

STATE OF VERMONT

SUPERIOR COURT
Windsor Unit

CIVIL DIVISION
Docket No. 142-4-18 Wrcv

BAR HARBOR BANK & TRUST,
Successor in Interest by Merger to
Lake Sunapee Bank, fsb,
Plaintiff

vs.

VERMONT COUNTRY CORPORATION;
MARJORIE M. BATTAGLIA;
MARK A. BENETATOS;
AND ALL UNNAMED OCCUPANTS OF
3699 WOODSTOCK ROAD,
WHITE RIVER JUNCTION (HARTFORD), VERMONT,
Defendants

PLAINTIFF'S AFFIDAVIT OF AMOUNTS DUE

I, Meghan Douglas Hanson, being duly sworn, depose and say as follows:

1. I am employed by Plaintiff, Bar Harbor Bank & Trust, Successor in Interest by Merger to Lake Sunapee Bank ("Lender") as an Assistant Vice President in the Managed Assets Department. I have reviewed the Lender's business records in this case and am familiar with the facts of this case through my position with the Lender.

2. In my capacity as a Managed Assets Officer for Lender I have access to, and use on a regular basis, Lender's computer system to access its business records regarding outstanding loans. The electronic information maintained on Lender's computer system with respect to outstanding credit agreements, including the information described below and reflected in the loan documents referenced to herein, is part of the computer-based records kept by Lender in the ordinary course of its regularly conducted business activity and is a primary and key method of maintaining a historical record of the acts, events, or conditions recorded with respect to loans owed to Lender. Lender's computer system is

regularly maintained to ensure the accuracy of its records, and Lender maintains backup copies of account data to prevent the loss of any data. Lender regularly relies on its computer-based records in conducting its business. Lender's computer-based records include information about the original balance, the history of payments and credits for payments, and the amount of late charges. Entries in these records ordinarily are made at or near the time of the described acts, events or conditions, by, or from information transmitted by, a person with personal knowledge and a business duty to report the recorded information. In addition, each of these records was kept in the course of a regularly conducted business activity, and it was the regular practice of that business activity to make these records. I have reviewed Lender's Complaint in the above-styled case, and I am familiar with the loan documents referenced below because I am the Loan Workout Officer assigned to collect the mortgage loan account of Vermont Country Corporation and Marjorie Battaglia.

3. The amount due under the provisions of the Note, exclusive of legal fees and costs for collection, is as follows:

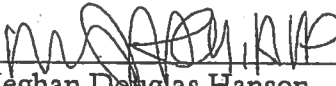
1. Principal due on note		\$218,160.01
2. Interest at a rate of 5.25%		
From 9/4/17 to 3/4/18		
Interest at a rate of 5.50%		
From 3/4/18 to 9/4/18		
Interest at the rate of 6%		
From 9/4/18 to 9/12/18	\$11,670.36	
3. Late charges	\$ 610.55	
to acceleration-		
4. Taxes & Water & Sewer paid to the Town		\$
5. Interest on Item No.4	\$	
6. Insurance Paid		\$
7. Interest on Item No. 6	\$	
8. Other Fees:		
- Appraisal		\$ 2,000.00
9. Interest on Item No. 10	\$	
10. Town Clerk Filing Fee for Complaint		\$ 110.00
as required by 12 VSA Section 4932(b)		
11. Total-Lines 1, 4, 6, 8, 10		\$ 220,270.01
12. Total Lines 2, 3, 5, 7, 9	\$12,280.91	

Per Diem Interest on No. 1 \$ 34.142

4. Pursuant to the terms of the Note, Page 1, Section captioned *Late Charge*, Plaintiff is entitled to collect a late charge of 5% of the unpaid regularly scheduled payment if a payment is more than 15 days late.

5. Pursuant to the terms of the First and Second Mortgages, Page 4 respectively, under the Section captioned *Attorneys' Fees; Expenses*, Plaintiff is entitled to collect all reasonable expenses, that includes the appraisal.

Dated at Newport, New Hampshire, this 12th day of September, 2018.




Meghan Douglas Hanson,
Assistant Vice President

STATE OF NEW HAMPSHIRE
SULLIVAN COUNTY, SS.

Subscribed and sworn to before me this 12 day of September, 2018.





Notary Public
My Commission Expires: May 27, 2020

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Defendants

PLAINTIFF'S MOTION FOR ATTORNEY'S FEES

Bar Harbor Bank & Trust, Successor in Interest by Merger to Lake Sunapee Bank, fsb, ("Plaintiff" or "Lender") by and through its attorneys, Ryan Smith & Carbine, Ltd., hereby moves for the awarding of attorney's fees based on the Affidavit annexed hereto.

This firm was retained by Bar Harbor Bank & Trust, Successor in Interest by Merger to Lake Sunapee Bank, fsb, ("Plaintiff" or "Lender") on a commercial loan. This is a foreclosure and replevin action as to commercial property and collection on a Note and guaranty. The Mortgages were given by Vermont County Corporation to the Lender on property known as 3699 Woodstock Road, White River Junction (Hartford), Vermont. The Security Agreement was given by Vermont County Corporation for the personal property assets. This firm was also retained by Plaintiff to collect the amounts due under the Note from Vermont Country Corporation and Guaranty from Marjorie M. Battaglia.

This matter required much more additional legal time than a conventional foreclosure given the numerous and serial filings by the defendant Marjorie Battaglia and for Vermont Country Corporation. The Vermont courts online docket is attached as Attachment "1" to the Affidavit in support of this motion, as to all of the filings that required review and response

Plaintiff is allowed to recover for amounts provided for in the loan documents. *Federal Deposit Insurance Corporation v. M.F.P. Realty Associates*, 870 F. Supp. 452, 454 (D. Conn. 1994).

Pursuant to the terms of the loan documents that are the subject of this action, Plaintiff is entitled to collect expenses incurred in pursuing its remedies including reasonable attorney's fees. Reasonable attorney's fees also include paralegal time.

The loan documents allow for the Lender to recover its reasonable expenses incurred by the Lender in connection with the Lender's enforcement of any of its rights, remedies and options set forth in the Mortgage and Note in connection with any litigation, proceeding or dispute whether arising hereunder or otherwise relating to the obligations. This means the Lender is entitled by agreement to recover all costs of collection, including reasonable attorney's fees and disbursements of counsel. *Dartmouth College v. Kozaczek*, 2010 VT 113 ¶ 14 (mem.)

Fees for paralegal work is properly included in attorney's fees. The United States Supreme Court permitted the award of attorney fees for paralegal time at market rate in *Missouri, et al. v. Jenkins, et al.*, 491 U.S. 274, 109 S.Ct. 2463 (1989), stating it is "self-evident" that the "'reasonable attorney's fee' provided for by statute should compensate the work of paralegals, as well as that of attorneys." 491 US at 285. See also *Richlin Security Service Co. v. Chertoff, Secretary of Homeland Security* 218 S.Ct.2007 (2008) (agreeing with *Jenkins* that the definition of "attorneys' fees" as used in the statute cannot have been limited only to work performed by members of the bar); *Guinn v. Dotson*, 23 Cal.App.4th 262 (1994) (generic term Attorney fees was intended to encompass paralegal fees, where the prevailing practice is to separately bill a client for paralegal service time.) The attorney's fees that include fees for paralegal time provided for in the Affidavit of Attorney's Fees should be allowed by the Court.

We have provided legal services in the course of the collection and foreclosure process from January 11, 2018 through September 13, 2018 as more fully described in the Affidavit of Attorney's Fees annexed hereto and made a part hereof, being \$19,702.00 in attorney's fees, and \$749.65 in costs. The fees requested are allowed pursuant to the terms of the Mortgage and other loan documents, and are fair and reasonable under the circumstances, the services rendered, the time expended, and the knowledge, skill and expertise required.

WHEREFORE, Plaintiff Bar Harbor Bank & Trust, Successor in Interest by Merger to Lake Sunapee Bank, fsb, requests that the Court grant Plaintiff's motion and provide for the attorney's fees of \$19,702.00 and \$749.65 in costs as set forth in the annexed Affidavit.

DATED at Rutland, Vermont, this 13th day of September, 2018.

BAR HARBOR BANK & TRUST, Successor in
Interest by Merger to Lake Sunapee Bank, fsb

By:



Elizabeth A. Glynn, Esq.

ERN: 1594

Ryan Smith & Carbine, Ltd.

P.O. Box 310

Rutland, Vermont 05702-0310

Its Attorney

(802) 786-1065

eag@rsclaw.com

8913/124/854590

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WHITE RIVER JUNCTION (HARTFORD), VERMONT,
Defendants

AFFIDAVIT RE: ATTORNEY'S FEES

NOW COMES Elizabeth A. Glynn, Esquire, of the firm of Ryan Smith & Carbine, Ltd.,
and deposes and says as follows:

1. I am an attorney with the firm of Ryan Smith & Carbine Ltd, and am licensed to practice law in the State of Vermont, in good standing.
2. This firm was retained by Bar Harbor Bank & Trust, Successor in Interest by Merger to Lake Sunapee Bank, fsb, ("Plaintiff" or "Lender") on a commercial loan and involving commercial property. This is a foreclosure and replevin action and collection on a Note and guaranty. The Mortgages were given by Vermont County Corporation to the Lender on property known as 3699 Woodstock Road, White River Junction (Hartford), Vermont. The Security Agreement was given by Vermont County Corporation for the personal property assets. This firm was also retained by Plaintiff to collect the amounts due under the Note from Vermont Country Corporation and Guaranty from Marjorie M. Battaglia.

3. I have personal knowledge of the attorney's fees and expenses incurred to secure and enforce the loan documents. All of the fees and costs are recoverable in this action pursuant to the underlying loan documents, including, the Note, Guaranty, Mortgages and Security Agreement.

4. During the period between January 11, 2018 through September 13, 2018, this firm worked in this matter for attorney time 104.30 hours in this matter. During this period the partner billing rate was \$210.00 per hour, the Associate rates were \$185/hr and \$175/hr, and the paralegal rate was \$90.00 per hour. I believe these hourly rates are reasonable. Total in legal fees of \$19,702.00. See further breakdown below.

5. In addition, as of September 13, 2018, the following Costs were incurred, the court filing fee of \$295.00, Orange County Sheriff for \$155.14, Rutland County Sheriff for \$71.58 and the Windsor County Sheriff's Department service fees of \$227.93, for a total in expenses of \$749.65.

6. It is anticipated that this firm will provide additional legal services to the Lender in connection with this action, the sale of the property at public auction, and other matters that may arise. These anticipated fees and costs are not included herein.

7. The fees incurred by the Lender are due to the default of the loan obligation of the borrower loan with Plaintiff.

8. Services performed to date by this firm on behalf of the Plaintiff Lender in connection with these matters include, in part, the following (the detailed billings are attached):

- a. legal consultation with client;
- b. review of loan documentation for the loan;
- c. review of loan defaults;
- d. assisted in preparation of default and demand letter;
- e. title search and title update in the Town of Hartford, Vermont, land records, review of any issues, review of other lienholder's instruments, determine any priority issues;
- f. zoning and permit review of mortgaged property;
- g. preparation of the Complaint and related documents necessary to commence foreclosure and collection action;

- h. review of answers and counterclaim from Vermont Country Corporation and guarantor Marjorie Battaglia;
- i. prepared motions to dismiss certain defendants after they provided suitable evidence that they no longer had an interest in the mortgaged property;
- j. prepared motions to strike as to Vermont Country Corporation and guarantor Marjorie Battaglia;
- k. review and respond to numerous filings by Marjorie Battaglia;
- l. prepared motion for summary judgment as to defendant mortgagor Vermont Country Corporation and guarantor Marjorie Battaglia, with supporting statement of undisputed facts and affidavits;
- m. review and respond to objection of Marjorie Battaglia as to motion for summary judgment;
- n. prepared motion for judgment as to defendant Mark Benatatos, with supporting affidavits;
- o. prepared affidavit of amounts due for review and execution by Lender;
- p. prepared request for entry of 30 day redemption period;
- q. prepared motion for attorney's fees and affidavit in support; and
- r. communications with Lender representative assigned to the defaulted mortgage loan throughout foreclosure process.

9. This matter required much more additional legal time than a conventional foreclosure given the numerous and serial filings by the defendant Marjorie Battaglia and for Vermont Country Corporation. The Vermont courts online docket is attached as Attachment "1" as to all of the filings that required review and response.

10. The legal bills issued in this matter for the legal fees for services performed on behalf of the Plaintiff in connection with this matter from January 11, 2018 to September 13, 2018 are as follows:

Date of Bill	Time Period	Amount	Hours
February 15, 2018	1/11/18-1/12/18	\$357.00	1.70 hours @\$210/hr
March 15, 2018	2/14/18 – 2/15/18	\$126.00	0.60 hours @ \$210/hr

April 12, 2018	3/1/18-3/30/18	\$1,800.00	3.30 hours@ \$210/hr 12.30 hours@\$90/hr
May 15, 2018	4/2/18-4/30/18	\$3,612.50	15.50 hours@ \$210 0.50 hours@\$175/hr 3.00 hours@\$90/hr
June 27, 2018	4/22/18-5/31/18	\$9,072.00	43.20 hours@ \$210/hr
July 27, 2018	6/4/18-6/27/18	\$1,071.00	5.10 hours@ \$210/hr
August 30, 2018	7/9/18-7/20/18	\$2,938.50	2.10 hours@ \$210/hr 13.50 hours@\$185/hr
September 12, 2018	8/2/18-8/10/18	\$221.00	.70 hours @ \$210/hr .40 hours @ \$185/hr
Pre-Bill	9/11/18-9/13/18	\$504.00	2.40 hours @ \$210/hr
Total		\$19,702.00	74.60 @ \$210/hr 13.90 @ \$185/hr .50 @ \$175/hr 15.30 @ \$90/hr 104.30 hours

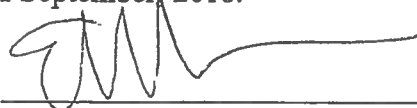
11. The legal bills through the August, 2018 billing have been issued to Plaintiff. The pre-bill for September 1, 2018 forward has not yet been billed.

12. A true and accurate copy of the itemized legal bills issued for this period is attached as Attachment "2".

13. Based upon my knowledge and experience, and in view of the issues mentioned above, I believe the amount of time expended by this firm in these matters is reasonable and

necessary, and comparable to the time this firm and other firms would expend on matters of similar complexity and difficulty.

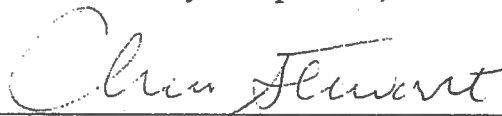
DATED at Rutland, Vermont this 13th day of September, 2018.



Elizabeth A. Glynn, Esquire

STATE OF VERMONT
RUTLAND COUNTY, SS.

Subscribed and sworn to before me this 13th day of September, 2018.



Notary Public

My Commission Expires: 02/10/19

8913/124/854594

ATTACHMENT 1

Current Case Docket Information

Court record: 121851

Vermont Superior Court

Windsor Civil Division

Docket No. 142-4-18 Wrcv	Bar Harbor Bank & Trust, vs. Vermont Cou
Case Type:	Last judge: Robert P. Gerety Jr
Case Track: Not set	Recused: None
Case Status: Active - Pretrial	
Court/Jury: Court trial	
Next Hearing:	

PARTIES		
No.	Role Litigant Name	Attorney Name Telephone
p# 1	plf Bar Harbor Bank & Trust,	Glynn, Elizabeth A. 786-1000
p# 2	def Vermont Country Corporation	
p# 3	def Battaglia, Marjorie M.	
p# 4	def Benetatos, Mark A.	
p# 5	pdv Kelly, John J	
p# 6	pdv Kelly, Beth H.	
p# 7	pdv Vested Interests of New, England, Inc.	
p# 8	pdv Bradford Oil Company, Inc.	

DISPUTES		
DsptCase	Name	Disputants Dispo Date
1	cmpl Foreclosure	p#1 v p#2
2	cmpl Foreclosure	p#1 v p#3
3	cmpl Foreclosure	p#1 v p#4
4	cmpl Foreclosure	p#1 v p#5 dp 07/12/18
5	cmpl Foreclosure	p#1 v p#6 dp 07/12/18
6	cmpl Foreclosure	p#1 v p#7 dp 07/12/18
7	cntr Other	p#3 v p#1 dc 07/12/18
8	cmpl Foreclosure	p#1 v p#8 dp 07/12/18

MOTIONS/PETITIONS/REQUESTS FOR RELIEF		
No.	Type	Status Judge Date
1	M/to Dismiss	granted RPG 07/12/18
2	M/to Amend Counterclaim	denied RPG 07/12/18
3	M/to Dismiss	granted RPG 07/12/18
4	M/to Dismiss	granted RPG 07/12/18
5	M/for Summary Judgment	granted RPG 07/12/18
6	M/to Strike	granted RPG 07/12/18
7	M/to Strike	granted RPG 07/12/18
8	M/for Summary Judgment	granted RPG 09/11/18
9	M/to Strike	granted RPG 09/11/18

04/04/18 ELECTRONIC FILING.
4278759 - partyadd

Bar Harbor Bank & Trust, Plaintiff.
4278761 - partyadd

Vermont Country Corporation, Defendant.
4278762 - *partyadd*

Marjorie M. Battaglia, Defendant.
4278764 - *partyadd*

Mark A. Benetatos, Defendant.
4278765 - *partyadd*

John J Kelly, Defendant.
4278766 - *partyadd*

Beth H. Kelly, Defendant.
4278768 - *partyadd*

Vested Interests of New England, Inc. Defendant.
4278770 - *cvfile - status set to asd*

Foreclosure case filed by Plaintiff Bar Harbor Bank & Trust, against Defendant Vermont Country Corporation and Defendant Marjorie M. Battaglia and Defendant Mark A. Benetatos and Party Dismissed from Case John J Kelly and Party Dismissed from Case Beth H. Kelly and Party Dismissed from Case Vested Interests of New England, Inc.

4278775 - *document*

2 documents filed by Attorney Elizabeth A. Glynn for party 1:
Certificate of Service; Certificate of Exemption.
4278778 - *ordfee*

Party 1 ordered to pay court fees of \$295.00 by 04/04/18, order number 66045.
4299391 - *partyadd*

Bradford Oil Company, Inc. Defendant.
4299733 - *claim*

04/09/18 Complaint filed by Plaintiff Bar Harbor Bank & Trust, against Party Dismissed from Case Bradford Oil Company, Inc. (Dispute 8).
Finpay.
4281133 - *document*

04/16/18 2 documents filed for party 3: Request for Production of Document; Certificate of Service.
4284998 - *couappr*

Appearance entered by Jeffrey P. White on behalf of Defendant Mark A. Benetatos.
4285004 - *document*

04/18/18 1 document filed by Attorney Jeffrey P. White for party 4:
certificate of Service scs Not.
Service complete on party(s) 2: personal service. Documents served: Summons & Complaint; pro se noa; foreclosure mediation form; exemption notice. Service complete on party(s) 3: personal service. Documents served: Summons & Complaint; pro se noa; exemption notice; foreclosure mediation form. Service complete on party(s) 6: personal service. Documents served: Summons & Complaint; pro se noa.
4287369 - *document*

2 documents filed by Attorney Elizabeth A. Glynn for party 1:
Certificate of Service; of returns of services.

04/19/18 4287087 - answer - status set to aptr

Answer filed by Defendant Marjorie M. Battaglia.
4287091 - document

1 document filed for party 3: Certificate of Service.
4287145 - claim

Counter Claim filed by Defendant Marjorie M. Battaglia against
Plaintiff Bar Harbor Bank & Trust, (Dispute 7).

04/20/18 Service complete on party(s) 4: personal service. Documents served:
Summons & Complaint; exhibits; pro se noa. Service complete on
party(s) 7: personal service. Documents served: Summons & Complaint;
exhibits; pro se noa. Service complete on party(s) 5: personal
service. Documents served: Summons & Complaint; exhibits; pro se noa.

4287725 - document

2 documents filed by Attorney Elizabeth A. Glynn for party 1:
Certificate of Service; of returns of services.
4287820 - document

1 document filed for party 3: Courtesy Notice.

05/03/18 4294997 - mprfile

MPR 1) Motion to Dismiss filed by Plaintiff Bar Harbor Bank & Trust.
Motion to Dismiss waiting for Memo in Opposition. Documents filed:
Certificate of Service; correspondence.

05/07/18 4295909 - mprfile

MPR 2) Motion to Amend Counterclaim filed by Defendant Marjorie M.
Battaglia. Motion to Amend Counterclaim waiting for Memo in
Opposition. Documents filed: proposed Amended Counter Claim;
Certificate of Service.

05/10/18 Service complete on party(s) 8: personal service. Documents served:
Summons, Complaint, Exhibits, NOA.

05/14/18 4299698 - mprmemo

Party 1 filed response to MPR 2.
4299704 - document

1 document filed by Attorney Elizabeth A. Glynn for party 1:
Certificate of Service.
4299737 - mprfile

MPR 3) Motion to Dismiss filed by Plaintiff Bar Harbor Bank & Trust.
Motion to Dismiss given to judge. Documents filed: Certificate of
Service.
4299748 - mprfile

MPR 4) Motion to Dismiss filed by Plaintiff Bar Harbor Bank & Trust.
Motion to Dismiss given to judge.
4299751 - mprjudge

MPR's 3-4: 3) Motion to Dismiss; 4) Motion to Dismiss given to Judge
Robert P. Gerety Jr. Service complete on party(s) 2: personal

service. Documents served: Summons, Complaint, NOA, notice of; exemption.

05/21/18 4303070 - *mpmemo*

05/31/18 Party 3 filed response to MPR 2.
4311645 - *mpmemo*

Party 1 filed response to MPR 2.
4311652 - *document*

06/05/18 2 documents filed by Attorney Elizabeth A. Glynn for party 1: Certificate of Service; Supporting documents.
4312564 - *mprfile*

06/06/18 MPR 5) Motion for Summary Judgment filed by Plaintiff Bar Harbor Bank & Trust. Motion for Summary Judgment waiting for Memo in Opposition. Documents filed: Statement of Undisputed Facts; Affidavit in support of Motion for SJ; Affidavit in support of motion; supporting docs; Certificat of Service.
4311696 - *answer*

06/11/18 Answer filed by Defendant Vermont Country Corporation and Defendant Marjorie M. Battaglia.
4313163 - *document*

06/12/18 1 document filed for party 3: Amended answer.
4314744 - *mprfile*

06/25/18 MPR 6) Motion to Strike filed by Plaintiff Bar Harbor Bank & Trust. Motion to Strike waiting for Memo in Opposition. Documents filed: Certificate of Service.
4320755 - *mprfile*

MPR 7) Motion to Strike filed by Plaintiff Bar Harbor Bank & Trust. Motion to Strike waiting for Memo in Opposition. Documents filed: Certificate of Service.
4320759 - *mprstat*

06/29/18 MPR 1-2 status changed to judge.
4323802 - *document*

07/12/18 1 document filed for parties 2-3: Amended Answer - Clerical errors.
4329463 - *mpreo*

Entry order re MPR 1) Motion to Dismiss. M/Reaction Form. granted by RPG. The motion is GRANTED. This motion relates to a paper filed by Defendant Battaglia that the court treat ed as including a counterclaim. To the extent the paper was intended to assert a counterclaim it is dismissed for fail ure to state a claim upon which relief m ay be granted. The court is unable to di scern any valid legal counterclaim state d in the paper. V.R.C.P. 12(b) (6).
4329472 - *mpreo*

Entry order re MPR 2) Motion to Amend Counterclaim. M/Reaction Form. denied by RPG. The motion is DENIED. The motion fails to explain the alleged clerical error or any basis to permit amendment of the counterclaim.

4329477 - *mpreo*

Entry order re MPR 3) Motion to Dismiss. M/Reaction Form. granted by RPG. The motion is GRANTED. The action is dismissed only as to Defendants John and Beth Kelly and Vested Interests of New England, Inc. Otherwise the action remains pending.

4329478 - *cvdisp*

Dispute 4-6 disposed: Dismissed by Plaintiff.

4329487 - *mpreo*

Entry order re MPR 4) Motion to Dismiss. M/Reaction Form. granted by RPG. The motion is GRANTED. The action is dismissed only as to Defendant Bradford Oil, Co. Otherwise the action remains pending.

4329491 - *cvdisp*

Dispute 8 disposed: Dismissed by Plaintiff.

4329493 - *mpreo*

Entry order re MPR 6) Motion to Strike. M/Reaction Form. granted by RPG. The motion is GRANTED. The pleading filed by Ms. Battaglia on June 6, 2018 is stricken. The pleading appears to be an amended answer and counterclaim but Ms. Battaglia has not been granted leave to file an amended Answer and Counterclaim.

4329501 - *mpreo*

Entry order re MPR 7) Motion to Strike. M/Reaction Form. granted by RPG. The motion is GRANTED. The pleading filed by Ms. Battaglia on June 11, 2018 is stricken. The pleading appears to be an amended answer and counterclaim but Ms. Battaglia has not been granted leave to file an amended Answer and Counterclaim.

4329510 - *mpreo*

Entry order re MPR 5) Motion for Summary Judgment. M/Reaction Form. granted by RPG. The motion is GRANTED. There is no genuine dispute of material fact and the Plaintiff is entitled to judgment against Defendant Mark Benetatos as a matter of law for the reasons stated in Plaintiff's memorandum of law. V.R. C.P. 56.

4329513 - *letsent*

Address for window envelope letter sent to Defendant Vermont Country Corporation and Defendant Marjorie M. Battaglia and Defendant Mark A. Benetatos and Party Dismissed from Case John J Kelly and Party Dismissed from Case Vested Interests of New England, Inc.

4329528 - *cvdisp*

Dispute 7 disposed: dismissed by court.

07/13/18

4330371 - *document*

3 documents filed for parties 2-3: Due Declaration and notice of Clerical; Error of appearing Illegible in answer; to complaint and CounterClaim.

07/20/18

4334338 - *mprfile*

MPR 8) Motion for Summary Judgment filed by Plaintiff Bar Harbor Bank

& Trust. Motion for Summary Judgment waiting for Memo in Opposition. Documents filed: Memorandum of Law in support of Motion; Statement of undisputed Material Facts; Affidavit of Plaintiff; Affidavit as to no Military Service; Certificate of Service.
4334399 - mprfile

MPR 9) Motion to Strike filed by Plaintiff Bar Harbor Bank & Trust. Motion to Strike waiting for Memo in Opposition. Documents filed: Certificate of Service.

07/25/18

4339602 - note

entrys regarding mprs 1-7 sent to mark benetatos were returned to the court via usps "no mail receptacle unable to fwd".

07/30/18

4339257 - document

1 document filed for party 3: Clerical error correction.

4339262 - mprmemo

Party 3 filed response to MPR 8.

4339318 - document

1 document filed for party 3: Certificate of Service.

08/10/18

4346297 - mprmemo

Party 1 filed response to MPR 8.

4346305 - document

1 document filed by Attorney Elizabeth A. Glynn for party 1: Certificate of Service.

08/13/18

4346311 - mprjudge

MPR 9) Motion to Strike given to Judge Robert P. Gerety Jr.

08/23/18

4351963 - mprjudge

MPR 8) Motion for Summary Judgment given to Judge Robert P. Gerety Jr.

09/11/18

4360894 - mpreo

Entry order re MPR 8) Motion for Summary Judgment. M/Reaction Form. granted by RPG. There are no genuine disputes of material fact and Plaintiff is entitled to the judgment requested in the motion as a matter of law for the reasons set forth in the Motion. V.R.C.P. 56.

4360905 - mpreo

Entry order re MPR 9) Motion to Strike. M/Reaction Form. granted by RPG. The referenced pleadings are stricken for the same reasons stated by the court in the entry order dated July 9, 2018.

4360916 - letsent

Address for window envelope letter sent to Defendant Vermont Country Corporation and Defendant Marjorie M. Battaglia and Defendant Mark A. Benetatos.