

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: Cumberland Investment Corp.
Debtor

Bk No. 89-11051
Chapter 7

**MOTION TO SCHEDULE EXAMINATION OF HAROLD CHORNEY
IN SUPPLEMENTARY PROCEEDINGS AND TO PRODUCE DOCUMENTS PRIOR
TO EXAMINATION**

Now comes Chapter 7 Trustee, Jason D. Monzack, and moves to schedule the examination of Harold Chorney in Supplementary Proceedings to determine his financial ability to pay that Judgment previously entered by this Court on July 2, 1992. A Writ of Execution was served upon Mr. Chorney on April 20, 2000. Demand was made upon Mr. Chorney by the United States Marshals Service and Mr. Chorney responded "I don't have it."

On September 8, 2000 this Court entered its Order denying Mr. Chorney's Motion for Recusal. In that Order, this Court ordered that Mr. Chorney was "to file with the Trustee sworn semi-annual financial statements, as well as reports of any other significant changes from his present alleged financial and/or mental condition." Mr. Chorney has failed to provide to the Trustee sworn semi-annual financial statements or reports of any other significant changes from his former alleged financial and/or mental condition. The Trustee requests that this Court direct Mr. Chorney to produce the following documents prior to his examination in supplementary proceedings:

1. Current Sworn financial statement
2. Report(s) of any significant change from Mr. Chorney's former alleged financial and/or mental condition
3. Itemized listing of all income and expenses of Harold Chorney for the last twelve (12) months
4. Itemized listing of all assets of Harold Chorney
5. Itemized listing of all gifts received by Harold Chorney for the last twelve (12) months.
6. Harold Chorney's son, Louis Chorney's residence address, residence telephone number, business address and business telephone number.
7. Harold Chorney's Brother, Morris Chorney's residence address and residence telephone number.
8. Copy of the last federal and state tax returns filed by Harold Chorney.

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9. Itemized listing of all loans received by Harold Chorney over the last five (5) years, listing date moneys were received, name, address and telephone number of each lender and the amount loaned.

WHEREFORE, Chapter 7 Trustee, Jason D. Monzack, moves that this Court schedule Mr. Harold Chorney's examination in Supplementary Proceedings and order Mr. Chorney to deliver to the Trustee those documents requested at least ten (10) days prior to Mr. Chorney's examination in supplementary proceedings.

Respectfully submitted,



Jason D. Monzack, Esq., #1445
KIRSHENBAUM & KIRSHENBAUM
Attorneys at Law, Inc.
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(401) 946-3200

**WITHIN TEN (10) DAYS AFTER SERVICE AS EVIDENCED BY THE
CERTIFICATION (TWENTY (20) DAYS FOR U.S. GOVERNMENT OFFICERS AND
AGENCIES THEREOF), AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO
FED. R. BANK. P. 9006(f) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST
WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE
ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND
FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER
WITH THE BANKRUPTCY COURT CLERK'S OFFICE, 380 WESTMINSTER MALL,
6TH FLOOR, PROVIDENCE, RI 02903, (401) 528-4477. IF NO OBJECTION OR
OTHER RESPONSE IS TIMELY FILED WITHIN THE TIME ALLOWED HEREIN,
THE PAPER WILL BE DEEMED UNOPPOSED AND WILL BE GRANTED UNLESS:
(1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED
RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT,
THE INTEREST OF JUSTICE REQUIRES OTHERWISE.**

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CERTIFICATION

I, hereby certify that on May 7, 2004, I served a true and accurate copy of the MOTION TO SCHEDULE EXAMINATION OF HAROLD CHORNEY IN SUPPLEMENTARY PROCEEDINGS AND TO PRODUCE DOCUMENTS PRIOR TO EXAMINATION by first class mail, postage prepaid, upon the following interested parties:

Harold Chorney
16 Spring Drive
Johnston, RI 02919

U. S. Trustee's Office
Room 910
10 Dorrance Street
Providence, RI 02903

Crystal Balassone