 500
Washington, DC 20006-4004

Michael E. Geltner, Esq.
Number Ten E Street, S.E.
Washington, D.C. 20003

C.A. Simmons & Associates,
Inc.
39 Pike Street
Providence, RI 02903



Notice sent to:

Jason D. Monzack Esq
888 Reservoir Avenue
Cranston, RI 02910

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: Cumberland Investment Corp.
Debtor

Bk No. 89-
Chapter 7

EX B

STIPULATION REGARDING TRUSTEE'S
MOTION TO CARVE OUT FUNDS

Now comes the Federal Deposit Insurance Corpor
of Eastland Savings Bank, ("FDIC") and the duly, appointed, qualified
and acting trustee, Jason D. Monzack, and in support of this Stipula-
tion allege as follows:

WHEREAS: The Trustee has filed a motion to carve out funds; and,

WHEREAS: The FDIC has filed an objection to said motion;

NOW WHEREFORE, the FDIC and Trustee stipulate as follows:

1. The FDIC withdraws its objection to the Trustee's motion, to
the extent that funds are needed by the Trustee to retain an account-
tant to file tax returns for the corporate debtor and to the extent
the Trustee expends time, effort and expense in the performance of his
duties as Trustee in accordance with his responsibilities under the
Bankruptcy Code or pursuant to Court Order.

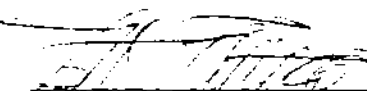
2. The FDIC withdraws its objection to the extent the Trustee
incurs reasonable and necessary attorney's fees and expenses in con-
nection with the administration of the estate.


3. Any applications for compensation by the Trustee, Trustee's
counsel or Trustee's accountant shall be filed in this Court with
notice to the FDIC and the FDIC reserves its right to object to those
applications on the grounds of the reasonableness of the compensation
sought, though any fees awarded by this Court may be paid from assets
secured by the FDIC.

4. The FDIC reserves its right to object to any use of funds by
the Trustee or by his legal counsel to oppose Harold Chorney's peti-
tion for writ of certiorari pending in the United States Supreme Court

shall respond with pleadings filed in the U.S. Supreme Court.


5. The FDIC reserves its right to object to any use of funds by the Trustee to bring any action against the FDIC.


Frank M. Cadigan, Attorney for
Federal Deposit Insurance Corp.
124 Grove Street
Franklin, MA 02038
(508) 520-6449


Jason D. Monzack, Trustee for
Cumberland Investment Corp.
888 Reservoir Avenue
Cranston, RI 02910
(401) 946-3200

DATED: March 29, 1994
April

Stipulation approved as an order of this Court this 3rd day
of May, 1994.


ARTHUR N. VOTCLATO
U.S. BANKRUPTCY JUDGE

Entered on docket
Date 5/4/94

Judgment #J-94-ljs-080

Notice sent to:

Frank M. Cadigan
124 Grove Street
P. O. Box 9104
Franklin, MA 02038

Jason D. Monzack Esq
888 Reservoir Avenue
Cranston, RI 02910

U. S. Trustee
Office of the U. S. Trustee
9th Floor, Room 915
155 Westminster Street
Providence, RI 02903

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

EX C

In Re:

CUMBERLAND INVESTMENT
CORPORATION

Debtor

WARREN TAFT, ET AL.

Plaintiffs

v.

JOHN F. CULLEN, EASTLAND
SAVINGS BANK, FEDERAL DEPOSIT
INSURANCE CORPORATION (FDIC)

Defendants

Chapter 7

Case No. 89-011051

Adv. Proc. No. 92-1109

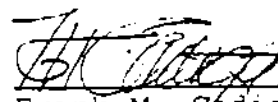
MOTION OF FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF
EASTLAND SAVINGS BANK, FOR SUBSTITUTION OF PARTIES

The Federal Deposit Insurance Corporation, as Receiver of Eastland Savings Bank (the "FDIC as Receiver"), hereby moves for substitution of itself in lieu of Eastland Savings Bank as defendant in the above-referenced adversary proceeding. The reasons for this motion are fully set forth in the memorandum of law submitted in support of this motion.

DATED: September 9, 1994

☒ Granted ☐ Denied ☐ Approved

Arthur N. Votolato
U.S. Bankruptcy Judge


Frank M. Cadigan
Attorney for Defendant
The Federal Deposit Insurance
Corporation, as Receiver of
Eastland Savings Bank and the
Federal Deposit Insurance Corporation
(508) 520-6449

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In Re:)	
CUMBERLAND INVESTMENT)	
CORPORATION)	
)	Chapter 7
Debtor)	Case No. 89-011051
)	
WARREN TAFT, ET AL.)	Adv. Proc. No. 92-1109
)	
Plaintiffs)	
)	
v.)	
)	
JOHN F. CULLEN, EASTLAND)	
SAVINGS BANK, FEDERAL DEPOSIT)	
INSURANCE CORPORATION (FDIC))	
)	
Defendants)	

MEMORANDUM OF FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER
OF EASTLAND SAVINGS BANK, IN SUPPORT OF MOTION
FOR SUBSTITUTION OF PARTIES

The Federal Deposit Insurance Corporation, as Receiver of Eastland Savings Bank (the "FDIC as Receiver"), submits this memorandum in support of its motion for substitution of parties.

1. On November 8, 1989, an involuntary Chapter 11 Bankruptcy petition was filed against Cumberland Investment Corporation (hereinafter "CIC").

2. On June 11, 1992, Warren Taft and John D'Angelo individually and on behalf of all redemption coin claimants of CIC

filed an action in the United States Bankruptcy Court for the District of Rhode Island against John F. Cullen as Chapter 11 trustee seeking the return of coins in which they claim ownership. Eastland Savings Bank was later joined as a defendant in the class action adversary proceeding.

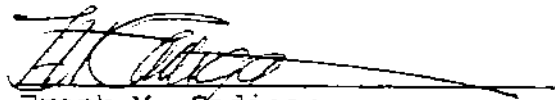
3. On December 11, 1992, the FDIC was appointed permanent Receiver of Eastland Savings Bank per order of the Superior Court of the State of Rhode Island, Providence County, pursuant to 12 U.S.C. §§ 1821(a)(1), 1811. A copy of the Order is attached hereto, marked Exhibit "A" and incorporated herein by reference.

4. As Receiver of Eastland Savings Bank, the FDIC succeeded to all assets and liabilities of Eastland Savings Bank. The FDIC is now the appropriate defendant in the above captioned adversary proceeding.

5. For the reasons set forth herein, the FDIC respectfully requests pursuant to the Federal Rule of Civil Procedure 25(c) which is made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7025, that the FDIC in its Receivership capacity be substituted as defendant for Eastland Savings Bank in the above captioned adversary proceeding.

WHEREFORE, the FDIC prays that its motion to substitute the FDIC in its Receivership capacity as defendant for Eastland Savings Bank be granted and for such other and further relief as this Court deems just and proper.

DATED: September 9, 1994


Frank M. Padigan
Senior Attorney
FEDERAL DEPOSIT INSURANCE CORP.
124 Grove Street, PO Box 9104
Franklin, MA 02038
(508)520-6449

BK 08897:010

STATE OF RHODE ISLAND
PROVIDENCE COUNTY

SUPERIOR COURT

SHELDON WHITEHOUSE, DIRECTOR OF THE :
DEPARTMENT OF BUSINESS REGULATION :
OF THE STATE OF RHODE ISLAND, :
:

Plaintiff, :

v. :

EASTLAND SAVINGS BANK :

Defendant, :

M.P. No.

92-7060

DECREE

This case came to be heard before Justice Ronald P. Gagnon upon the Complaint and Application for Appointment of Permanent Receiver of Eastland Savings Bank. Upon consideration thereof, it is hereby

ORDERED ADJUDGED AND DECREED:

1. The Federal Deposit Insurance Corporation is hereby appointed Permanent Receiver of Eastland Savings Bank ("Eastland"), without bond, effective as of 3:00 p.m. Friday, December 11, 1992.

2. The Permanent Receiver is authorized to take possession and charge of the property, assets and effects of Eastland, to collect all the assets, debts, and property belonging to it, and to preserve and conserve the same.

3. The Permanent Receiver shall be and is hereby authorized and empowered to operate the business of Eastland, to liquidate its assets, to adjudicate creditor claims, and to pay all valid obligations of Eastland, subject to and in accordance with the Federal Deposit Insurance Act, including 12 U.S.C. 1811, 1821(a)(1) and the Rules and Regulations issued thereunder. In addition, the

Permanent Receiver shall exercise all of the rights, powers, and privileges conferred by the provisions of Rhode Island General Laws Section 15-15-1 et seq.

4. The Permanent Receiver shall continue to discharge its duties and trust hereunder in accordance with applicable law and that the right is reserved to the Permanent Receiver and to the parties hereto to apply to this Court for any other or further instructions to the Permanent Receiver and that this Court reserves the right, upon such notice, if any, as it shall deem proper, to make such further orders herein as may be proper, and to modify this Order from time to time.

5. The commencement, prosecution, or continuance of the prosecution of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, whether judicial or non-judicial, or any other proceeding, in law or in equity, under any statute or otherwise, against Eastland or any of its property, in any court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise, by an creditor, stockholder, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of Eastland or the taking or attempting to take into possession any property in the possession of Eastland or of which Eastland has the right to possession, by any of such parties as aforesaid, other than such Receiver, or the termination of telephone, electric, gas or any other utility service to Eastland, by any public utility, without obtaining approval thereof from this Court, in which

connection said Receiver shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

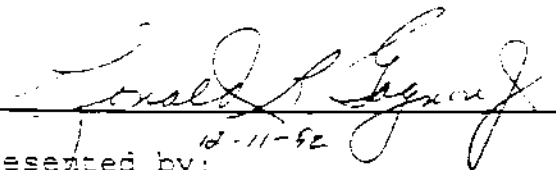
6. In accordance with Rhode Island General Laws §19-15-9, the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against Eastland that was or could have been commenced before the commencement of the receivership, or any act to recover a claim against Eastland that arose before the commencement of the receivership, or the enforcement, against Eastland or against property of the receivership estate, of a judgment obtained before the commencement of the receivership, or any act to obtain possession of property of or from the receivership estate or to exercise control over property of such estate, or any act to create, perfect, or enforce any lien against property of the receivership estate, or any act to create, perfect, or enforce against property of Eastland any lien to the extent that such lien secures a claim that arose before the commencement of the receivership, or any act to collect, assess, or recover a claim against Eastland that arose before the commencement of the receivership, or the setoff of any debt owing to Eastland that

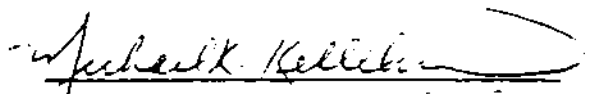
arose before the commencement of the receivership against any Claim against Eastland are hereby restrained and enjoined until further Order of this Court.

ENTERED as an Order of this Court this 11th day of December, 1992.

ENTER:

BY ORDER:


12-11-92
Presented by:
Daniel J. Schatz, #2083
Keith H. Fine, #4395
Department of Business Regulation
Legal Division, Suite 235
233 Richmond Street
Providence, RI 02903-4235
(tel. (401) 277-2146)


Supervisory Clerk

Received in Woonsocket R.I.
Date 12-21-92 Time 12:24 PM
Pauline S. Payeur, City Clerk

WITHIN TEN (10) DAYS AFTER SERVICE (TWENTY (20) FOR U.S. GOVERNMENT OFFICERS AND AGENCIES THEREOF), ANY PARTY AGAINST WHOM A "PLEADING" IS FILED, OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT THEREIN, SHALL SERVE AND FILE AN OBJECTION TO THAT PLEADING. IF NO OBJECTION IS FILED TO A PLEADING WITHIN THE TIME PRESCRIBED HEREIN, THE PLEADING WILL BE DEEMED UNOPPOSED AND WILL BE GRANTED, UNLESS (1) THE REQUESTED RELIEF IS PROHIBITED BY LAW; OR (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT THE INTEREST OF JUSTICE REQUIRES SUA SPONTE DENIAL OF THE UNOPPOSED MOTION.

EXD

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In re :
CUMBERLAND INVESTMENT : Chapter 11
CORPORATION, Debtor : No. 89-11051 (ANV)

JOINT OPPOSITION TO APPLICATION TO REQUIRE TRUSTEE
TO ALLOW EXAMINATION OF COINS AT EASTLAND BANK
AND REQUEST FOR EMERGENCY HEARING

Now comes John F. Cullen, Chapter 11 Trustee (the "Trustee"), by and through his counsel, Edwards & Angell, and Eastland Bank ("Eastland") by and through its counsel, Hinckley, Allen, Snyder & Comen, and respectfully submit this joint opposition in opposition to the Application to Require Trustee to Allow Examination of Coins at Eastland Bank filed by Wescap Enterprises Limited and Harold F. Chorney. As grounds therefore, the Trustee and Eastland represent as follows:

BACKGROUND

1. Cumberland Investment Corporation ("CIC"), a Rhode Island corporation, is wholly owned by Wescap Enterprises, Ltd., a publicly traded Canadian Corporation, ("Wescap").
2. Wescap does not appear to be represented by counsel in this proceeding. The Trustee and Eastland submit that the filing of applications and motions by Mr. Chorney on behalf of Wescap constitutes the unauthorized practice of law by Mr. Chorney, in violation of Rhode Island General Laws §11-27-5.

41
442

3. Harold F. Chorney was a Principal of CIC and is the Chief Operating Officer of Wescap.

4. On October 23, 1989, Eastland petitioned CIC into an involuntary receivership proceeding in the Superior Court.

5. On November 8, 1989, Eastland and two other creditors petitioned CIC into bankruptcy pursuant to the filing of an involuntary petition under Chapter 7 of the Bankruptcy Code.

6. On December 6, 1989, CIC converted the involuntary Chapter 7 petition to a voluntary Chapter 11 proceeding and an appropriate order was entered by the Court.

7. A Chapter 11 Trustee was appointed on August 9, 1990 and the bankruptcy court also directed the immediate discharge of the principals of CIC, including Mr. Chorney, his son Louis and others.

8. The case has been unusually contentious and Mr. Chorney accused Eastland of "switching" the coins held in its possession, requiring the Trustee and Eastland to engage additional security each time the coins are examined, at great expense to each.

9. Although Mr. Chorney and Wescap state in their Application that they "are willing to pay reasonable security costs and comply with all reasonable conditions," it is a matter of public record that counsel for Mr. Chorney has moved to withdraw due to non-payment of legal fees.

10. The Trustee has utilized LCF Associates, Incorporated ("LCF") for security purposes when allowing access to the estate assets for other appraisals. LCF charges \$70.00 per hour for its services, plus \$.47 per mile for travel.

11. Eastland also has an employee present at such examinations at a cost of \$20.00 per hour.

12. Estimating Wescap's and Mr. Chorney's appraisal to take two 8 hour days, the cost for such appraisal would exceed \$1,400.00.

13. The Trustee and Eastland respectfully request that Wescap and/or Mr. Chorney be required to pre-pay at least \$1,500.00 into an escrow account at Eastland to cover these anticipated expenses.

14. Several prospective purchasers have reviewed the assets of the estate and the Trustee hopes to conduct a sale of some of the estate assets, possibly including the coins held by Eastland, by the end of the year.

15. In order to ensure that such sales may go forward as planned, it is imperative that the appraisal of Wescap and/or Mr. Chorney be completed no later than December 6, 1991.

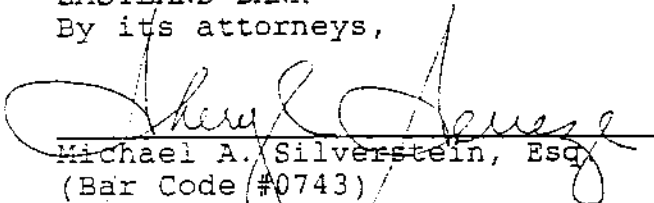
WHEREFORE, the Trustee and Eastland pray that this Court

(1) Schedule an emergency hearing on this matter to permit it to be heard soon enough to permit any appraisal to be completed by December 6, 1991;


(2) Order Wescap and/or Mr. Chorney to pay \$1,500.00 to Eastland to be placed into an escrow account to be applied against actual security costs incurred as a result of the requested appraisal; and

(3) Provide such further relief as this Court deems just and proper.

EASTLAND BANK
By its attorneys,


Michael A. Silverstein, Esq.
(Bar Code #0743)
Sheryl Serreze, Esq. (Bar Code #4467)
Hinckley, Allen, Snyder & Comen
1500 Fleet Center
Providence, Rhode Island 02803
(401) 274-2000

JOHN F. CULLEN, TRUSTEE
By his attorneys,


Edward J. Bertozzi, Jr., Esq.
(Bar Code #1124)
Andrea Corcoran, Esq.
Edwards & Angell
2700 Hospital Trust Tower
Providence, Rhode Island 02903
(401) 274-9200

DATED: November 14, 1991

wp:Serreze:EB028525 .AG7 November 14, 1991 R5



U. S. Department of Justice
Office of Professional Responsibility

C-8

Washington, D.C. 20530

MAR 17 1995

Mr. Traian S. Nacu
Nacu Enterprises, Inc.
323 Main St.
Woonsocket, RI 02895-3125

Dear Mr. Nacu:

This is in response to your February 16, 1995 letter to this Office in which you raised your concerns about a bankruptcy proceeding involving the Cumberland Investment Corporation. Please be advised that because the jurisdiction of this Office is limited to investigating allegations of misconduct made against Department of Justice employees, we are unable to inquire into the actions of court-appointed trustees or receivers. As a result, we have referred your correspondence to the Executive Office for United States Trustees (EOUST). EOUST oversees the trustees program. If you have any questions regarding your concerns, we recommend that you contact EOUST directly at:

Joseph Patchan, Director
Executive Office for United States Trustees
Room 700
901 E St., N.W.
Washington, D.C. 20530

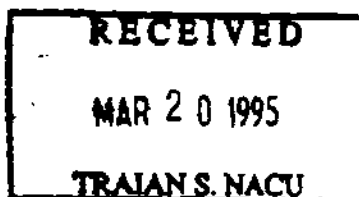
Thank you for bringing this matter our attention and we regret that we are unable to provide further assistance.

Sincerely,

Michael E. Shaheen Jr.
Counsel

By:

Marlene M. Wahowiak
Marlene M. Wahowiak
Attorney-Advisor



Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

C-9

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Neil P. Philbin
Jason D. Morzack
Matthew J. Elliott
Brian G. Goldstein
William F. Holt
Christopher L. Russo
Geoffrey A. Regan
Robyn K. Cossack

May 17, 1995

BY FAX AND THEREAFTER
BY REGULAR MAIL

John F. Cullen, Esq.
Cullen & Resnick
Historic Navy Yard
Shipway Place C-3
Boston, MA 02129

Joseph M. DiOrio, Esq.
Hinckley, Allen & Snyder
1500 Fleet Center
Providence, RI 02903

Cambridge Meridian Group
ATTN: Michael Weingarten
50 Church Street
Cambridge, MA 02138

Seymour Posner, Esq.
U.S. Attorney's Office
10 Dorrance St., 10th Fl.
Providence, RI 02903

Stephen C. Rothenrich
Postal Inspector
P.O. Box 2217
Boston, MA 02205-2217

John Truslow
Special Agent, FBI
10 Dorrance Street
Suite 900
Providence, RI 02903

RE: Cumberland Investment Corp.
Bk No. 89-11051

Gentlemen:

Please be advised that at a hearing held in the United States Bankruptcy Court for the District of Rhode Island regarding the above-captioned matter, a redemption coin holder, Warren Taft, requested that he be provided with certain documentation for the purpose of determining a chain of custody for Debtor's assets from the time those assets were taken into the possession of the Chapter 11 Trustee to today. Judge Votolato directed that I make written requests for that information. Judge Votolato has continued this matter for hearing to June 8, 1995 at 9:30 a.m. Judge Votolato has also stated that I may make written requests for Orders to compel a response should a voluntary response not be forthcoming promptly.

Accordingly, would you please provide me with a list of any and all documents which you have which would aid in the determination of the aforementioned chain of custody. I seek copies of any documentation which would show assets coming into the bankruptcy estate, the disposition of any assets (detailing what assets were sold or otherwise disposed of and what funds were received from the disposition of those assets and how those funds were disposed of), and the movement of any assets from location to location.

The documents I seek, include, but are not limited to the following:

1. All inventories taken by Per Baverstan and/or Cambridge Meridian Group.
2. All records of Ernst & Whinney regarding the inventories.
3. Complete accounting of superpriority loan previously approved by the Court, including all checks showing receipt and/or disbursement of funds.
4. Videos, photographs and stenographic records when inventory was removed from Debtor's premises to Marquette Credit Union.
5. Yellow notebooks (inventory books) containing lists of redemption coins.
6. Sign-in and sign-out cards for Eastland Bank in Cranston for the Debtor's inventory.
7. Videos of appraisals done at Eastland Bank in Cranston.
8. Documents regarding the private sale offer for 31,000 silver dollars and other assets completed by Russell Kayes, consultant to Christie's.
9. Transcripts of assets removed from Debtor's premises on August 17, 1990.

10. Any appraisals of possessory or non-possessory inventory.

11. Any and all inventories taken by the Examiner, including any inventories in long-hand and any computer inventories.

Should anyone receiving either an original or a copy of this letter have knowledge or information of the existence and/or the location of records not in your possession, which would aid in the determination of the chain of custody of the Debtor's assets, please provide me with a detailed description of those documents and where you believe these documents are currently located.

If anyone receiving an original or a copy of this letter wish that it be sent to anyone not receiving an original or a copy, please advise me of the name and address of that party, and I will forward the letter to that party.

Finally, if anyone receiving an original of this letter cannot substantively respond to me within ten (10) days, please advise when I may expect to be in receipt of your response with the copies requested.

Very truly yours,
KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.

Jason D. Monzack

JDM:med

cc: John P. Fitzgerald, Asst. U.S. Trustee
Frank M. Cadigan, Esq.
Z. Hershel Smith, Esq.
Edward J. Bertozzi, Jr., Esq.
Scott A. Lutes, Esq.
Harold F. Chorney

C-10

P. O Box 52
Mendon, MA 01756

Attorney Jason D. Monzack
Kirshenbaum & Kirshenbaum
888 Reservoir Avenue
Cranston, RI 02910

July 19, 1995

Dear Jason;

In response to your letter dated 07-17-95, please find the attached letter faxed to your office on 07-12-95. My fax machine does show confirmation that your office indeed received this correspondence concerning my inability to attend our scheduled meeting. It is not my fault that you were not notified.

Secondly, how many more people are going to be at these meetings? At any additional meetings we may need, I would like a complete accounting of who will be attending, just in case I may need to be representation.

Furthermore, yes I still "desire" to examine documentation at the US Attorney's office. The first and second weeks of August is open for any Monday, Wednesday or Friday. 07-31-95, 08-02-95, 08-04-95, 08-07-95, 08-09-95, or 08-11-95.

In advance, I am requesting the following documentation be made available for inspection at the US Attorney's office. By requesting these items now, it may speed things up at the meeting.

1. list of all video tapes and dates taken
2. chronology of custody and control of all inventories since coins may be intermingled during our last court hearing, Mr. Posner stated that a chain of custody list was "no problem"
3. inventory of coins under the control of the FBI. it was previously stated that this inventory was 2/3 complete at the last hearing.
4. inventory taken by Christies on the coins that were moved to New York (you were supposed to make this available at our last meeting)
5. any other inventories

Thank you.

Very truly yours,


Warren Taft

LXND/11 U

C-11

Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Neil P. Philbin
Jason D. Monzack
Matthew J. Elliott
Brian G. Goldstein
William F. Holt
Christopher L. Russo
Geoffrey A. Regan
Robyn K. Cossack

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

July 21, 1995

RE: Cumberland Investment Corp.
Bk No. 89-11051

Dear Mr. Taft:

This letter will serve to acknowledge receipt of your letter of July 19, 1995, with enclosure, and I have noted same. I have no record of receiving your letter of July 12, 1995. This letter will also serve to confirm that the meeting has been rescheduled to Friday, August 11, 1995 at 10:00 a.m. at the U.S. Attorney's office. By copy of this letter, I am confirming this with Messrs. Posner and Cadigan. I have provided Seymour Posner, Esq., of the U.S. Attorney's office copies of your letters of July 12, 1995 and July 19, 1995. Mr. Posner has advised me that he will make available, to the best of his ability, those documents, and that information, requested in your July 19, 1995 letter.

To the best of my knowledge, those individuals referenced in my letter of July 17, 1995 will attend this meeting. You will have to make your own decision whether you wish to be represented by counsel; however, I am advised by Mr. Posner that he will cancel this meeting should anyone attend who has represented Mr. Chorney in his pending criminal matter.

Very truly yours,

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.

Jason D. Monzack

JDM:med

cc: Frank Cadigan, Esq.
Seymour Posner, Esq.

SCOTT A. LUTES

ATTORNEY AT LAW

C-17

127 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 861-1142

July 25, 1996

Jason Monzack, Esquire
888 Reservoir Avenue
Cranston, Rhode Island 02910

RE: CUMBERLAND INVESTMENT CORP. vs. HAROLD F. CHORNEY

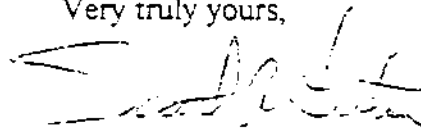
Dear Mr. Monzack

Pursuant to my correspondence of April 4, 1996, my client would like to obtain and/or review any and all of the records you received from the United States Attorney's Office. In the event that you are desiring to dispose of any of those records, my client will make arrangements to pick up the documents from your possession.

Also, in follow-up to my correspondence of May 20, 1996, kindly forward to me the inventory of coins sent to auction at Christy's with regard to the above-referenced matter. As I indicated in my letter of May 20, 1996, you are on record at the Bankruptcy Court proceedings stating all the coins were listed and inventoried.

Your prompt attention to these matters is greatly appreciated.

Very truly yours,



SCOTT A. LUTES

SAL/dr

cc: Mr. Harold F. Chorney

clmsworks.scott.chorney.0723jml

SCOTT A. LUTES

ATTORNEY AT LAW

C-12

127 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 861-1142

October 20, 1995

Joseph M. DiOrio, Esquire
Hinckley, Allen, Coleman & Snyder
1500 Fleet Center
Providence, RI 02903

RE: **CUMBERLAND INVESTMENT CORPORATION**
CHAPTER 7 - BANKRUPTCY

Dear Mr. DiOrio:

As you may recall I represent Harold F. Chorney. Recently both Mr. Chorney and yourself filed objections to the Trustee's Motion to Sell Assets in the above-captioned case. It is my understanding that the basis of your objection to the sale is the super priority lien claimed by Fleet Bank pursuant to the 364 Agreement. Mr. Chorney is a signatory to the 364 Agreement and as such would like to be provided with a breakdown of these expenses in order that he may determine whether he has any objection to your claim for payment. Will you be kind enough to provide to me a detailed breakdown of the roughly \$200,000.00 of expenses owed to your client. Ideally, if you could provide me with a breakdown showing the gross amount of monies received by your client, the amount paid out and the balance allegedly owed, this would greatly assist me in advising my client whether he should pose an objection to your client.

Would you be so kind as to respond to this correspondence within the next ten (10) days? Thanking you in advance for your anticipated cooperation.

Very truly yours,

Scott A. Lutes
Scott A. Lutes, Esquire *enl*

SAL/cmf
scott chrny:orio

K irshenbaum &
K irshenbaum
ATTORNEYS AT LAW, INC.

888 Reservoir Avenue • Cranston, RI 02910
401 946-3200 • Fax: 401 943-8397

C-13

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Raymond H. Daniels
Ned D. Peabody
Jason F. Monzack
Matthew J. Elliott
Brian C. Goldstein
William F. Hoyt
Christopher L. Russo
Geoffrey A. Regan

FACSIMILE TRANSMITTAL COVER SHEET

TO: Scott Lutes, Esq.

FROM: Jason Monzack, Esq.

DATE: MARCH 25, 1996

NUMBER OF PAGES INCLUDING COVER SHEET. 2

FAX NUMBER 273-0575

OUR FAX NUMBER: (401) 943-8397

MESSAGE _____

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

If there is any trouble with the transmission of these documents, please
contact _____ of this office.

Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mannelli
John E. McCann, III
Neil P. Philbin
Jason D. Monzack
Matthew J. Ellett
Brian C. Goldstein
William F. Holt

BY FAX

Christopher L. Russo
Geoffrey A. Regan
Robyn K. Cossack

March 25, 1996

Scott Lutes, Esq.
127 Dorrance Street
Providence, RI 02903

Re: Cumberland Investment Corp.
Bk No. 89-11051
Chapter 7

Dear Mr. Lutes:

Please be advised that the U.S. Attorney's office has advised me that they wish to dispose of those records of Cumberland Investment Corp. which they are holding by the close of business on March 26, 1996. Please advise if you wish to obtain and/or review any of those records.

Very Truly Yours,

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.

Jason D. Monzack

JDM:lge

Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

888 Reservoir Avenue • Cranston, RI 02910
401 946-3200 • Fax: 401 943-8097

C-14

Attorneys
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Raymond J. Daniels
Neil P. Philbin
Jason D. Morzack
Matthew J. Elliott
Brian C. Goldstein
William F. Holt
Christopher L. Russo
Geoffrey A. Regan

FACSIMILE TRANSMITTAL COVER SHEET

TO: Seymour Posner

FROM: Jason Morzack

DATE: March 25, 1996

NUMBER OF PAGES INCLUDING COVER SHEET: 2

FAX NUMBER: 528-5474

OUR FAX NUMBER: (401) 943-8097

MESSAGE: _____

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

If there is any trouble with the transmission of these documents, please
contact Linda of this office.

RIP

Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Neil P. Philbin
Jason D. Monzack
Matthew J. Elliott
Brian C. Goldstein
William F. Holt
Christopher L. Russo
Geoffrey A. Regan
Robyn K. Cossack

March 25, 1996

BY FAX

Seymour Posner
First Assistant U.S. Attorney
U.S. Department of Justice
Tenth Floor
Westminster Square Building
10 Dorrance Street
Providence, RI 02903

Re: Cumberland Investment
Bk No. 89-11051
Chapter 7

Dear Sy:

In response to your letter of March 11, 1996, do you have a written inventory of the records which are in your possession? If you do, could you fax it to me? Also, could you give me to the end of the week to arrange to have the records picked up?

I thank you in advance for your anticipated cooperation in this matter.

Very Truly Yours,

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.


Jason D. Monzack

JDM:lgc

RIF

Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

888 Reservoir Avenue • Cranston, RI 02910
401 946-3200 • Fax: 401 943-8097

C-15

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Raymond J. Daniels
Neil P. Philbin
Jason D. Monzack
Matthew J. Elliott
Brian G. Goldstein
William F. Holt
Christopher L. Russo
Geoffrey A. Regan

FACSIMILE TRANSMITTAL COVER SHEET

TO: Symour Posner

FROM: Jason Monzack

DATE: March 26, 1996

NUMBER OF PAGES INCLUDING COVER SHEET: 2

FAX NUMBER: 528-5474

OUR FAX NUMBER: (401) 943-8097

MESSAGE: _____

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

If there is any trouble with the transmission of these documents, please

contact Linda of this office

RIF

Kirshenbaum &
Kirshenbaum
ATTORNEYS AT LAW, INC.

Alfred Factor
Paul J. Russo
Charles A. Hirsch
Albert J. Mainelli
John E. McCann, III
Neil P. Philbin
Jason D. Monzack
Matthew J. Elliott
Brian C. Goldstein
William F. Holt
Christopher L. Russo **BY FAX**
Geoffrey A. Regan
Kathryn K. Cussack

March 26, 1996

Seymour Posner
First Assistant U.S. Attorney
U.S. Department of Justice
Tenth Floor
Westminister Square Building
10 Dorrance Street
Providence, RI 02903

RE: Cumberland Investment
BK No. 89-11051
Chapter 7

Dear Sy:

Confirming our telephone discussion of March 25, 1996, we have agreed that I will appear at your office at 10:00 a.m. on April 5, 1996 to take possession of the records of Cumberland Investment Corp. except for those records which were used as exhibits in the Harold Chorney trial.

Very Truly Yours,

KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.

Jason D. Monzack

JDM:lgc

RIF

SCOTT A. LUTES

ATTORNEY AT LAW

C-16

127 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 861-1142

May 20, 1996

Jason Monzack, Esquire
888 Reservoir Avenue
Cranston, Rhode Island 02910

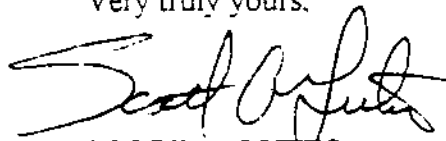
RE: CUMBERLAND INVESTMENT CORP. vs. HAROLD F. CHORNEY

Dear Mr. Monzack:

Kindly forward to me the inventory of coins sent to auction at Christy's with regard to the above-referenced matter. You are on record at the Bankruptcy Court proceedings stating all the coins were listed and inventoried.

Your prompt attention to this matter is greatly appreciated.

Very truly yours,


SCOTT A. LUTES

SAL/dr
c:\msworks\scott_chorney\0517jml

SCOTT A. LUTES

C-17

ATTORNEY AT LAW

127 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 361-1142

July 25, 1996

Jason Monzack, Esquire
888 Reservoir Avenue
Cranston, Rhode Island 02910

RE: CUMBERLAND INVESTMENT CORP. vs. HAROLD F. CHORNEY

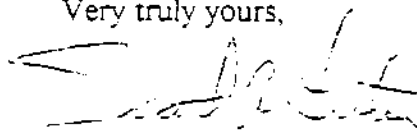
Dear Mr. Monzack

Pursuant to my correspondence of April 4, 1996, my client would like to obtain and/or review any and all of the records you received from the United States Attorney's Office. In the event that you are desiring to dispose of any of those records, my client will make arrangements to pick up the documents from your possession.

Also, in follow-up to my correspondence of May 20, 1996, kindly forward to me the inventory of coins sent to auction at Christy's with regard to the above-referenced matter. As I indicated in my letter of May 20, 1996, you are on record at the Bankruptcy Court proceedings stating all the coins were listed and inventoried.

Your prompt attention to these matters is greatly appreciated.

Very truly yours,



SCOTT A. LUTES

SAL/dr

cc: Mr. Harold F. Chorney

zms:works scott chorney 0723jml

C-18

1 September 1996

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

Dear Mr. Monzack:

Please accept this letter as a formal demand upon you as the Chapter 7 Trustee of Cumberland Investment Corporation, CA. No:89-11051 to produce the following:

1. A statement of all assets which came into your possession as Chapter 7 Trustee.
2. A list of all assets sold or transferred and all information pertaining to said sale or transfer, since your appointment.
3. A list of value received for said assets including the June 1996 sale conducted by Spinks for Christies as itemized by auction lot numbers.
4. The itemized list of coins taken jointly by Jason Monzack and FDIC as referred to on page 68 of the February 15, 1996 hearing in Bankruptcy Court before Judge Votolato.

Your immediate attention to this matter would be much appreciated.

Sincerely,

Harold F. Chorney

Harold F. Chorney 03775-070
FPC Allenwood
P.O. Box 1000
Montgomery, PA 17752

cc. Clerk of Bankruptcy Court
John Fitzgerald, Trustee

C-19

October 17, 1998

Clerk of Bankruptcy Court
350 Westminister Mall
Providence, R.I. 02903

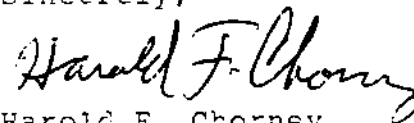
RE: C.A. NO. 89-11051

Dear Sir/Madam:

Please include the enclosed letter to Jason Monzack
in the Pleadings Folder of the above captioned case.

Thank you

Sincerely,

A handwritten signature in cursive script, reading "Harold F. Chorney".

Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895

October 17, 1998

C-20


Jason D. Monzack, Esq.
998 Reservoir Avenue
Cranston, R.I. 02910

RE: Legal paperwork and other "material" in possession of
Chapter 7 Trustee obtained from the U.S. Attorney

Dear Mr. Monzack:

This letter will confirm our telephone conversation on
October 14, 1998 that I will call you on or about November
12, 1998 to make arrangements to pick up the legal paperwork
and other "material" received from the U.S. Attorney that
you agreed to give to Patricia Pollock over one year ago.

Sincerely,



Harold F. Chorney
P.O. Box 1211
Woonsocket, R.I. 02895

cc: Clerk of Bankruptcy Court
U.S. Trustee

SCOTT A. LUTES

ATTORNEY AT LAW

C-21

127 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 861-1142

December 4, 1998

Jason Monzack, Esquire
Kirshenbaum & Kirshenbaum
888 Reservoir Avenue
Cranston, Rhode Island 02910

RE: HAROLD F. CHORNEY

Dear Mr. Monzack,

As you will recall, sometime ago I had sent you a letter on behalf of my client, Harold F. Chorney stating that he, or one of his representatives, would be happy to pickup any and all documentation you possessed concerning him or his former corporation once you had completed doing whatever you were doing with it.

My client asked me to send this letter to you once again to renew the request to take this documentation off of your hands once it was no longer useful to you.

The courtesy of your reply will be greatly appreciated.

Very truly yours,

SCOTT A. LUTES

SAL/dr

✓ bcc: Harold F. Chorney

C-22

P. O. Box 52
Mendon, MA 01756

January 19, 2000

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

RE: Spinx America Auction Sale

Dear Mr. Monzack:

I have reviewed the auction catalog on the December 7, 1999 sale of Cumberland Investment estate property. I have several questions as a result of this sale. You stated that there would be approximately 7491 silver dollars in this sale, yet when I add together all the silver dollars in lots #1160-#1291, there are more than 8,000 silver dollars that were scheduled to be sold in this auction.

In addition when I checked the prices realized I noticed that 2 silver dollars were withdrawn and 378 other silver dollars did not show any prices realized.

As you know, I objected to the sale because I did not have enough information concerning the sale prior to the sale. It really bothers me that there were over 500 coins more than your "approximate 7,491 silver dollars" scheduled to be sold and my coins are still missing. Consequently, I would like you to answer the following:

1. Did you or the FDIC take an inventory of the 7,491 silver dollars prior to delivering them to Christies?
2. Which inventory of silver dollars did the extra 500 or so coins come from?
3. Were any of my coins part of the extra 500 coins? Both you and Mr. Cadigan once represented that:

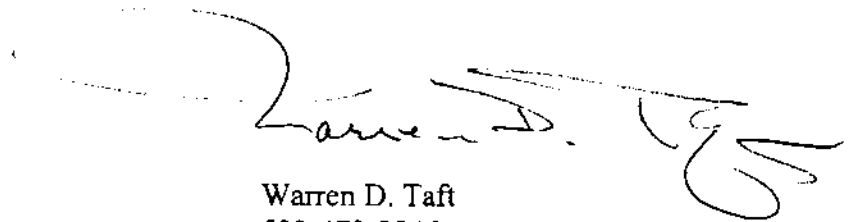
"If any coins in the group of coins that's currently held by Christies matched up with Mr. Taft's coins by year and mint marking, the FDIC has agreed to withhold those coins from the sale" Bankruptcy Transcript August 17, 1995 page 11.

Without the advanced information of the specific coins in this auction, I could not figure out if my coins were possibly in this auction sale.

4. Are the 7491 Silver Dollars part of the "possessory collateral" of some 7820 coins, or is the 7820 part of the 8,000 or are these silver dollars some other coins all together?
5. Have the "possessory collateral" coins been sold, if not which coins have not been sold?
6. Which non "redemption client coins" have not been sold as of today's date?

I would appreciate a response from you concerning 1-6 above within ten days of your receipt of this letter. If you wish to contact me I can be reached at the address and telephone listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren D. Taft", with a stylized flourish at the end.

Warren D. Taft
508-473-2846

C-23

P. O. Box 52
Mendon, MA 01756

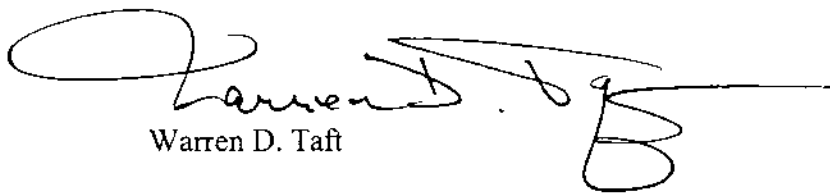
Clerk of Courts
US Bankruptcy Court
380 Westminster Mall
Providence, RI 02903

March 8, 2000

Please accept this letter as an apology for having to file another motion to obtain information. I sent a request to the Mr. Monzack back in January asking for this same information. He has yet to answer me back. If he had, I believe this could have been avoided. Apparently Mr. Monzack doesn't care how much court time he waste. I have enclosed a copy of the letter sent to Mr. Monzack.

Again, sorry and thank you.

Sincerely,



Warren D. Taft

C-24

April 20, 2000

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

RE: Court Hearing April 6, 2000
CA No. 89-11051

Dear Mr. Monzack:

At the above referenced hearing, Judge Votolato requested that you cooperate with me in my investigation of the Cumberland Investment Corporation estate. I simply need you to supply me with some documents and dates of documents that I already have. No analysis or computations on your part are necessary. Consequently, I am requesting the following from you:

1. A copy of the letter that you sent to Christies that you referred to at the April 6, 2000, hearing.
2. Response letter(s) from Christies.
3. A coin by coin breakdown of the 1128 silver dollars referred to in Exhibit 1, page 2 in RESPONSE OF CHAPTER 7 TRUSTEE TO PETITIONER'S REQUEST FOR CLARIFICATION AND ACCOUNTING OF ESTATE PROPERTY SOLD ON DECEMBER 7, 1999 BY SPINK AMERICA
4. A list of the 7,998 silver dollars shipped by the U.S. Attorney's Office to Spink America or Christies.
5. A copy of any videotapes in your custody or control concerning the inventories of Cumberland Investment Corporation assets subsequent to the failure of Eastland Bank. (I am willing to pay you reasonable costs for reproduction.)

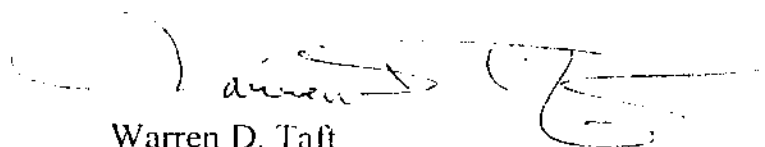
6. A copy of the inventory taken by you and Mr. Cadigan of some 8700 silver dollars as you stated at a February 15, 1996 Bankruptcy Court hearing. See Transcript of hearing, pg. 68.
7. Copy of list of redemption coins that Mr. Smith signed for when he picked the coins up from FDIC. See Transcript of hearing, pg. 57.
8. The date that the enclosed 8/15 inventory was taken.
9. The date that the enclosed 14 page General Inventory supplied to you by FDIC was taken.
10. A list of silver dollars from the estate (excluding redemption client coins) that have not been sold yet.

I want to thank you in advance for your anticipated cooperation in this matter. With this information, I can perform my own comparisons and hope to put this matter to bed.

If you would like to contact me I can be reached at the following:

FAX 508 634-7824
Tel 508 473-2846

Sincerely,

A handwritten signature in dark ink, appearing to read "Warren D. Taft", with a stylized flourish extending to the right.

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



Federal Deposit Insurance Corporation
550 17th Street NW, Washington, DC 20429

Office of Executive Secre

C-25

May 23, 2000

Mr. Harold F. Chorney
Apartment 106
5 Cathedral Square
Providence, Rhode Island 02903

FDIC Log # 00-0339

Dear Mr. Chorney:

This will respond to your letter dated May 15, 2000, seeking a copy of the document(s) in your administrative file that refer to Mr. Monzack and videotapes of the inventories performed after the bank was closed. Your letter was processed pursuant to the provisions of the Freedom of Information Act (5 U.S.C. § 552), and the Privacy Act (5 U.S.C. § 552a). Enclosed, in full satisfaction of your request, please find a copy of the document you seek.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fredrick L. Fisch", is written over the typed name.

Fredrick L. Fisch
Senior Attorney

Enclosure

Melson, Ruth H.

From: Peters, Deborah J.
Sent: Tuesday, December 14, 1999 3:50 PM
To: Melson, Ruth H.
Subject: CHORNEY, HAROLD, F. / FOIA1999-03705

RE: FOIA1999-03705, FOI99-0876
Requestor: Harold Franklin Chorney
Subject: Cumberland Investment Corp, 33 item request

Good afternoon. In regard to Harold Chorney and his FOIA request regarding Cumberland Investment Corp. /Cumberland Coin, please see NESC DRR's estimate below. Please note that since Cumberland Investment Corp. is in Chapter 11 bankruptcy, Legal will provide their own estimate for any potentially responsive FDIC records they may locate.

In order to get some historical background for this case, I spoke with Frank Cadigan, the NESC attorney who is involved with the bankruptcy case. Attorney Cadigan took the additional step of telephoning FBI agent John Truslow (who worked on the Cumberland case), regarding the location concerning the type of records Mr. Chorney was requesting. Based upon their conversation, it appears many, if not most of the documents and items sought by Mr. Chorney may well be in the possession of the U.S. District Attorney, under the custody of James Levy, Assistance U.S. District Attorney, 50 Kennedy Plaza, Providence, Rhode Island. When OES provides Mr. Chorney with his estimated fees for searching FDIC records, it would be advisable to inform him of that. It is also *possible* that the bankruptcy trustee, Jason Monzak, may have some videotapes of inventories performed after the bank closed.

As background: In 1990, the FBI, the bankruptcy trustee and/or his agents, and some Eastland Bank employees were present at the office of Cumberland Investments, for the purpose of removing assets in respect to the federal investigation, the bankruptcy proceeding, and Eastland's role as a secured creditor. Mr. Chorney was primarily a coin dealer, who offered coins and collectibles as investments.

Mr. Chorney was investigated for his role in both defrauding the bank, and the individual investors. Eventually he was convicted and was sentenced to prison for a few years.

Although normally we provide our estimates item by item, it is not possible for us to follow that custom with this request. To begin with, many of the items reference actions by the bankruptcy trustee and his agents, not necessarily the FDIC. We found records on REMATS that reference the name "Cumberland Investment", but their descriptions are limited, and give no indication that they are truly responsive. Since much of the information requested by Mr. Chorney is more than two years prior to the FDIC's intervention in Eastland Bank, and since the District attorney has kept records pertinent to the federal investigation, it's difficult to say if our search would produce the specific information and documents requested.

We located **12** boxes of DRR records, which **do** reference the name "Cumberland Investment". Some of them are boxes referring to subpoenas.

In addition, the Investigations unit, while running a check of records for the Eastland receivership, located **16** more boxes, which, although they do **not** name "Cumberland" or "Chorney,", contain types of documents which **might** hold a reference to some of the many types of information requested.

Our estimate is based upon these 26 boxes, at a least 1.5 search hours per box:

2 Hours Database Search (@ clerical rates): \$42.00

39 hours potential search time for 26 boxes (clerical rates): \$819.00

NESC DRR subtotal: \$861.00 (**Not including copy fees or any possible Legal records**)

(Since Mr. Chorney is an individual requestor, we have not included review time in the costs, although any responsive records would of course be reviewed).

If you have any questions regarding our estimate, please give me a call.

Deborah Peters
(860) 291-4504

June 7, 2000

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

RE: Court Hearing April 6, 2000
FOLLOW UP LETTER
CA No. 89-11051

Dear Mr. Monzack:

At the above referenced hearing, Judge Votolato requested that you cooperate with me in my investigation of the Cumberland Investment Corporation estate. I wrote to you in a letter dated April 20, 2000. My requests do not require that you do any calculations, but merely supply me with inventories and other information. Copy enclosed.

Subsequent to the April 20, 2000 letter, I have had no response from you concerning the CLARIFICATION AND ACCOUNTING OF ESTATE PROPERTY SOLD ON DECEMBER 7, 1999 BY SPINK AMERICA. In the interim, I have ordered and received a transcript of that hearing and had the opportunity to review the transcript of the April 6, 2000, Bankruptcy Court Hearing. At this April 6, 2000 hearing, you made the following statement:

"....a third group of coins was that group of coins that were separately segregated at the insistence of Eastland Bank when they had some doubts about the financial stability of Cumberland Investment, and it was set aside in a separate vault taken control of, by the U.S. Attorney's office. That's the group of coins that were shipped directly to Christie's."

It appears that you were aware at this hearing of these extra coins that the U.S. Attorney's Office took control of. Since the U.S. Attorney shipped 7,998 silver dollars to Christies, and the possessory collateral was 7,820 silver dollars, where did the additional 170 plus coins come from? Were my coins included as part of the 170 extra coins? Why can't you give me an inventory of these coins and answer the questions that I asked you in the April 20, 2000 letter? Surely someone at U.S. Attorney's Office had to sign a receipt for these 7,998 silver dollars.

As I indicated in the April 20, 2000, letter, with the information that I am seeking, I can perform my own comparisons and hopefully put this matter to bed.

Please respond to me as soon as possible, it has been over 45 days since I requested the information from you. If you have some of the information and not all of it because other parties are not supplying you with the information you need to respond, please send me the information that you already have. In addition, please indicate in a letter to me who has not supplied the missing information to you and the documentation that you requested this information.

If you would like to contact me I can be reached at the following:

FAX 508 634-7824
Tel 508 473-2846

Sincerely,

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

cc. Clerk of Courts, Bankruptcy Court
Sheryl Serrese, U.S. Trustee
U.S. Trustee
Frank Cadigan, FDIC



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
830 Chalkstone Avenue
Providence RI 02908-4799

C-27

In Reply Refer To:

June 19, 2001

To Whom It May Concern:

We are writing on behalf of Harold F. Chorney (SSN. 059-24-9254. I have been Mr. Chorney's Psychiatrist at the Veteran's Hospital in Providence Rhode Island since December 1997. During this time he has met with a Case Manager on a weekly basis and with me every 3 months I am familiar with his capabilities.

Since Mr. Chorney's head injury 1996 he tires easily. Say's things that he does not mean. Mixes words, has difficulty with name finding. Losing track of time and activities. Mr. Chorney has a complicated picture of anxiety and mood disorder symptoms. Since the head injury there is a complex neurological and psychiatric picture with multiple neurological and neuropsychiatric deficits.

He has difficulty functioning in a familiar environment with the support of his brother, son and friends. The intense questioning and need for him to process and answer questions quickly can place increased stress and may be overwhelming to him. I suggest the possibility of Mr. Chorney answering needed and important questions in writing where he has time to process the information asked.

As I stated before, Mr. Chorney has cognitive disorders and as I have stated in several of my progress



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
830 Chalkstone Avenue
Providence RI 02908-4799

In Reply Refer To:

notes that Mr. Chorney was completely impaired and unable to be gainfully employed. Mr. Chorney is presently being evaluated with the introduction of new medications; these medications may take up to three to four weeks before they reach therapeutic levels. Mr. Chorney may not function well over this time. It is my professional opinion that any court proceeding is postponed during this treatment. If the court wish to contact me, I can be reached at (401-457-3077).

Sincerely

A handwritten signature in black ink, appearing to read "Aminadav Zakai", is written over a horizontal line.

Aminadav Zakai, MD
Medical Director, PTSD Clinic

C-28

July 13, 2000

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

BY CERTIFIED MAIL
700 0600 0024 2923 1020

Dear Mr. Monzack:

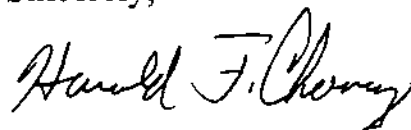
I am in receipt of the court ORDER, that you sent on July 7, 2000.

The ORDER is not dated or signed by the Deputy Clerk or Judge Votolato.

Regardless, in order to obtain accurate information and/or possibly refresh my memory concerning some of your 12 different requests, it will be necessary for me to view the records that are under your custody and control that were given to you by the U.S. Attorney that you indicated at the June 12, 2000, hearing were in storage.

Since time is of the essence and since I may need to employ the aid of other parties to assist me in searching through the records, please indicate what day during the next two weeks will be convenient for you and/or your staff to make the records available to me.

Sincerely,



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

C-29



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
830 Chalkstone Avenue
Providence RI 02908-4799

August 2, 2000

In Reply Refer To:

To the Honorable Arthur N. Votolato:

I have been informed by Mr. Chomey that he attended a hearing at the Bankruptcy Court on July 6, 2000 in which Mr. Chomey was representing himself and that the court indicated that Mr. Chomey's condition was temporary and not permanent.

Mr. Chomey's condition is not temporary at all. He has experienced organic brain damage. Some if not all, of this organic brain damage is permanent. My progress notes indicate that his condition to be such that he cannot work and that he should not represent himself in court. Since he has been on psychotropic medication, the VA Hospital has attempted to maximize the amount of "good" days those Mr. Chomey experiences during any given month. There are days when he functions better than others. On those good days, he may appear to be normal, but in many respects, he will never be normal.

Mr. Chomey has a complicated picture of anxiety and mood disorder symptoms. Since the head injury there is a complex neurological and psychiatric picture with multiple neurological and neuropsychiatric deficits. Some of his disabilities make it difficult for him to communicate verbally is as follows.

1. Mr. Chomey has a disability named motoric word finding deficit. People who have this disability have difficulty finding words to complete their thoughts and may have circumvent a question and answer the question in a round about way that may not seem to have logic behind the sequence of what is being stated. When Mr. Chomey is asked a question, he may experience difficulty in finding the words in which to answer a question and may present an answer in an illogical sequence or loose track of the question itself.
2. In addition, Mr. Chomey has other cognitive disabilities in processing information. People with this disability may want to say A, B, C, but instead say C, A, B or some other processing of information. When Mr. Chomey is asked a question and he gets disoriented as to the time and place, the sequence of his answer may not reflect what he is trying to say. He may well be concentrating on answering a question referencing one time and place, but in affect another question may be what he is answering that references a different time and place.
3. Mr. Chomey's thought processes are not in intact. He has mild dementia secondary to head trauma. There are times when he thinks he is saying one thing, when in fact he is saying something else. As a reasonable accommodation to Mr. Chomey's disabilities, he needs to be able to answer questions in writing because he cannot be expected to verbally answer questions with any degree of accuracy as to time, place and content.
4. I have been informed that Mr. Chomey has been asked to produce documents that he states he does not have or cannot find. Mr. Chomey may be overwhelmed by the whole situation. It is not uncommon for people with deficits similar to that of Mr. Chomey to loose or misplace items within a small area to search and to search for items that are right in front of him. Under some conditions,

August 2, 2000



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
830 Chalkstone Avenue
Providence RI 02908-4799

In Reply Refer To:

- 5 Mr. Chorney may become so disoriented as to time and place that he will become frustrated and depressed. He is currently taking medication to alleviate these situations.
- 6 Mr. Chorney has been diagnosed as having a service connected condition called Posttraumatic Stress Disorder. This disorder alone would make Mr. Chorney unemployable. Mr. Chorney is being seen weekly with case management visits to chart his behavior at the Posttraumatic Stress Disorder Clinic at the Providence VA Medical Center. This disorder is classified as an anxiety disorder. Some war veterans who suffer from PTSD have the following experiences, they can become belligerent, loose trust, have suicidal ideation. I believe this combat veteran has lost trust in people is under enormous stress related to his court proceedings and that it may exacerbate his symptoms.

I highly recommend that Mr. Chorney be given "reasonable accommodation" concerning his deficits so that he can express himself in writing with the forethought without placing any more undue pressure. If there are any questions do not hesitate to call the Posttraumatic Stress Disorder Clinic 457-3077.

Sincerely,


Amiradav Zakar MD.

C-30

April 9, 2002

Susan M. Thurston
Clerk of the Bankruptcy Court
380 Westminster Mall
Providence, R.I. 02903

RE: CA. No. 89-11051
Cumberland Investment Corporation

Dear Ms Thurston:

Please be advised that the undersigned has not been receiving pleadings in the mail. In visiting the Bankruptcy Court this afternoon, I discovered that I have not been notified of the following:

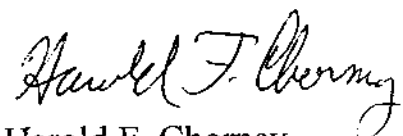
1. The approval of the Motion for Leave to Proceed in Forma Pauperis, dated 4/2/02, docket number 734.
2. The ORDER, dated 3/14/02, docket number 738.
3. JUDGMENT, dated 3/14/02, docket number 739.
4. ORDER DENYING MOTION FOR RECUSAL, dated 4/2/02, docket number 741.

I obtained copy of the four items above while in the clerk's office.

Please place this letter in the Pleadings Folder, for case no. 89-11051.

Thank you.

Sincerely,



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