

Vermont Superior Court  
Windsor Civil Division  
12 The Green  
Woodstock Vermont 05091  
www.vermontjudiciary.org © (802) 457-2121

Marjorie M. Battaglia  
3699 Woodstock road  
White River Junction VT 05001

October 25, 2018

Bar Harbor Bank & Trust, vs. Vermont CountryDocket No. 142-4-18 Wrcv

STATE OF VERMONT

SUPERIOR COURT  
Windsor Unit

CIVIL DIVISION  
Docket No. 142-4-18 Wrcv

Bar Harbor Bank & Trust vs. Vermont Country Corporation, et al.

ENTRY REGARDING MOTION

Count 1, Foreclosure (142-4-18 Wrcv)

Count 2, Foreclosure (142-4-18 Wrcv)

Title: Request for Additional Time (Motion 12)  
Filer: Defendant Marjorie Battaglia  
Attorney: Pro se  
Filed Date: 10/5/18, 10/12/18

Elizabeth Glynn, Attorney for Plaintiff Bar Harbor Bank & Trust, filed a response on 10/15/18.

Defendant Marjorie Battaglia has submitted numerous documents in her filings dated 10/5/18 and 10/12/18. Accompanying the documents is a request that the Court “approve relief to the defendants’ [sic] of more time in excess of six months to vacate the address of 3699 Woodstock Rd, White River Junction, VT 05001, as that time is needed for a response from the federal officials mentioned in the filing (docketed October 5, 2018).” Along with this request, Defendant references a case apparently pending in the United States Court of Appeals for the Sixth Circuit, docketed at Case No. 18-5752, *USA v. Heather Tucci-Jarraf*. She states that “[t]he legal and factual basis for relief is dependent on the appeal outcome” in this case “that will determine the validity of the UCC filings.”

Plaintiff opposes the filing, contending that “[w]hatever happens in that appeal, it will have no bearing on the outcome of this case, the relief to which Plaintiff is entitled, or the timing of that relief.” Plaintiff points out that Tucci-Jarraf’s name “intersects with Defendant’s effort to defend Plaintiff’s foreclosure action because Defendant Battaglia has argued that . . . certain UCC filings have ‘cancelled’ all bank and government ‘charters’ and—more importantly for Defendant—have cancelled all debt,” and Tucci-Jarraf’s name appears on a “UCC Financing Statement Amendment” filed by Defendant with her Answer.

As Plaintiff also observes, this Court granted Plaintiff’s motion to dismiss Defendant Battaglia’s counterclaim, stating that it was “unable to discern any valid legal counterclaim stated in the paper.” Entry Order, dated July 12, 2018. On September 11, 2018, the Court granted Plaintiff’s

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motion for summary judgment. Entry Order, dated September 11, 2018. Defendant's most recent filing is absent of any concrete legal basis warranting a different result.

At this juncture, the period for redemption is governed by 12 V.S.A. § 4946. As set forth in a separate Entry Order, the Court has concluded that subdivision (b) is the applicable provision, requiring that "the time of redemption shall be established by the court and shall be six months from the date of the decree, unless a shorter time is ordered by the court."

For the foregoing reasons, Defendant's request for a period of more than six months to vacate the subject property is denied.



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Michael Kainen  
Superior Court Judge

Notifications:

Elizabeth A. Glynn (ERN 1594), Attorney for Plaintiff Bar Harbor Bank & Trust  
Defendant Vermont Country Corporation  
Party Dismissed from Case Beth H. Kelly  
Party Dismissed from Case Vested Interests of New  
Defendant Mark A. Benetatos  
Party Dismissed from Case John J Kelly  
Defendant Marjorie M. Battaglia  
Party Dismissed from Case Bradford Oil Company, Inc.

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