

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: CUMBERLAND
INVESTMENT CORPORATION
(Bankruptcy Ca. No. 89-11051)

CA. No. 02-240T

APPELLANT'S MOTION IN OBJECTION TO
REPUBLIC CREDIT CORPORATION I'S
MOTION TO DISMISS APPEAL

Now comes Harold F. Chorney, Appellant, in pro se, without assistance of counsel, in the above referenced matter, and objects to the REPUBLIC CREDIT CORPORATION I's MOTION TO DISMISS APPEAL and states for cause those reasons as set forth in the attached memorandum.

Respectfully submitted,



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

CERTIFICATION

I hereby certify that on this 30th day of May 2002, 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
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Sheryl Serrese
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HAROLD F. CHORNEY

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

**IN RE: CUMBERLAND
INVESTMENT CORPORATION
(Bankruptcy Ca. No. 89-11051)**

CA. No. 02-240T

**APPELLANT'S MEMORANDUM OF LAW IN OBJECTION
TO REPUBLIC CREDIT CORPORATION I'S
MOTION TO DISMISS APPEAL**

Now comes Harold F.Chorney, Appellant, in pro se, without assistance of counsel, in the above referenced matter, and objects to the Republic Credit Corporation I's MOTION TO DISMISS APPEAL and states for cause the following:

BACKGROUND AND TRAVEL:

1. On February 7, 2002, a hearing concerning Appellant's request to have an accounting of the assets by the Chapter 7 Trustee, Jason D. Monzack, prior to any distribution of same was held in the Bankruptcy Court for the District of Rhode Island. At said hearing the court determined that no accounting of the assets would be forthcoming prior to the distribution of the assets. The court further deemed that should Appellant request a stay pending appeal, that that request was also denied.

“THE COURT: Okay. All right, the joint motion is approved over Mr. Chorney’s objection, and I guess the only other—we’ll call it a housekeeping item is, I’ll treat it, Mr. Chorney, as though you had filed a motion for a stay pending appeal of the orders that have been made against you this morning, and that motion for stay pending appeal is denied, so that you’re directly authorized to go right to the District Court if you think you need any action from that court based on what we’ve done this morning.”
TR. Hearing 2/7/02 page 20.

2. On February 15, 2002, Appellant filed a Notice of Appeal to the District Court for the District of Rhode Island concerning the Bankruptcy Court’s ruling.
3. On April 22, 2002, Appellant filed the Designation of the Record and Statement of the Issues with the Clerk of Courts for the Bankruptcy Court in the District of Rhode Island.
4. On May 17, 2002, based upon information and belief, the Designation of the Record and Statement of the Issues were sent to the District Court, and CA No. 02-240T was assigned to this case.
5. On May 21, 2002, Republic Credit Corporation I, sent Motion and Memorandum to Dismiss Appeal.
6. On May 30, 2002, Appellant, Harold F. Chorney, filed Motion and Memorandum in Objection to Republic Credit Corporation I’s Motion to Dismiss Appeal.
7. Upon information and belief, the District Court of the District of Rhode

Island is still waiting for a copy of the ORDER under appeal.

DISCUSSION:

Appellant, former majority owner of the assets of Cumberland Investment Corporation, has presented this honorable court with a lengthy Designation of the Record as well as a list of ten issues concerning the denial of his motion to receive an accountability of the assets of the estate of Cumberland Investment Corporation. Cumberland Investment Corporation has now been in bankruptcy for over twelve years.

For several years, Appellant has attempted to obtain an accounting of the assets of the estate of Cumberland Investment Corporation. Up to and including the February 7, 2002, Hearing in Bankruptcy Court, Appellant did not know whether all the assets of the estate had been sold. At said hearing, the Trustee in Bankruptcy identified the only assets remaining as being those 380 silver dollars and specific ten thousand dollar bills that were in the possession of Christies prior to the December 7, 1999, auction of assets of the estate of Cumberland Investment Corporation.

It has been over two years since the last sale of the assets of the estate and no accounting has been provided to the parties seeking same. Republic Credit Corporation I, originally sought to obtain an accounting of the assets of the estate from the Trustee, Jason D. Monzack, prior to entering into a joint

motion for distribution of the assets.

“Now comes Republic Credit Corporation I (“Republic”), assignee of the Federal Deposit Insurance Corporation (“FDIC”), and hereby moves this Honorable Court to order the Trustee to turnover certain assets to secured creditor, to order remaining assets sold and to account for and distribute proceeds of the sale of secured creditor’s collateral.”

MOTION TO TURNOVER CERTAIN ASSETS TO SECURED CREDITOR, SELL REMAINING ASSETS AND FOR ACCOUNTING AND DISTRIBUTION OF THE PROCEEDS OF THE SALE OF SECURED CREDITOR’S COLLATERAL AND MEMORANDUM IN SUPPORT, dated November 9, 2001.

Now Republic Credit Corporation I, seeks to preclude Appellant from obtaining said accounting and from arguing his case before this honorable court.

WHEREFORE, Appellant prays this honorable court deny Appellee’s Motion to Dismiss so that Appellant is given Due Process of Law in his appeal of the decision of the Bankruptcy Court.

Respectfully submitted,



Harold F. Chorney
5 Cathedral Square, Apt. 106
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401 351-7311

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