



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. 2006-342-CO

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

FILED

MAR 06 2006

M/12:45/2

William A. Shaw

Prothonotary Clerk of Courts

4 CEN to Att

NOTICE TO DEFEND

TO: THE ABOVE CAPTIONED DEFENDANT'S, THEIR HEIRS, EXECUTORS,  
ADMINISTRATOR AND ASSIGNS.

YOU have been sued in Court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment maybe entered against you by the Court without further notice for any money claimed in the Complaint or for any claim or relief requested by Plaintiff. You may lose money or property or their rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFF SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

CLEARFILED COUNTY PROTHONOTARY  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
Telephone (814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.

Plaintiff

No.

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.

Defendants

COMPLAINT TO QUIET TITLE

AND NOW, comes the Plaintiff, Hilltop Home Sales, Inc., by and through its counsel, Rishor Simone, per Gary H. Simone, Esquire, and presents the following Complaint averring as follows:

1. The Plaintiff Hilltop Home Sales, Inc. (hereinafter "Hilltop"), is a Pennsylvania corporation doing business within the State of Pennsylvania and having a business address of 1427 Treasure Lake, DuBois, Pennsylvania, 15801.

2. Defendant, Spalding Sports Worldwide, a division of Spalding and Evenflo Company, Inc. (hereinafter "Spalding"), is a corporation incorporated under the laws of the state of Delaware, having a principal office located at 601 South Harbor Island Boulevard, Suite 200, Tampa, Florida, 33602-3141.

3. Defendant David M. Nickless, Esquire (hereinafter "Nickless") was the Chapter 7 Trustee appointed in the case of Louis G. Burartti, Jr. (hereinafter "Buratti"), who filed for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Massachusetts at case number 98-47214. Said counsel has a business address of Nickless and Phillips, 495 Main Street, Fitchburgh, Massachusetts, 01420.

4. Joseph H. Baldiga, Esquire (hereinafter "Baldiga"), was the Chapter 7 Trustee appointed in the case of LGE, Traffic Managements Consultants, Inc. (hereinafter "LGE") upon which an involuntary petition for relief under Chapter 7 of the United States Bankruptcy Code was filed in the United States Bankruptcy Court for the District of Massachusetts (Western Division) at docket number 98-45493. Said counsel has a business address of Mirick, O'Connell, DeMallie and Lougee, LLP, 100 Front Street, Worcester, Massachusetts, 01608-1477.

### **HISTORY**

5. Paragraphs 1 through 4 of this Complaint are incorporated herein as if fully set forth.

6. On or about July 21, 1998, certain creditors of the Defendant, LGE Traffic Management Consultants, Inc., filed an involuntary petition for relief pursuant to Chapter 7 of the United States Bankruptcy Code.

7. On or about September 2, 1998, said Defendant, LGE, consented to the involuntary petition and an Order for relief was entered by the Bankruptcy Court.

8. On or about September 3, 1998, the Bankruptcy Court appointed Baldiga as the Chapter 7 Trustee of LGB.

9. On or about September 30, 1998, Burartti filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code which resulted in the appointment of Nickless as the Chapter 7 Trustee.

10. Prior to the filing of his voluntary Bankruptcy petition, Burartti formed Great Atlantic Properties Corporation, d/b/a Highlife Homes (hereinafter "Great Atlantic") which was the owner of various parcels of land in Clearfield County, Pennsylvania. Those parcels of land are specifically:

#128-C02-017-00023-00-21 Lot 23 Section 17  
#128-C02-017-00035-00-21 Lot 35 Section 17  
#128-C02-015-00194-00-21 Lot 194 Section 15  
#128-C02-015-00296-00-21 Lot 296 Section 15  
#128-C02-017-00367-00-21 Lot 367 Section 17  
#128-C02-017-00370-00-21 Lot 370 Section 17  
#128-C02-017-00395-00-21 Lot 395 Section 17  
#128-C02-017-00398-00-21 Lot 398 Section 17  
#128-C02-14C-00664-00-21 Lot 664 Section 14C

11. On or about January 16, 1998, Burartti and/or Great American borrowed from Spalding Five Million Seven Hundred Thousand (\$5,700,000.00) Dollars which resulted in Spalding being granted a mortgage in the referenced properties.

12. Subsequent to the filing of the respective Chapter 7 Bankruptcy petitions for LGE and Burartti, on or about April 29, 1999, Baldiga as Trustee for LGE filed an Adversary Proceeding in the United States Bankruptcy Court for the District of Massachusetts (Western Division) at case number 99-4122 against Great Atlantic, Spalding and Jacqueline Strickland. Said Complaint sought among other relief, avoidance of certain transfers and turnover of funds that Baldiga alleged were fraudulently transferred to Spalding pursuant to Massachusetts state law.

13. Nickless filed an Answer on behalf of Great American seeking, among other things, a portion of any recovery from Spalding since the individual Debtor, Burartti, was either an equity holder or a creditor of Great American and any proceeds from Spalding should first be distributed to creditors. Said litigation resulted in a stipulation for settlement being entered into by the respective parties which provided in pertinent part as follows:

- a Spalding was deemed to have waived and released any and all claims, liquidated, contingent or otherwise that it may assert in both the LGB proceeding and the Burartti proceeding.
- b Upon entry of the final Orders, Spalding would assign to Baldiga and Nickless as the respective Bankruptcy Estate Trustees, jointly, its right, title, and interest in any liens, mortgages, attachments, or other incumbrance which it has against any assets owned by Burartti, LGB or any entity in which Burartti or LGB had an interest, including, specifically,

mortgage(s) against properties owned by Great American. A copy of said stipulation is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit A".

14. By Order of the Bankruptcy Court dated June 26, 2000, said stipulation was approved.

15. By reason of delinquent taxes, a tax sale of the properties referenced in this Complaint was conducted by the tax claim bureau of Clearfield County, Pennsylvania.

16. Subsequently, by private sale, Hilltop successfully bid on same and, by deed dated November 10, 2004, said lots were conveyed to Hilltop. A copy of said Tax Claim Bureau Deed is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit B".

17. In attempting to clear the title of these properties from any claim of the respective Bankruptcy trustees referenced herein, Hilltop contacted those trustees in an effort to obtain releases of their respective claims to the same. In response thereto, Nickless on behalf of Burartti/Great Atlantic, indicated that he had completed his administration of that Bankruptcy estate and that he then expected the Court to close that case. A copy of said May 5, 2005 letter is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit C".

18. Baldiga, on behalf of Great American signed a Release of Mortgage on or about January 10, 2005 which released his and the Bankruptcy Courts interest in the properties at issue.

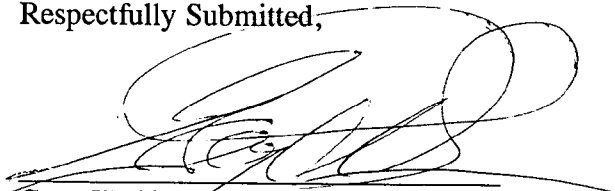
A copy of said Release is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit D".

19. Accordingly, by reason of the recited actions of the respective Chapter 7 Trustees, their interests or claims as to the properties at issue have been either released or waived.

WHEREFORE, upon the Defendants, their successors and assigns, Plaintiff prays this Honorable Court for the following relief:

- a That by Decree, it is declared and adjudged that the Plaintiff is the true owner of the said premises in controversy;
- b That the Defendants or any of them have no estate or interest whatsoever in or to said lands or premises;
- c That the Defendants, and each and every one of them, their heirs, successor and assigns, be forever barred from asserting any claim whatsoever in or to said land and premises adverse to the Plaintiff;
- d For such other and further relief as to equity shall seem met.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Gary H. Simone", is written over a horizontal line.

Gary H. Simone, Esquire

RISHOR SIMONE

101 E. Diamond Street, Suite 208

Butler, PA 16001

(724) 283-7215

PA ID #43955



# EXHIBIT A

ENTERED ON DOCKET  
6/7/00

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
(WESTERN DIVISION)

In re:

LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.,

Debtor.

Chapter 7

Case No. 98-45493-JFQ

JOSEPH H. BALDIGA, TRUSTEE OF  
LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.,

Plaintiff,

Adversary Proceeding  
Case No. 99-4305

vs.

SPALDING SPORTS WORLDWIDE, A  
Division of Spalding and Evenflo  
Company, Inc.,

Defendant.

[Jointly Administered with  
Adversary Proceeding  
Case No. 99-4122]

STIPULATION

To the Honorable James F. Queenan, Jr., United States Bankruptcy Judge:

NOW COME, Joseph H. Baldiga, the Chapter 7 Trustee (the "Corporate Trustee") of the bankruptcy estate of LGB Traffic Management Consultants, Inc. ("LGB"), David M. Nickless, the Chapter 7 Trustee ("Individual Trustee") of the bankruptcy estate of Louis G. Buratti ("Buratti") and Spalding Sports Worldwide, a division of Spalding and Evenflo Company, Inc. ("Spalding"; collectively with the Corporate Trustee and the Individual Trustee, the "Stipulating

117

Parties”), and hereby submit the within stipulation resolving and settling all claims among the parties to the extent set forth below.

WHEREAS:

1. On or about July 21, 1998 (the “Petition Date”), certain creditors of the Corporate Debtor filed an involuntary petition for relief pursuant to Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”).

2. On or about September 2, 1998, the Debtor consented to the involuntary petition and this Court entered an Order for Relief against the Debtor.

3. On September 3, 1998, this Court appointed Joseph H. Baldiga as trustee of LGB and he continues to serve as such.

4. On September 30, 1998, Buratti filed a voluntary petition for relief pursuant to Chapter 7 of the Bankruptcy Code. This Court subsequently appointed the Individual Trustee and he continues to serve as such.

5. On or about April 29, 1999, the Corporate Trustee initiated adversary proceeding case number 99-4122 against Great Atlantic Properties Corporation (“GAPC”), Spalding, and Jacqueline Strickland (“Strickland”).

6. The Corporate Trustee’s complaint sought, among other relief, avoidance of certain transfers and turnover of funds that the Corporate Trustee alleged were fraudulently transferred to Spalding pursuant to M.G.L. c. 109A.

7. Spalding filed an answer to the complaint denying liability.

8. The Individual Trustee filed an answer on behalf of GAPC seeking, among other things, a portion of any recovery from Spalding since Buratti was either an equity-holder or a creditor of GAPC and any proceeds from Spalding should first be distributed to creditors.

9. Strickland also filed an answer to the complaint. Her liability, as well as that of GAPC, is not implicated by this Stipulation, and the Corporate Trustee reserves all rights against Strickland and GAPC.

10. On or about November 1, 1999, the Corporate Trustee filed a second and separate adversary proceeding under case number 99-4305, against Spalding seeking, among other things, damages for fraud, violation of M.G.L c. 93A, turnover of preferences and turnover of fraudulent transfers.

11. The Court subsequently consolidated the two separate adversary proceedings.

12. In December of 1999, Spalding filed a Motion to Dismiss Counts I, II and III of the second complaint filed by the Corporate Trustee.

13. After hearing, this Court entered an order dismissing Counts I, II and III of the Corporate Trustee's complaint against Spalding.

14. Recently, the Stipulating Parties have entered into settlement negotiations regarding the remaining counts of both complaints and seek to resolve same as set forth herein.

NOW THEREFORE, in consideration of the mutual covenants contained herein, it is hereby STIPULATED:

A. On the first business day after the orders for relief approving this Stipulation (as contemplated in paragraph L below) become "final" (i.e., after expiration of any appeal period with no appeals having been filed)(hereinafter, the "Final Orders"), Spalding shall pay to the

Corporate Trustee and the Individual Trustee the aggregate sum of \$130,000.00 (the "Settlement Funds") in full settlement of all of the remaining counts set forth in the Corporate Trustee's complaints, as well as all other claims that have been or could be asserted by either Trustee against Spalding; provided, however, that the issue of allocation of such proceeds between the LGB estate and the Buratti estate shall not be resolved by this Stipulation;

B. A portion of the Settlement Funds (\$34,228.93) is currently held in escrow by the Individual Trustee. The Individual Trustee obtained these proceeds after the sale of the real property located at 402 Lindell Avenue, Leominster, Massachusetts, which property was encumbered by a mortgage to Spalding. Despite the origin of these funds, both Trustees acknowledge that the proceeds shall not be considered directly attributable to any specific asset and, instead, shall be considered part of a global settlement among the parties. Upon entry of the Final Orders, Spalding shall be deemed to have released and waived all right, title and interest to those funds and such funds will be credited toward the Settlement Funds;

C. The balance of the Settlement Funds (\$95,771.07) shall be delivered by Spalding to the Corporate Trustee immediately upon entry of the Final Orders;

D. Effective immediately upon entry of the Final Orders, Spalding shall be deemed to have waived and released any and all claims, liquidated, contingent or otherwise, that it may assert in both the LGB proceeding and the Buratti proceeding;

E. Effective immediately upon entry of the Final Orders, Spalding shall assign to the Corporate Trustee and the Individual Trustee, jointly, its right, title, and interest in any liens, mortgages, attachments, or other encumbrances which it has against any assets owned by Buratti,

LGB or any entity in which Buratti or LGB have an interest, including, specifically, mortgage(s) against properties owed by GAPC;

F. Effective immediately upon entry of the Final Orders, Spalding shall be deemed to have waived and released any and all claims that it may have against the Corporate Trustee, Individual Trustee and any and all of either of their attorneys, agents, successors or assigns;

G. Effective immediately upon entry of the Final Orders and receipt of the Settlement Funds as set forth in paragraphs B and C above, the Corporate Trustee and the Individual Trustee shall be deemed to have waived and released any and all claims against Spalding and its attorneys, agents, and assigns, except as provided in this Stipulation;

H. The Corporate Trustee and the Individual Trustee shall hold the Settlement Funds in escrow pending further order of this Court regarding the appropriate allocation of the settlement proceeds between the LGB estate and the Buratti estate;

I. Effective immediately upon entry of the Final Orders and receipt of the Settlement Funds as set forth in paragraphs B and C above, (i) Spalding shall be deemed to have relief from the automatic stay for the purpose of applying any proceeds which it has collected (attributable to liens it was granted by the Debtors pre-petition) to its outstanding obligations, and (ii) but for the Settlement Funds, the Corporate Trustee and the Individual Trustee shall be deemed to have relinquished any claims to any such funds;

J. Nothing herein shall limit Spalding's right to continue its collection efforts against Buratti, however, Spalding shall not be entitled to any collections from assets of either the LGB estate assets or Buratti's estate assets;

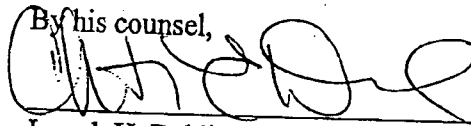
K. Immediately upon entry of the Final Orders and receipt of the Settlement Funds, the Corporate Trustee and the Individual Trustee shall dismiss the Adversary Proceedings as against Spalding, with prejudice, with the parties to bear their own costs of litigation; and

L. This Stipulation shall be subject to Bankruptcy Court approval in connection with both the Buratti bankruptcy proceeding and the LGB bankruptcy proceeding.

Respectfully submitted,

**JOSEPH BALDIGA, TRUSTEE OF  
LGB TRAFFIC MANAGEMENT  
CONSULTANTS INC.**

By his counsel,



Joseph H. Baldiga, Esq. BBO #549963

Christine E. Devine, Esq. BBO #566990

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

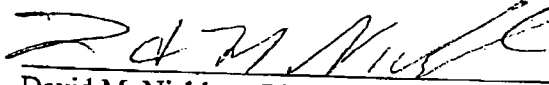
100 Front Street

Worcester, MA 01608-1477

Phone: (508) 791-8500/Fax: (508) 791-8502

**DAVID M. NICKLESS, TRUSTEE OF  
THE ESTATE OF LOUIS G. BURATTI**

By his counsel,



David M. Nickless, BBO # \_\_\_\_\_

Nickless & Phillips

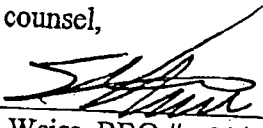
495 Main Street

Fitchburg, MA 01420

Phone: (978) 342-4590/Fax: (978) 343-6383

**SPALDING SPORTS WORLDWIDE,  
A DIVISION OF SPALDING AND EVENFLO  
COMPANY, INC.**

By its counsel,

  
Steven Weiss, BBO # 545619  
Mark H. Bluver, BBO # \_\_\_\_\_  
Shatz, Schwartz and Fentin, PC  
1441 Main Street, Suite 1100  
Springfield, MA 01103-1406  
Phone: (413) 737-1131/Fax: (413) 736-0375

Dated: May 8, 2000



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
(WESTERN DIVISION)

In re:

LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.,

Debtor.

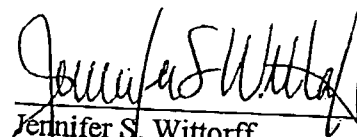
Chapter 7

Case No. 98-45493-JFQ

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2000, I caused copies of the following document to be served upon each party noted on the attached Service List by First-Class United States mail, postage pre-paid:

**Motion to Approve Stipulation Regarding Trustee's Claims Against  
Spalding Sports Worldwide.**

  
\_\_\_\_\_  
Jennifer S. Wittorff  
Paralegal

Dated: June 1, 2000

SERVICE LIST

Henry E. Geberth, Jr., Esq.  
Hendel & Collins, P.C.  
101 State Street  
Springfield, MA 01103-2006  
Counsel to Buratti

Susan M. Barry, Esq.  
Domestico & Barry  
The Meadows  
161 Worcester Road  
Framingham, MA 01701  
Counsel to Rockford  
Industries, Inc.

A-BOW-K  
272 Central Street  
Leominster, MA 01453  
Creditor Matrix

Advanta Business Services  
Lease Services Dept.  
P.O. Box 1270  
Voorhers, NJ 08042  
Creditor Matrix

American Express  
P.O. Box 1270  
Newark, NJ 07101  
Top 20 Unsecured Creditor

American Trucking Assoc.  
2200 Hill Road  
Alexandria, VA 22314  
Creditor Matrix

Angela J. Smith  
25K Meadow Pond Drive  
Leominster, MA 01453  
Creditor Matrix

ANR Advance Transporation  
P.O. Box 2011  
Milwaukee, WI 53201  
Creditor Matrix

Aranex Idea Courier  
P.O. Box 290039  
Phoenix, AZ 85038  
Creditor Matrix

Arbella Insurance Company  
300 Granite Street  
Braintree, MA 02184  
Creditor Matrix

Arlon, Inc.  
199 Amaral Street  
E. Providence, RI 02915  
Top 20 Unsecured Creditor

AT&T Capital Leasing  
Services  
Legal Department  
One Research Drive, 4th  
Floor  
Westboro, MA 01581  
Creditor Matrix

Atlantic Commercial  
Appliance, Inc.  
First Federal Leasing  
19 North 9th Street  
Richmond, IN 47374  
Creditor Matrix

Atlantic Regional Collection  
Agency  
P.O. Box 2022  
Bala Cynwyd, PA 19004  
Creditor Matrix

Augello, Fezold &  
Hirschmann  
120 Main Street  
Huntington, NY 11743  
Creditor Matrix

Bell Atlantic  
P.O. Box 15150  
Worcester, MA 01615  
Creditor Matrix

Bell Atlantic Mobile  
P.O. Box 15485  
Worcester, MA 01615  
Creditor Matrix

Bell Atlantic Mobile  
PO Box 250  
Galthersburg, MD 20884  
Creditor Matrix

Lawrence H. Butterfield, Jr.  
Blauer Manufacturing, Inc.  
Butterfield & Williams, Inc.  
P.O. Box 34307  
Louisville, KY 40232  
Creditor Matrix

Blue Cross, Blue Shield of  
Mass.  
100 Summer Street  
Boston, MA 02110  
Top 20 Unsecured Creditor

Bostik, Inc.  
Boston Street  
Middleton, MA 01949  
Creditor Matrix

Boston Gas  
P.O. Box 15590  
Worcester, MA 01615  
Creditor Matrix

Boston Metals  
400 Riverside Avenue  
Medford, MA 02155  
Creditor Matrix

Bridgeport Metal Goods  
365 Cherry Street  
Bridgeport, CT 06605  
Top 20 Unsecured Creditor

Bureau of Business Practice  
P.O. Box 70845  
Chicago, IL 60673  
Creditor Matrix

Dana L. McAlister, Esquire  
C.P. Clare Corporation  
Goodwin, Proctor & Hoar,  
LLP  
Exchange Place  
Boston, MA 02109  
Top 20 Unsecured Creditor

Cablevision of Leominster  
CCS - Payment Processing  
Center  
P.O. Box 9126  
Boston, MA 02205  
Creditor Matrix

Cauley's Florist  
Twin City Mall  
Leominster, MA 01453  
Creditor Matrix

Cell One  
P.O. Box 8904  
Boston, MA 02266  
Creditor Matrix

CFO Publishing Corp.  
253 Summer Street  
Boston, MA 02210  
Creditor Matrix

Champlain Cable Corp.  
12 Hurcules Drive  
Colchester, VT 05446  
Creditor Matrix

Cheryl Person  
796 Sumner Avenue  
Springfield, MA 01108-2242  
Creditor Matrix

Cheryl R. Smith  
25K Meadow Pond Drive  
Leominster, MA 01453  
Creditor Matrix

Oxford Resources Corp.  
P.O. Box 1577  
Melville, NY 11747  
Creditor Matrix

Pamela Streeter  
P.O. Box 305  
Fitzwilliam, NH 03447  
Creditor Matrix

Patrick Motors  
519 Washington Street  
Auburn, MA 01501  
Creditor Matrix

Paul St. Germain  
379 South Street  
Fitchburg, MA 01420  
Creditor Matrix

Paychex  
Midstate Office Park  
7 Midstate Drive  
Auburn, MA 01501  
Creditor Matrix

Pennsylvania Unemployment  
Compensation  
Bureau of Employee Tax  
P.O. Box 60848  
Harrisburg, PA 17106  
Creditor Matrix

Peter J. Grimes  
842 Union Street  
Leominster, MA 01453  
Creditor Matrix

Philbin Communications  
282 Merriam Avenue  
Leominster, MA 01453  
Creditor Matrix

Pinnacle Information  
Services, Inc.  
57 Providence Highway  
Norwood, MA 02062  
Creditor Matrix

Pitney Bowes Credit Corp.  
P.O. Box 85460  
Louisville, KY 40285  
Creditor Matrix

Poland Springs  
50 Commerce Way  
Norton, MA 02766  
Creditor Matrix

Precoat Metals/Jackson  
1095 Mendell Davis Road  
Jackson, MS 39212  
Creditor Matrix

Primedia Information, Inc.  
P.O. Box 96976  
Chicago, IL 60693  
Creditor Matrix

Red Wing Products, Inc.  
190 Express Street  
Plainview, NY 11803  
Top 20 Unsecured Creditor

Rick Starr Ford, Inc.  
832-840 North Main Street  
Leominster, MA 01453  
Creditor Matrix

Robert Knight  
9 Dyer Court #A6  
Danvers, MA 01923  
Creditor Matrix

Rockford Industries, Inc.  
1851 East First Street \$600  
Santa Ana, CA 01923  
Top 20 Unsecured Creditor

Roncone Law Offices  
142 Main Street  
Leominster, MA 01453  
Creditor Matrix

Roy & Son Clock Repairs  
74 Gordon Avenue  
Leominster, MA 01453  
Creditor Matrix

Samuel's Office Furniture  
410 Shrewsbury Street  
Worcester, MA 01608  
Creditor Matrix

Sandra Burak  
136 Gardner Road  
Winchendon, MA 01475  
Creditor Matrix

Sequa Chemical  
One Sequa Drive  
Chester, SC 29706  
Top 20 Unsecured Creditor

Dennis E. McKenna, Esq.  
Sequa Corporation  
Reimer & Braunstein  
Three Center Plaza  
Boston, MA 02108  
Creditor Matrix

Sir Speedy Printing Center  
317 Main Street  
Worcester, MA 01608  
Creditor Matrix

Robert B. Brown, Esq.  
Sotiri Christopoulous  
Leominster Plaza  
20 Mass Avenue  
Lunenburg, MA 01462  
Creditor Matrix

Southern Motor Carrier  
P.O. Box 7219  
Atlanta, GA 30309  
Creditor Matrix

Splash Auto Wash  
P.O. Box 1347  
Leominster, MA 01453  
Creditor Matrix

Staples, Inc.  
P.O. Box 70255  
Chicago, IL 60673  
Creditor Matrix

Stokes Vacuum  
5500 Tabor Road  
Philadelphia, PA 19120  
Creditor Matrix

SVG Lithography Systems  
900 Ethan Allen Highway  
Ridgefield, CT 06877  
Creditor Matrix

Tex Tech Industries  
105 North Main Street  
N. Monmouth, ME 04265  
Creditor Matrix

The Drawing Board  
c/o Grable, Dreiner & Wolff  
Collections  
4400 Renaissance Parkway  
Cleveland, OH 44128  
Creditor Matrix

The Journal of Commerce  
445 Marshall Street  
Phillipsburg, NJ 08865  
Creditor Matrix

# **Exhibit B**

# CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder  
Maurene Inlow - Chief Deputy

P.O. Box 361  
1 North Second Street, Suite 103  
Clearfield, Pennsylvania 16830

AFFIDAVIT No. 37891

**\*RETURN DOCUMENT TO:**  
CLEARFIELD CO TAX CLAIM BUREAU

Instrument Number - 200418567

Recorded On 11/16/2004 At 8:55:23 AM

\* Instrument Type - DEED

\* Total Pages - 3

Invoice Number - 120737

\* Grantor - CLEARFIELD CO TAX CLAIM BUREAU

\* Grantee - HILLTOP HOME SALES INC

\* Customer - CLEARFIELD CO TAX CLAIM BUREAU

**\* FEES**

STATE TRANSFER TAX	\$432.30
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
DUBOIS AREA SCHOOLS	\$216.15
SANDY TOWNSHIP	\$216.15
TOTAL	\$893.10

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*  
Karen L. Starck  
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

## Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

11/16/04 - deed

11/27/05 NO payment as of yet

TAX CLAIM BUREAU DEED

THIS DEED made the Tenth day of November in the year of our Lord, 2004,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, hereinafter referred to as GRANTOR,

AND

HILLTOP HOME SALES INC.  
1427 TREASURE LAKE  
DUBOIS PA 15801

hereinafter referred to as "GRANTEE"...

WHEREAS, the hereinafter described premises were assessed in the name of GREAT ATLANTIC PROPERTIES CORP and taxes were levied against all said properties for the years 1997 through 2003 which have not been paid and which are delinquent; and ...

WHEREAS, the delinquent taxes against the said properties were returned to the Tax Claim Bureau of Clearfield County, Pennsylvania and the tax lien became absolute; and...

WHEREAS, after proceeding under the provisions of the Act aforesaid, the Tax Claim Bureau did last expose all the said parcels to public sale on the Seventeenth day of September, 1999 and the Fifteenth day of September, 2000; and...

WHEREAS, the said premises having remained unsold, a bid, was received from HILLTOP HOME SALES INC. for private sale of said properties, as provided for in P.L. 1368 No. 542 Sec. 613, and...

WHEREAS, notification of the acceptance of this bid was sent to the assessed owners, as well as to Sandy Township Supervisors, DuBois Area School District, and Clearfield County Commissioners on September 10, 2004, and notice of the proposed sale was published in The Courier Express on September 10, 2004 and September 24, 2004 and in the Clearfield County Legal Journal on September 3, 2004 and September 17, 2004, and...

WHEREAS, no parties have petitioned the Court of Common Pleas to disapprove the sale...

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum of FIVE HUNDRED FIFTY DOLLARS, (\$550.00), the receipt thereof is hereby acknowledged, Grantor does hereby grant and convey unto the said Grantees, their heirs, successors or assigns the following described property to-wit

SANDY TOWNSHIP  
MAP #128-C02-017-00023-00-21 LOT 23 SECTION 17  
128-C02-017-00035-00-21 LOT 35 SECTION 17  
128-C02-015-00194-00-21 LOT 194 SECTION 15  
128-C02-015-00296-00-21 LOT 296 SECTION 15  
128-C02-017-00367-00-21 LOT 367 SECTION 17  
128-C02-017-00370-00-21 LOT 370 SECTION 17  
128-C02-017-00395-00-21 LOT 395 SECTION 17  
128-C02-017-00398-00-21 LOT 398 SECTION 17  
128-C02-14C-00664-00-21 LOT 664 SECTION 14C

Nancy  
I added

Please  
put in



# Exhibit C

**NICKLESS AND PHILLIPS, P.C.**

ATTORNEYS AT LAW  
625 MAIN STREET  
FITCHBURG, MASSACHUSETTS 01420

DAVID M. NICKLESS  
C. DEBORAH PHILLIPS  
KAREN A. MEYER  
JANICE G. MARSH  
NORA K. McLAUGHLIN

(978) 342-4590 (TEL)  
(978) 343-6383 (FAX)

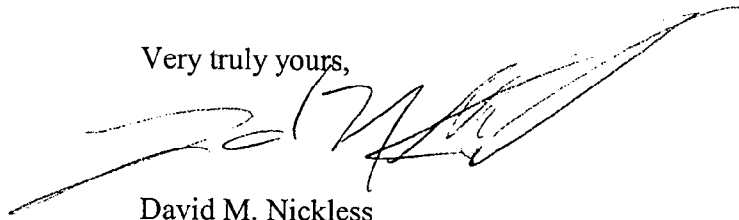
May 5, 2005

TO WHOM IT MAY CONCERN

Re: Louis Buratti/Great Atlantic Properties Corp

I, David M. Nickless, have completed my administration of the bankruptcy estate of Louis Buratti, have filed my final report before distribution, the report has been allowed by the Bankruptcy Court, and distribution has been made to creditors in accordance with that report. Upon receipt of a zero bank balance I will file a report after distribution and I expect the close to then be closed by the court.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David M. Nickless', is written over a horizontal line.

David M. Nickless

## Exhibit D

## *Release of Mortgage*

**Know All Men By These Presents:** That JOSEPH H. BALDIGA, a Chapter 7 Trustee of the bankrupt estate of LGB Traffic Management Consultants, Inc. ("LGB") and David M. Nickless, the Chapter 7 Trustee of the bankrupt estate of Louis G. Buratti ("Buratti") is the owner and holder of a certain Mortgage previously granted by

GREAT ATLANTIC PROPERTIES CORPORATION

to

SPALDING SPORTS WORLDWIDE, a division of Spalding an Evenflo Co., Inc., a Delaware Corporation, dated February 20, 1998 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1991 @ page 171.

By stipulation dated May 8, 2002 and filed in United States Bankruptcy Court for the Western District of Massachusetts under Chapter 7, Case No. 98-45493-JFQ, Adversarial Proceeding Case No. 99-4305 [jointly administered with Adversarial Proceeding Case No. 99-4122], the said Spalding Sports Worldwide assigned its right, title and interest in said Mortgage to Joseph H. Baldiga, the Chapter 7 Trustee of the bankrupt estate of LGB and David M. Nickless, the Chapter 7 Trustee of the bankrupt estate of Buratti.

The Mortgage contains certain promises and obligations set forth therein upon property situate in the Commonwealth of Pennsylvania, County of Clearfield, Township of Sandy, described as follows:

All those certain tracts of land identified in the Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania, identified as follows:

Section 14C, Lot 664  
Section 17, Lot 367  
Section 15, Lot 194  
Section 15, Lot 296  
Section 17, Lot 370

Section 17, Lot 395  
Section 17, Lot 398  
Section 17, Lot 23  
Section 17, Lot 35

WHEREAS, Hilltop Home Sales, Inc. is a third party unrelated to Buratti, LGB, Great Atlantic Properties Corporation, Highlife Homes, or any other entity who has possessed any former rights over the properties and acquired same from the Tax Claim Bureau of Clearfield County, Commonwealth of Pennsylvania, by deed dated November 10, 2004.

WHEREAS, the said Hilltop Home Sales, Inc. has requested Joseph H. Baldiga, Trustee, and David M. Nickless, Trustee, to release the lands set forth above from the Spalding Sports Worldwide Mortgage described above.

NOW, THEREFORE, in consideration of ONE DOLLAR (\$1.00) lawful money, in hand paid by Hilltop Home Sales, Inc., the receipt whereof is hereby acknowledged, Joseph H. Baldiga, Trustee of the bankrupt estate of LGB Traffic Management Consultants, Inc., and David M. Nickless, Trustee of the bankrupt estate of Louis G. Buratti, do remise, release, quit claim, exonerate and discharge the above encumbered property from the encumbrance of the mortgage set forth above.

TO HOLD the same with the appurtenances unto the said Hilltop Home Sales, Inc., forever freed, exonerated and discharged of and from the lien of said Mortgage in every part thereof.

PROVIDED, always nevertheless, nothing herein contained shall effect, alter or diminish the other properties not set forth herein from the obligation of said mortgage.

**Witness** hand and seal, this \_\_\_\_\_ day of January, 2005.

Signed, Sealed, and Delivered in Presence of:

Caroline Begun

By:  (Seal)  
Joseph H. Baldiga, Trustee

By: \_\_\_\_\_ (Seal)  
David M. Nickless, Trustee

Commonwealth of Massachusetts )  
County of Worcester ) :ss:

On this, the 10<sup>th</sup> day of January, 2005, before me, the undersigned officer, personally appeared Joseph H. Baldiga, who acknowledged himself to be the Chapter 7 Trustee of the bankrupt estate of LGB Traffic Management Consultants, Inc., and that he, as such Trustee, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as Trustee.

In witness whereof, I have hereunto set my hand and official seal.

My Commission Expires:

Laura M. L. Ooherty  
Notary Public

Commonwealth of Massachusetts )  
County of \_\_\_\_\_ :ss: )

On this, the \_\_\_\_\_ day of January, 2005, before me, the undersigned officer, personally appeared David M. Nickless, the Chapter 7 Trustee of the bankrupt estate of Louis G. Buratti ("Buratti"), and that he, as such Trustee, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as Trustee.

In witness whereof, I have hereunto set my hand and official seal.

My Commission Expires:

\_\_\_\_\_  
Notary Public

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

v.

SPALDING SPORTS WORLDWIDE, et al.  
Defendants

No.

VERIFICATION

I, Kevin D. Ferra, verify that the allegations set forth in the  
foregoing Complaint to Quiet Title are true and correct to the best of my  
knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.  
Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Date: February 22, 2006





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

No. CD 2006-347

FILED  
MT 12:48 PM  
APR 20 2006  
cc

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE


I, Gary H. Simone, Esquire, hereby certify that a true and correct copy of the Complaint to Quiet Title was sent by United States Mail, postage prepaid, by way of Certified Mail, return receipt requested, to the Defendants listed below, and accepted as evidenced by the mail receipt filed:

Joseph H. Baldiga, Esquire  
Mirick O'Connell, DeMallie and Lugee, LLP  
100 Front Street  
Worcester, MA 01608-1477

David M. Nickless, Esquire  
Nickless & Phillips  
495 Main Street  
Fitchburg, MA 01420

TFGC Estate, Inc. d/b/a  
Spalding Sports Worldwide, Inc.  
CT Corporation System  
101 Federal Street  
Boston, MA 02110

Date: 4-17-06



Gary H. Simone, Esquire  
RISHOR SIMONE  
101 E. Diamond Street, Suite 208  
Butler, PA 16001  
(724) 283-7215  
PA I.D. #43955

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

David M Nickless, Esquire  
Nickless - Phillips  
495 Main Street  
Fitchburg, MA 01420

## 2. Article Number (Copy from service label)

7004 2510 0000 6023 0868

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

3-10-06

C. Signature

x K. Fredericks

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail

USPS

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Joseph H. Beldige, Esquire  
Mirick, Connell, DeMallie  
and Lougee, LLP  
100 Front Street  
Dorchester, MA 01908-1477

## 2. Article Number (Copy from service label)

7004 2510 0000 6023 0875

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

M. D. D. L.

B. Date of Delivery

3/13

C. Signature

x John A. L. L.

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

TFGC Estate, Inc. d/b/a  
Spawning Sports Worldwide, Inc.  
CT Corporation System  
101 Federal Street  
Boston, MA 02110

## 2. Article Number (Copy from service label)

7004 2510 0000 6023 0851

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

x Michael Cloherty

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

**FILED**

**APR 20 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**APR 20 2006**

148711

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

No. CD 2006-347

Type of Pleading:  
MOTION FOR DEFAULT JUDGMENT

Filed on Behalf of:  
HILLTOP HOME SALES, INC.

Counsel for this Party:  
Gary H. Simone, Esquire  
RISHOR SIMONE  
101 E. Diamond Street, Suite 208  
Butler, PA 16001

FILED <sup>ICC</sup>  
JUN 29 2006  
Atty Simone  
CR

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. CD 2006-347

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

**MOTION FOR DEFAULT JUDGMENT**

AND NOW, comes the Plaintiff, Hilltop Home Sales Inc., by and through its undersigned attorney, Gary H. Simone, Esquire, and files this Motion for Default Judgment against Defendants, Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc., David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H. Baldiga, Chapter 7 Trustee for the Estate of LGB Traffic Management Consultants, Inc. and in support thereof avers as follows:

1. This is an action to Quiet Title in which the Plaintiff, Hilltop Home Sales, Inc. requests that the Defendants and any persons claiming under Defendants be permanently enjoined and restrained from asserting any claim or interest in or to real property described in Plaintiff's Complaint. A true and correct copy of the Plaintiff's Complaint is attached hereto, marked "Exhibit A" and incorporated herein by reference.

2. Attached "Exhibit B" is an Affidavit stating that the Complaint containing a Notice to Defendants was served by certified mail, return receipt requested on Defendants

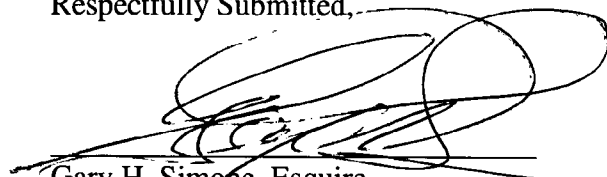
Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc., David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H. Baldiga, Chapter 7 Trustee for the Estate of Lgb Traffic Management Consultants, Inc., and that none of the Defendants have filed an Answer to the Complaint.

3. Attached is "Exhibit C" are copies of important notices sent to the respective defendants served the Complaint which important notices were sent April 18, 2006.

4. Pennsylvania Rule of Civil Procedure No. 1066(a) allows the Court to grant appropriate relief on Affidavit that a Complaint containing a Notice to Defend has been served and Defendants have not filed an Answer.

WHEREFORE, the Plaintiff requests this Court to enter an Order of Default Judgment against the Defendants, Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc., David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H. Baldiga, Chapter 7 Trustee for the Estate of LGB Traffic Management Consultants, Inc., pursuant to Pennsylvania Rule of Civil Procedure No. 1066(a).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Gary H. Simone", is written over a horizontal line.

Gary H. Simone, Esquire  
RISHOR SIMONE  
101 E. Diamond Street, Suite 208  
Butler, PA 16001  
(724) 283-7215  
PA ID #43955

# **MOTION FOR DEFAULT JUDGMENT**

## **EXHIBIT A**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. 2006-347-CO

VS

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

I hereby certify this to be a true and  
correct statement of the facts and  
statements of law herein.

MAR 26 2006

Attest

*Wanda R.*  
Prothonotary  
Clerk of Courts

NOTICE TO DEFEND

TO: THE ABOVE CAPTIONED DEFENDANT'S, THEIR HEIRS, EXECUTORS,  
ADMINISTRATOR AND ASSIGNS.

YOU have been sued in Court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment maybe entered against you by the Court without further notice for any money claimed in the Complaint or for any claim or relief requested by Plaintiff. You may lose money or property or their rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFF SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

CLEARFILED COUNTY PROTHONOTARY  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
Telephone (814) 765-2641



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No.

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

COMPLAINT TO QUIET TITLE

AND NOW, comes the Plaintiff, Hilltop Home Sales, Inc., by and through its counsel, Rishor Simone, per Gary H. Simone, Esquire, and presents the following Complaint averring as follows:

1. The Plaintiff Hilltop Home Sales, Inc. (hereinafter "Hilltop"), is a Pennsylvania corporation doing business within the State of Pennsylvania and having a business address of 1427 Treasure Lake, DuBois, Pennsylvania, 15801.

2. Defendant, Spalding Sports Worldwide, a division of Spalding and Evenflo Company, Inc. (hereinafter "Spalding"), is a corporation incorporated under the laws of the state of Delaware, having a principal office located at 601 South Harbor Island Boulevard, Suite 200, Tampa, Florida, 33602-3141.

3. Defendant David M. Nickless, Esquire (hereinafter "Nickless") was the Chapter 7 Trustee appointed in the case of Louis G. Buratti, Jr. (hereinafter "Buratti"), who filed for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Massachusetts at case number 98-47214. Said counsel has a business address of Nickless and Phillips, 495 Main Street, Fitchburgh, Massachusetts, 01420.

4. Joseph H. Baldiga, Esquire (hereinafter "Baldiga"), was the Chapter 7 Trustee appointed in the case of LGE, Traffic Managements Consultants, Inc. (hereinafter "LGE") upon which an involuntary petition for relief under Chapter 7 of the United States Bankruptcy Code was filed in the United States Bankruptcy Court for the District of Massachusetts (Western Division) at docket number 98-45493. Said counsel has a business address of Mirick, O'Connell, DeMallie and Lougee, LLP, 100 Front Street, Worcester, Massachusetts, 01608-1477.

### HISTORY

5. Paragraphs 1 through 4 of this Complaint are incorporated herein as if fully set forth.

6. On or about July 21, 1998, certain creditors of the Defendant, LGE Traffic Management Consultants, Inc., filed an involuntary petition for relief pursuant to Chapter 7 of the United States Bankruptcy Code.

7. On or about September 2, 1998, said Defendant, LGE, consented to the involuntary petition and an Order for relief was entered by the Bankruptcy Court.

8. On or about September 3, 1998, the Bankruptcy Court appointed Baldiga as the Chapter 7 Trustee of LGB.

9. On or about September 30, 1998, Burartti filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code which resulted in the appointment of Nickless as the Chapter 7 Trustee.

10. Prior to the filing of his voluntary Bankruptcy petition, Burartti formed Great Atlantic Properties Corporation, d/b/a Highlife Homes (hereinafter "Great Atlantic") which was the owner of various parcels of land in Clearfield County, Pennsylvania. Those parcels of land are specifically:

#128-C02-017-00023-00-21 Lot 23 Section 17  
#128-C02-017-00035-00-21 Lot 35 Section 17  
#128-C02-015-00194-00-21 Lot 194 Section 15  
#128-C02-015-00296-00-21 Lot 296 Section 15  
#128-C02-017-00367-00-21 Lot 367 Section 17  
#128-C02-017-00370-00-21 Lot 370 Section 17  
#128-C02-017-00395-00-21 Lot 395 Section 17  
#128-C02-017-00398-00-21 Lot 398 Section 17  
#128-C02-14C-00664-00-21 Lot 664 Section 14C

11. On or about January 16, 1998, Burartti and/or Great American borrowed from Spalding Five Million Seven Hundred Thousand (\$5,700,000.00) Dollars which resulted in Spalding being granted a mortgage in the referenced properties.

12. Subsequent to the filing of the respective Chapter 7 Bankruptcy petitions for LGE and Burartti, on or about April 29, 1999, Baldiga as Trustee for LGE filed an Adversary Proceeding in the United States Bankruptcy Court for the District of Massachusetts (Western Division) at case number 99-4122 against Great Atlantic, Spalding and Jacqueline Strickland. Said Complaint sought among other relief, avoidance of certain transfers and turnover of funds that Baldiga alleged were fraudulently transferred to Spalding pursuant to Massachusetts state law.

13. Nickless filed an Answer on behalf of Great American seeking, among other things, a portion of any recovery from Spalding since the individual Debtor, Burartti, was either an equity holder or a creditor of Great American and any proceeds from Spalding should first be distributed to creditors. Said litigation resulted in a stipulation for settlement being entered into by the respective parties which provided in pertinent part as follows:

- a Spalding was deemed to have waived and released any and all claims, liquidated, contingent or otherwise that it may assert in both the LGB proceeding and the Burartti proceeding.
- b Upon entry of the final Orders, Spalding would assign to Baldiga and Nickless as the respective Bankruptcy Estate Trustees, jointly, its right, title, and interest in any liens, mortgages, attachments, or other incumbrance which it has against any assets owned by Burartti, LGB or any entity in which Burartti or LGB had an interest, including, specifically,

mortgage(s) against properties owned by Great American. A copy of said stipulation is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit A".

14. By Order of the Bankruptcy Court dated June 26, 2000, said stipulation was approved.

15. By reason of delinquent taxes, a tax sale of the properties referenced in this Complaint was conducted by the tax claim bureau of Clearfield County, Pennsylvania.

16. Subsequently, by private sale, Hilltop successfully bid on same and, by deed dated November 10, 2004, said lots were conveyed to Hilltop. A copy of said Tax Claim Bureau Deed is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit B".

17. In attempting to clear the title of these properties from any claim of the respective Bankruptcy trustees referenced herein, Hilltop contacted those trustees in an effort to obtain releases of their respective claims to the same. In response thereto, Nickless on behalf of Burartti/Great Atlantic, indicated that he had completed his administration of that Bankruptcy estate and that he then expected the Court to close that case. A copy of said May 5, 2005 letter is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit C".

18. Baldiga, on behalf of Great American signed a Release of Mortgage on or about January 10, 2005 which released his and the Bankruptcy Courts interest in the properties at issue.

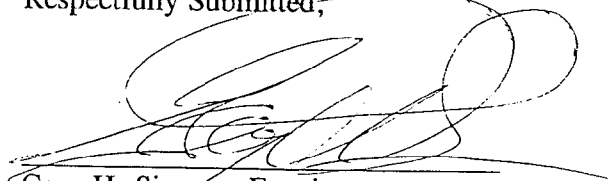
A copy of said Release is attached hereto, incorporated herein as if fully set forth and labeled "Exhibit D".

19. Accordingly, by reason of the recited actions of the respective Chapter 7 Trustees, their interests or claims as to the properties at issue have been either released or waived.

WHEREFORE, upon the Defendants, their successors and assigns, Plaintiff prays this Honorable Court for the following relief:

- a That by Decree, it is declared and adjudged that the Plaintiff is the true owner of the said premises in controversy;
- b That the Defendants or any of them have no estate or interest whatsoever in or to said lands or premises;
- c That the Defendants, and each and every one of them, their heirs, successor and assigns, be forever barred from asserting any claim whatsoever in or to said land and premises adverse to the Plaintiff;
- d For such other and further relief as to equity shall seem met.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Gary H. Simone", is written over a horizontal line.

Gary H. Simone, Esquire  
RISHOR SIMONE  
101 E. Diamond Street, Suite 208  
Butler, PA 16001  
(724) 283-7215  
PA ID #43955

# Exhibit A



Certified to be a true and  
correct copy of the original  
James M. Lynch, Clerk  
U.S. Bankruptcy Court  
District of Massachusetts

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
By: *[Signature]* (Deputy Clerk Division)  
Date: *May 3, 2005*

ENTERED ON DOCKET  
*6/17/05*

In re:

LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.,

Debtor.

Chapter 7  
Case No. 98-45493-JFQ

*Gary Simone*  
*From: Dave Pardee*

*99-4305*  
*99-4122*

ENTERED ON DOCKET  
*6/17/05*

**MOTION TO APPROVE STIPULATION REGARDING  
TRUSTEE'S CLAIMS AGAINST SPALDING SPORTS WORLDWIDE**

To the Honorable James F. Queenan, Jr., United States Bankruptcy Judge:

NOW COMES, Joseph H. Baldiga, the Chapter 7 Trustee (the "Corporate Trustee") of the bankruptcy estate of LGB Traffic Management Consultants, Inc. ("LGB"), and hereby moves this Court, pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedures and MLBR 9019-1, to approve the Stipulation attached hereto as Exhibit A among the Corporate Trustee, David M. Nickless, the Chapter 7 Trustee ("Individual Trustee") of the bankruptcy estate of Louis G. Buratti ("Buratti") and Spalding Sports Worldwide, a division of Spalding and Evenflo Company, Inc. ("Spalding"; collectively with the Corporate Trustee and the Individual Trustee, the "Stipulating Parties").

In support hereof, the Trustee submits the following:

**FACTUAL BACKGROUND**

1. On or about July 21, 1998 (the "Petition Date"), certain creditors of the Corporate Debtor filed an involuntary petition for relief pursuant to Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code").

*118*  
*122*



2. On or about September 2, 1998, the Debtor consented to the involuntary petition and this Court entered an Order for Relief against the Debtor.

3. On September 3, 1998, this Court appointed Joseph H. Baldiga as trustee of LGB and he continues to serve as such.

4. On September 30, 1998, Buratti filed a voluntary petition for relief pursuant to Chapter 7 of the Bankruptcy Code. This Court subsequently appointed the Individual Trustee and he continues to serve as such.

5. On or about April 29, 1999, the Corporate Trustee initiated adversary proceeding case number 99-4122 against Great Atlantic Properties Corporation ("GAPC"), Spalding, and Jacqueline Strickland ("Strickland").

6. The Corporate Trustee's complaint sought, among other relief, avoidance of certain transfers and turnover of funds that the Corporate Trustee alleged were fraudulently transferred to Spalding pursuant to M.G.L. c. 109A.

7. Spalding filed an answer to the complaint denying liability.

8. The Individual Trustee filed an answer on behalf of GAPC seeking, among other things, a portion of any recovery from Spalding since Buratti was either an equity-holder or a creditor of GAPC and any proceeds from Spalding should first be distributed to creditors.

9. Strickland also filed an answer to the complaint. Her liability, as well as that of GAPC, is not implicated by this Stipulation, and the Corporate Trustee reserves all rights against Strickland and GAPC.

10. On or about November 1, 1999, the Corporate Trustee filed a second and separate adversary proceeding under case number 99-4305, against Spalding seeking, among other things,

damages for fraud, violation of M.G.L c. 93A, turnover of preferences and turnover of fraudulent transfers.

11. The Court subsequently consolidated the two separate adversary proceedings.
12. In December of 1999, Spalding filed a Motion to Dismiss Counts I, II and III of the second complaint filed by the Corporate Trustee.
13. After hearing, this Court entered an order dismissing Counts I, II and III of the Corporate Trustee's complaint against Spalding.
14. After dismissal of Counts I, II and III of the Complaint, the Stipulating Parties entered into settlement negotiations regarding the remaining counts of both complaints and ultimately entered into the Stipulation attached hereto as Exhibit A.

#### ARGUMENT

15. The Stipulation provides, among other things, the following substantive provisions:
  - (a) Spalding shall pay to the Corporate Trustee and the Individual Trustee the aggregate sum of \$130,000.00 (the "Settlement Funds") in full settlement of all of the remaining counts set forth in the Corporate Trustee's complaints, as well as all other claims that have been or could be asserted by either Trustee against Spalding.<sup>1</sup>
  - (b) The Corporate Trustee shall hold a portion of the Settlement Funds (\$34,228.93) in escrow pending further Court Order.

---

<sup>1</sup> The Corporate Trustee and Individual Trustee have not, however, resolved the issue of allocation of the proceeds between the LGB estate and the Buratti estate and shall address that issue at a later date.

- (c) Spalding shall deliver the balance of the Settlement Funds (\$95,771.07) to the Corporate Trustee immediately upon entry of the final orders approving the Stipulation.
- (d) Effective immediately upon entry of the final orders approving the Stipulation, Spalding shall be deemed to have waived and released any and all claims, liquidated, contingent or otherwise, that it may assert in both the LGB proceeding and the Buratti proceeding;
- (e) Spalding shall assign to the Corporate Trustee and the Individual Trustee, jointly, its right, title, and interest in any liens, mortgages, attachments, or other encumbrances which it has against any assets owned by Buratti, LGB or any entity in which Buratti or LGB have an interest, including, specifically, mortgage(s) against properties owed by GAPC.

16. In determining whether a settlement agreement should be approved, bankruptcy courts should "assess and balance the value of the claim that is being compromised against the value to the estate of the acceptance of the compromise proposal." Jeffrey v. Desmond, 70 F.3d at 185 (quoting In re GHR Cos., 50 B.R. 925, 931 (Bankr. D. Mass. 1985) (additional citation omitted)). The trustee's judgment as to the propriety of the proposed settlement is to be accorded some deference. Hill v. Burdick (In re Moorhead Corp.), 208 B.R. 87 (1st Cir. BAP, 1997).

17. Although the Corporate Trustee believes that the claims set forth in the Complaint are viable, Spalding has asserted various defenses to the claims and there is some risk that the Corporate Trustee will not prevail on all claims after trial. Further, it will be necessary for the

Corporate Trustee to proceed with lengthy and costly litigation to continue to proceed against Spalding.

18. The Corporate Trustee has determined that the Stipulation is in the best interest of the Corporate Debtor's estate, because, among other things, it stems the legal costs and expenses which would otherwise be incurred in continued litigation against Spalding and eliminates the risk involved in continued litigation where Spalding has raised defenses to the claims.

19. The Stipulation considers and gives appropriate weight to the strengths and weaknesses of the claims and defenses of the parties, and is in the best interest of the Estate and will produce an immediate and material benefit to the Estate.

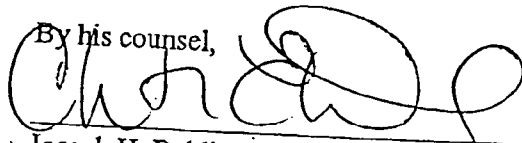
WHEREFORE, the Trustee respectfully requests that this Court enter an Order;

- (a) Allowing this Motion;
- (b) Approving the Stipulation; and
- (c) Granting such other and further relief as is just.

Respectfully submitted,

**JOSEPH BALDIGA, TRUSTEE OF  
LGB TRAFFIC MANAGEMENT  
CONSULTANTS INC.**

By his counsel,



Joseph H. Baldiga, Esq. BBO #549963

Christine E. Devine, Esq. BBO #566990

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP  
100 Front Street

Worcester, MA 01608-1477

Phone: (508) 791-8500/Fax: (508) 791-8502

Dated: June 1, 2000

## **Exhibit B**

# CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder  
Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103  
Clearfield, Pennsylvania 16830

AFFIDAVIT No. 37891

**\*RETURN DOCUMENT TO:**

CLEARFIELD CO TAX CLAIM BUREAU

Instrument Number - 200418567

Recorded On 11/16/2004 At 8:55:23 AM

\* Instrument Type - DEED

\* Total Pages - 3

Invoice Number - 120737

\* Grantor - CLEARFIELD CO TAX CLAIM BUREAU

\* Grantee - HILLTOP HOME SALES INC

\* Customer - CLEARFIELD CO TAX CLAIM BUREAU

**\* FEES**

STATE TRANSFER TAX \$432.30

STATE WRIT TAX \$0.50

JCS/ACCESS TO JUSTICE \$10.00

RECORDING FEES - \$13.00

RECORDER

RECORDER IMPROVEMENT \$3.00

FUND

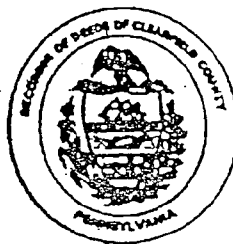
COUNTY IMPROVEMENT FUND \$2.00

DUBOIS AREA SCHOOLS \$216.15

SANDY TOWNSHIP \$216.15

TOTAL \$893.10

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*

Karen L. Starck  
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

## Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

11/16/04 - deed

11.27/05 NO payment as of yet

TAX CLAIM BUREAU DEED

THIS DEED made the Tenth day of November in the year of our Lord, 2004,

BETWEEN THE TAX CLAIM BUREAU OF CLEARFIELD COUNTY, PENNSYLVANIA, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, hereinafter referred to as GRANTOR,

AND

HILLTOP HOME SALES INC.  
1427 TREASURE LAKE  
DUBOIS PA 15801

hereinafter referred to as "GRANTEE"...

WHEREAS, the hereinafter described premises were assessed in the name of GREAT ATLANTIC PROPERTIES CORP and taxes were levied against all said properties for the years 1997 through 2003 which have not been paid and which are delinquent; and ...

WHEREAS, the delinquent taxes against the said properties were returned to the Tax Claim Bureau of Clearfield County, Pennsylvania and the tax lien became absolute; and...

WHEREAS, after proceeding under the provisions of the Act aforesaid, the Tax Claim Bureau did last expose all the said parcels to public sale on the Seventeenth day of September, 1999 and the Fifteenth day of September, 2000; and...

WHEREAS, the said premises having remained unsold, a bid, was received from HILLTOP HOME SALES INC. for private sale of said properties, as provided for in P.L. 1368 No. 542 Sec. 613, and...

WHEREAS, notification of the acceptance of this bid was sent to the assessed owners, as well as to Sandy Township Supervisors, DuBois Area School District, and Clearfield County Commissioners on September 10, 2004, and notice of the proposed sale was published in The Courier Express on September 10, 2004 and September 24, 2004 and in the Clearfield County Legal Journal on September 3, 2004 and September 17, 2004, and...

WHEREAS, no parties have petitioned the Court of Common Pleas to disapprove the sale...

NOW THIS INDENTURE WITNESSETH, that for and in consideration of the sum of FIVE HUNDRED FIFTY DOLLARS, (\$550.00), the receipt thereof is hereby acknowledged, Grantor does hereby grant and convey unto the said Grantees, their heirs, successors or assigns the following described property to-wit

SANDY TOWNSHIP  
MAP #128-C02-017-00023-00-21 LOT 23 SECTION 17  
128-C02-017-00035-00-21 LOT 35 SECTION 17  
128-C02-015-00194-00-21 LOT 194 SECTION 15  
128-C02-015-00296-00-21 LOT 296 SECTION 15  
128-C02-017-00367-00-21 LOT 367 SECTION 17  
128-C02-017-00370-00-21 LOT 370 SECTION 17  
128-C02-017-00395-00-21 LOT 395 SECTION 17  
128-C02-017-00398-00-21 LOT 398 SECTION 17  
128-C02-14C-00664-00-21 LOT 664 SECTION 14C

Nancy  
I added

Please  
put in

# Exhibit C



**NICKLESS AND PHILLIPS, P.C.**

ATTORNEYS AT LAW  
625 MAIN STREET  
FITCHBURG, MASSACHUSETTS 01420

DAVID M. NICKLESS  
C. DEBORAH PHILLIPS  
KAREN A. MEYER  
JANICE G. MARSH  
NORA K. McLAUGHLIN

(978) 342-4590 (TEL)  
(978) 343-6383 (FAX)

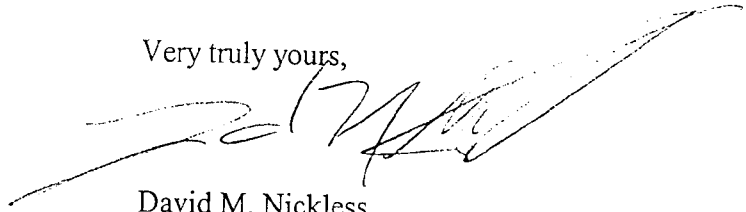
May 5, 2005

TO WHOM IT MAY CONCERN

Re: Louis Buratti/Great Atlantic Properties Corp

I, David M. Nickless, have completed my administration of the bankruptcy estate of Louis Buratti, have filed my final report before distribution, the report has been allowed by the Bankruptcy Court, and distribution has been made to creditors in accordance with that report. Upon receipt of a zero bank balance I will file a report after distribution and I expect the close to then be closed by the court.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David M. Nickless', written over a horizontal line.

David M. Nickless

## **Exhibit D**

## *Release of Mortgage*

**Know All Men By These Presents:** That JOSEPH H. BALDIGA, a Chapter 7 Trustee of the bankrupt estate of LGB Traffic Management Consultants, Inc. ("LGB") and David M. Nickless, the Chapter 7 Trustee of the bankrupt estate of Louis G. Buratti ("Buratti") is the owner and holder of a certain Mortgage previously granted by

GREAT ATLANTIC PROPERTIES CORPORATION

to

SPALDING SPORTS WORLDWIDE, a division of Spalding an Evenflo Co., Inc., a Delaware Corporation, dated February 20, 1998 and recorded in the Office of the Recorder of Deeds of Clearfield County in Volume 1991 @ page 171.

By stipulation dated May 8, 2002 and filed in United States Bankruptcy Court for the Western District of Massachusetts under Chapter 7, Case No. 98-45493-JFQ, Adversarial Proceeding Case No. 99-4305 [jointly administered with Adversarial Proceeding Case No. 99-4122], the said Spalding Sports Worldwide assigned its right, title and interest in said Mortgage to Joseph H. Baldiga, the Chapter 7 Trustee of the bankrupt estate of LGB and David M. Nickless, the Chapter 7 Trustee of the bankrupt estate of Buratti.

The Mortgage contains certain promises and obligations set forth therein upon property situate in the Commonwealth of Pennsylvania, County of Clearfield, Township of Sandy, described as follows:

All those certain tracts of land identified in the Treasure Lake Subdivision, Sandy Township, Clearfield County, Pennsylvania, identified as follows:

Section 14C, Lot 664

Section 17, Lot 367

Section 15, Lot 194

Section 15, Lot 296

Section 17, Lot 370

Section 17, Lot 395

Section 17, Lot 398

Section 17, Lot 23

Section 17, Lot 35

WHEREAS, Hilltop Home Sales, Inc. is a third party unrelated to Buratti, LGB, Great Atlantic Properties Corporation, Highlife Homes, or any other entity who has possessed any former rights over the properties and acquired same from the Tax Claim Bureau of Clearfield County, Commonwealth of Pennsylvania, by deed dated November 10, 2004.

WHEREAS, the said Hilltop Home Sales, Inc. has requested Joseph H. Baldiga, Trustee, and David M. Nickless, Trustee, to release the lands set forth above from the Spalding Sports Worldwide Mortgage described above.

NOW, THEREFORE, in consideration of ONE DOLLAR (\$1.00) lawful money, in hand paid by Hilltop Home Sales, Inc., the receipt whereof is hereby acknowledged, Joseph H. Baldiga, Trustee of the bankrupt estate of LGB Traffic Management Consultants, Inc., and David M. Nickless, Trustee of the bankrupt estate of Louis G. Buratti, do remise, release, quit claim, exonerate and discharge the above encumbered property from the encumbrance of the mortgage set forth above.

TO HOLD the same with the appurtenances unto the said Hilltop Home Sales, Inc., forever freed, exonerated and discharged of and from the lien of said Mortgage in every part thereof.

PROVIDED, always nevertheless, nothing herein contained shall effect, alter or diminish the other properties not set forth herein from the obligation of said mortgage.

Witness hand and seal, this \_\_\_\_\_ day of January, 2005.

Signed, Sealed, and Delivered in Presence of:

Caroline Begun

By: [Signature] (Seal)  
Joseph H. Baldiga, Trustee

By: \_\_\_\_\_ (Seal)  
David M. Nickless, Trustee

Commonwealth of Massachusetts )  
County of Worcester )  
:ss:

On this, the 10<sup>th</sup> day of January, 2005, before me, the undersigned officer, personally appeared Joseph H. Baldiga, who acknowledged himself to be the Chapter 7 Trustee of the bankrupt estate of LGB Traffic Management Consultants, Inc., and that he, as such Trustee, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as Trustee.

In witness whereof, I have hereunto set my hand and official seal.

My Commission Expires:

William M. L. Ooherty  
Notary Public

Commonwealth of Massachusetts )  
County of \_\_\_\_\_ :ss: )

On this, the \_\_\_\_\_ day of January, 2005, before me, the undersigned officer, personally appeared David M. Nickless, the Chapter 7 Trustee of the bankrupt estate of Louis G. Buratti ("Buratti"), and that he, as such Trustee, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as Trustee.

In witness whereof, I have hereunto set my hand and official seal.

My Commission Expires:

\_\_\_\_\_  
Notary Public

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

HILLTOP HOME SALES, INC.

Plaintiff

No.

v.

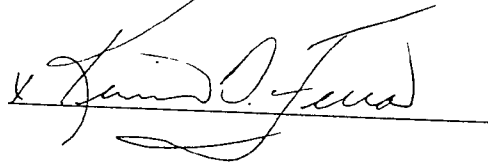
SPALDING SPORTS WORLDWIDE, et al.

Defendants

VERIFICATION

I, Kevin D. Ferra, verify that the allegations set forth in the  
foregoing Complaint to Quiet Title are true and correct to the best of my  
knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.  
Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Date: February 22, 2006



**MOTION FOR DEFAULT JUDGMENT**

**EXHIBIT B**



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

No. CD 2006-347

CERTIFICATE OF SERVICE

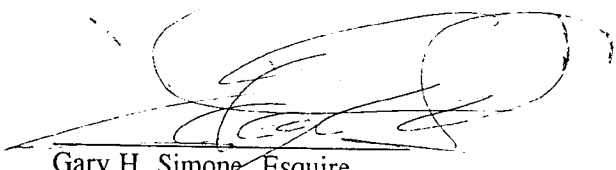
I, Gary H. Simone, Esquire, hereby certify that a true and correct copy of the Complaint to Quiet Title was sent by United States Mail, postage prepaid, by way of Certified Mail, return receipt requested, to the Defendants listed below, and accepted as evidenced by the mail receipt filed:

Joseph H. Baldiga, Esquire  
Mirick O'Connell, DeMallie and Lugee, LLP  
100 Front Street  
Worcester, MA 01608-1477

David M. Nickless, Esquire  
Nickless & Phillips  
495 Main Street  
Fitchbrug, MA 01420

TFGC Estate, Inc. d/b/a  
Spalding Sports Worldwide, Inc.  
CT Corporation System  
101 Federal Street  
Boston, MA 02110

Date: 4-17-06

  
Gary H. Simone, Esquire  
RISHOR SIMONE  
101 E. Diamond Street, Suite 208  
Butler, PA 16001  
(724) 283-7215  
PA I.D. #43955

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

David M. Nickless, Esquire  
Nickless - Phillips  
495 Main Street  
Fitchburg, MA 01420

## 2. Article Number (Copy from service label)

7004 2510 0000 6023 0868

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

3-10-06

C. Signature

X *K. Fredericks*☒ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Joseph H. Baldiga, Esquire  
Mirick, Connell, DeMalle  
and Louger, LLP  
100 Front Street  
Worcester, MA 01608-1477

## 2. Article Number (Copy from service label)

7004 2510 0000 6023 0875

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

*M.O.D.B.*

3/13

C. Signature

X *John A. I...*☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

TFGC Estate, Inc. a/k/a  
Sparring Sports Worldwide, Inc.  
CT Corporation System  
101 Federal Street  
Boston, MA 02110

## 2. Article Number (Copy from service label)

7004 2510 0000 6023 0851

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *Michael Cloherty*☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

**MOTION FOR DEFAULT JUDGMENT**

**EXHIBIT C**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. CD 2006-347

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

AFFIDAVIT

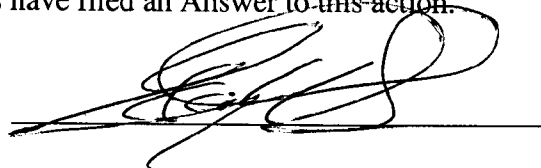
COMMONWEALTH OF PENNSYLVANIA

SS

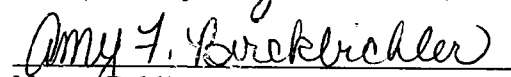
COUNTY OF CLEARFIELD

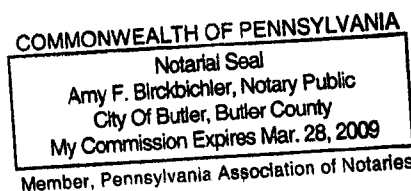
Gary H. Simone, Esquire, been duly sworn according to law, deposes and says that he is counsel for Plaintiffs in this action, and makes this Affidavit on behalf of Plaintiff, being authorized to do so, that a Complaint in this action to quiet title, containing a Notice to Defend within twenty (20) days of service was duly served on Defendants, Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc., David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H. Baldiga, Chapter 7 Trustee for the Estate of LGB Traffic Management Consultants, Inc., and evidenced by Returns of Service filed of record, and that to date, none of the aforementioned Defendants have filed an Answer to this action.

By:



Sworn to and Subscribed before me  
this 28<sup>th</sup> day of June, 2006

  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. CD 2006-347

vs

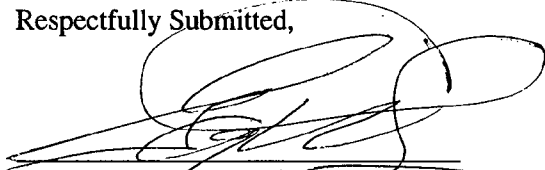
SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED  
OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS  
NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU  
MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS  
NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD  
ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET  
LEGAL HELP:

PROTHONOTARY OFFICE  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

Respectfully Submitted,



Gary H. Simone, Esquire  
RISHOR SIMONE  
101 E. Diamond Street, Suite 208  
Butler, PA 16001  
(724) 283-7215  
PA ID #43955

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. CD 2006-347

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

VERIFICATION

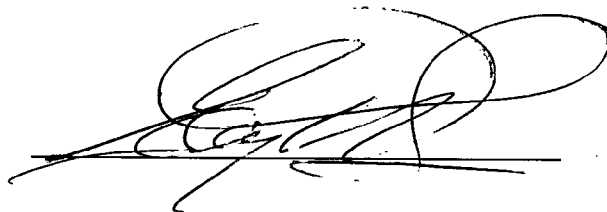
COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF CLEARFIELD

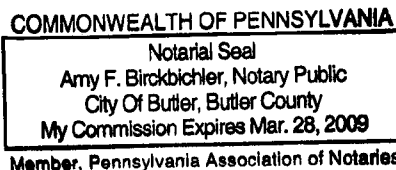
Gary H. Simone, Esquire, been duly sworn according to law, deposes and says that he is counsel for Plaintiffs in this action, and makes this Verification on behalf of Plaintiff, being authorized to do so, that a Default Notice in this action to quiet title was duly served on Defendants, Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc., David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H. Baldiga, Chapter 7 Trustee for the Estate of LGB Traffic Management Consultants, Inc. on April 18, 2006 and that to date, none of the aforementioned Defendants have filed an Answer to this action.

By:



Sworn to and Subscribed before me  
this 28<sup>th</sup> day of June, 2006

Amy F. Birckbichler  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HILLTOP HOME SALES, INC.  
Plaintiff

No. CD 2006-347

vs

SPALDING SPORTS WORLDWIDE, a  
division of SPALDING AND EVENFLO,  
COMPANY, INC., DAVID M. NICKLESS  
CHAPTER 7 TRUSTEE FOR THE ESTATE OF  
LOUIS G. BURARTTI, SR., and JOSEPH H.  
BALDIGA, CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF LGB TRAFFIC MANAGEMENT  
CONSULTANTS, INC.  
Defendants

**FILED** ice  
9/10:25/06 Amy  
JUL 03 2006 Simone  
William A. Shaw  
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 30<sup>th</sup> day of June, 2006 an Affidavit of Service of a

Complaint with Notice to Plead having been filed, and no answer having been made by  
Defendants, Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc.,  
David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H.  
Baldiga, Chapter 7 Trustee for the Estate of LGB Traffic Management Consultants, Inc., upon  
consideration of the Motion of Plaintiff pursuant to Pennsylvania Rule of Civil Procedure  
1066(a),

IT IS HEREBY ORDERED:

That a Judgment by Default be entered against the aforementioned Defendants directing  
that Defendants, Spalding Sports Worldwide, a Division of Spalding and Evenflo Company, Inc.,  
David M. Nickless Chapter 7 Trustee for the Estate of Louis G. Burartti, Sr., and Joseph H.  
Baldiga, Chapter 7 Trustee for the Estate of LGB Traffic Management Consultants, Inc., and any

person claiming under these named Defendants are permanently enjoined and restrained from asserting any claim or interest in or to the following real estate or any part thereof:

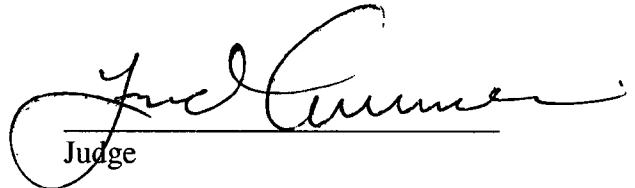
Sandy Township

Map #128-C02-017-00023-00-21 Lot 23 Section 17  
#128-C02-017-00035-00-21 Lot 35 Section 17  
#128-C02-015-00194-00-21 Lot 194 Section 15  
#128-C02-015-00296-00-21 Lot 296 Section 15  
#128-C02-017-00367-00-21 Lot 367 Section 17  
#128-C02-017-00370-00-21 Lot 370 Section 17  
#128-C02-017-00395-00-21 Lot 395 Section 17  
#128-C02-017-00398-00-21 Lot 398 Section 17  
#128-C02-14C-00664-00-21 Lot 664 Section 14C

A copy of this Order shall be recorded in the Office of the Recorder of Deeds in Clearfield County, Pennsylvania.

These proceedings, or any authenticated copy thereof, shall at all times be hereinafter taken as evidence of the facts declared and established thereby.

By the Court,

  
Judge



**FILED**

**JUL 03 2006**

William A. Shaw

Prothonotary/Clerk of Courts

DATE: 7/3/06

X You are responsible for serving all appropriate parties.

\_\_\_\_ The Prothonotary's office has provided service to the following parties:

\_\_\_\_ Plaintiff(s)    \_\_\_\_ Plaintiff(s) Attorney    \_\_\_\_ Other

\_\_\_\_ Defendant(s)    \_\_\_\_ Defendant(s) Attorney

\_\_\_\_ Special Instructions: