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16815

Leonard Accardo, Jr.
Ericka L. Levesque*
of counsel:
Stefanie D. Howell*

RECORDED
R.I. STATE
JAN 27 AM 11:02

January 24, 2017

TO CREDITORS AND OTHER PARTIES IN INTEREST:

Re: Weingeroff Enterprises, Inc.
P.C.-2016-5929

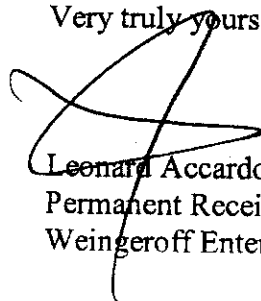
On January 17, 2017, the Rhode Island Superior Court, sitting in Kent County, entered an Amended Order Appointing Permanent Receiver and ("Order"), pursuant to which the undersigned was appointed Permanent Receiver of Weingeroff Enterprises, Inc. ("Respondent") and the temporary approval of the Management Agreement was extended to February 3, 2017. A copy of the Receivership Notice and Order are enclosed.

You may have previously received a Notice of the appointment of the undersigned as Temporary Receiver, with an enclosed Proof of Claim form. Under the Order, creditors of Weingeroff Enterprises, Inc. must file their Proofs of Claim with the Receiver on or before to May 17, 2017 or they will not be entitled to distributions, if any, on account of their claims. If you have already filed a proof of claim, you do not need to file a second proof of claim.

In addition you should have received a Motion for Final Approval of the Management Agreement scheduled for Hearing on February 1, 2017. Creditors and other interested parties are welcome to attend but are not required to do so.

If you need a Proof of Claim form, we have enclosed a second one for your use, if you have any questions regarding any aspect of the foregoing, please feel free to contact the undersigned.

Very truly yours,



Leonard Accardo, Jr.
Permanent Receiver of
Weingeroff Enterprises, Inc.

Enclosures

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

RENÉE A. R. EVANGELISTA,
as and only as Trustee of
The Jolie L. Weingeroff Irrevocable Trust - 2010
Petitioner

vs.

C.A. No. PC-2016-5929

WEINGEROFF ENTERPRISES, INC.
Respondent

RECEIVERSHIP NOTICE

Please take Notice that on January 17, 2017, an Order Appointing Permanent Receiver was entered by the Kent County Superior Court in the above-captioned matter. Said Order appointed Leonard Accardo, Jr. Esq., of the law firm Accardo Law Offices, as Permanent Receiver (the "Receiver") of Respondent, and specified that said Receiver was to give a Surety Bond in the amount of \$10,000.00 with respect to the faithful performance of the duties conferred upon said Receiver by said Order.

Said Order, the original of which is on file in the Office of the Clerk of the Providence County Superior Court, and which Order is incorporated herein by reference as if it were set forth in full in this Receivership Notice, contains, *inter alia*, the following provisions:

12. All creditors or other claimants hereby are ordered to file under oath with the Receiver at Accardo Law Offices, 311 Angell Street, Providence, Rhode Island 02906 on or before the 17th day of MAY, 2017, a statement setting forth their claims, including, but without limiting the generality of the foregoing, the name and address of the claimant, the nature and amount of such claim, a statement of any security or lien held by the claimant to which such claimant is or claims to be entitled, and also a statement as to any preference or priority which the claimant claims to be entitled to over the claims of any other or all other claimants or creditors.

13. That the commencement, prosecution, or continuance of the prosecution, of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law, or in equity or under any statute, or otherwise, against said Respondent or any of its property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of said Respondent, or the taking or attempting to take into possession any property in the possession of the Respondent or of which the Respondent has the right to possession, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease or other contract with Respondent, by any of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of telephone, electric, gas or other utility service to Respondent, by any public utility, without obtaining prior approval thereof from this Honorable Court, in which connection said Receiver shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court."

ENTERED as an Order of this Court on this 17th day of January, 2017.

BY ORDER:

Associate Justice

ENTER:

Clerk, Superior Court

Filed in Open Court
Date 4/17/17
Carin Miley *Deputy* Clerk

2017 JAN 20 11:02 AM
R.I. SUPERIOR COURT
PROVIDENCE STATE

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

RENEE A. R. EVANGELISTA,
as and only as Trustee of
The Jolie L. Weingeroff Irrevocable Trust - 2010
Plaintiff

vs.

C.A. No. PC-2016-5929

WEINGEROFF ENTERPRISES, INC.
Defendant

AMENDED ORDER APPOINTING PERMANENT RECEIVER

This cause came on to be heard on the Petition for Appointment of Permanent Receiver for the Defendant, and it appearing that the notice provided by the Order of this Court previously entered herein has been given, and upon consideration thereof, it is hereby

ORDERED, ADJUDGED AND DECREED:

1. That Leonard Accardo, Jr. Esq., 311 Angell Street, Providence, Rhode Island, be and hereby is appointed Permanent Receiver (the "Receiver") of Defendant, and of all the estate, assets, effects, property and business of Defendant of every name, kind, nature and description, with all the powers conferred upon the Receiver by the Rhode Island General Laws, by this Order, or otherwise, and with all powers incidental to the Receiver's said office.

2. That said Receiver shall, no later than five (5) days from the date hereof, file herein a bond in the amount of \$10,000.00 with corporate surety thereon authorized to do business in the State of Rhode Island conditioned that the Receiver will well and truly perform the duties of said office.

3. That the Receiver be and hereby is authorized, empowered and directed to take possession and charge of said estate, assets, effects, property and business of the Defendant, including cash surrender value of any insurance owned by Defendant and to preserve the same, and is hereby vested with title to the same; to collect and receive the debts, Property and other assets and effects of said Defendant, including such cash surrender value, with full power to prosecute, defend, adjust and compromise all claims and suits of, by or against said Defendant and to appear, intervene or become a party in all suits, actions or proceedings relating to said estate, assets, effects and property as may in the judgment of the Receiver be necessary or desirable for the protection, maintenance and preservation of the property and assets of said Defendant.

4. That this appointment is made in succession to the appointment of Temporary Receiver heretofore made by order of this Court, and the Receiver shall take and be vested with the title to all assets, property and choses-in-action which have heretofore accrued to the Temporary Receiver with power to confirm and ratify in writing such agreements as are entered into by such Temporary Receiver and to carry out and perform the same.

5. That the Receiver is authorized, in the Receiver's discretion, to continue the business of the Defendant until further Order of this Court, and to employ such persons as may be desirable for the foregoing purposes (except that the Receiver shall first obtain *ex parte* approval to hire attorneys, accountants and turn around professionals), and in connection therewith, to use such moneys as shall come into the Receiver's hands and possession, as far as the same shall be necessary, for the above purposes and for continuing the business of said Defendant until further Order of this Court.

6. That the Receiver is authorized to incur expenses for goods and services and to purchase for cash such merchandise, supplies and materials as in the Receiver's discretion may be desirable or necessary for continuance of the business of the Defendant.

7. That said Receiver be and hereby is authorized and empowered to sell, transfer and convey said Receiver's right, title and interest and the right, title and interest of said Defendant in and to any real property or personal property, tangible or intangible, for such sum or sums of money as to said Receiver appears reasonable and proper, at private sale or sales, provided, however, that approval is first given for such sale or sales by this Court on *ex parte* application by the Receiver, or after such notice as the Court may require.

8. That the Receiver is hereby authorized and empowered to sell at public auction any or all of the assets referred to in Paragraph 7. The Receiver is also authorized to engage an auctioneer and to insert such display ads within or without the State of Rhode Island as the Receiver deems proper advertising for such sale. Such a public auction sale conducted by said Receiver in accordance with the Provisions of this paragraph shall be considered and is hereby declared to be a commercially reasonable sale, and such sale shall constitute compliance with the requirements of a commercially reasonable sale as set forth in Article 9 of the Uniform Commercial Code as enacted in Rhode Island.

9. That said Receiver be, and hereby is, authorized and empowered, as soon as there are sufficient funds available, to pay all City, State and United States taxes of any kind, nature and description, including withholding taxes, as well as wages due employees, with such employees being relieved of the necessity of filing claims with the Receiver unless the amount paid or shown on the books of the Defendant is not acceptable to any employee, in which case said employee may file his/her claim in the same manner as other creditors.

10. In fulfillment of the reporting requirements set forth in Rule 66(e) of the Superior Court Rules of Civil Procedure, the Receiver shall file with the Court the Reports referred to in said Rule, as and when the Receiver deems necessary or advisable under the circumstances, or, in any event, as and when required by Order of this Court. In addition, the Receiver shall file with the Court, on or before May 1st and October 1st of

each year, a Receivership Control Calendar Report in accordance with Rhode Island Superior Court Administrative Order No. 98-7.

11. That the Receiver shall continue to discharge said Receiver's duties and trusts hereunder until further Order of this Court; that the right is reserved to the Receiver and to the parties hereto to apply to this Court for any other and further instructions to said Receiver and that this Court reserves the right, upon such Notice, if any, as it shall deem proper, to make such further orders herein as may be proper, and to modify this Order from time to time.

12. All creditors or other claimants hereby are ordered to file under oath with the Receiver at 311 Angell Street, Providence, Rhode Island 02906, on or before the 17th day of May, 2017 a statement setting forth their claims, including, but without limiting the generality of the foregoing, the name and address of the claimant, the nature and amount of such claim, a statement of any security or lien held by the claimant to which such claimant is or claims to be entitled, and also a statement as to any preference or priority which the claimant claims to be entitled to over the claims of any other or all other claimants or creditors.

13. That the Management Agreement previously approved on an interim basis by Order of the Court dated December 27, 2016 be extended to and including February 3, 2017 and that the Receiver shall provide written notice to all creditors known to the Receiver of a hearing on a final approval to the Motion to Approve Management Agreement which shall be scheduled on or before February 3, 2017

14. That the commencement, prosecution, or continuance of the prosecution, of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law or in equity or under any statute, or otherwise, against said Defendant or any of its property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder, corporation, partnership or any other person, or

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

RENEE A. R. EVANGELISTA,
as and only as Trustee of
The Jolie L. Weingeroff Irrevocable Trust - 2010
Petitioner

vs.

C.A. No. PC-2016-5929

WEINGEROFF ENTERPRISES, INC.
Respondent

2017 JAN 27 AM 11:02
RECEIVED
R.I. SUPERIOR COURT
KENT COUNTY

RECEIVERSHIP PROOF OF CLAIM FORM

I, _____, being duly sworn, depose and say:

(Check a, b or c)

a. _____ (INDIVIDUAL) I am the claimant herein.

b. _____ (PARTNERSHIP) I am a partner of _____ which is the claimant herein.

c. _____ (CORPORATION) I am an officer, to wit, _____ (title), of _____ (name of corporation) which is the claimant herein.

The full address of the claimant is _____ (complete address, including zip code).

That on December 27, 2016, **Weingeroff Enterprises, Inc.**, lately doing business at One Weingeroff Boulevard, Cranston, RI 02910, did owe and still does owe the claimant a balance of \$ _____, a statement of which account is attached hereto.

(Please attach all invoices, contracts and other documents in support of your claim.)

That such account is just, true and correct, and said balance is now due claimant from debtor.

That no part thereof has been paid or satisfied, and that there are no set-offs, or counterclaims thereto, to the knowledge or belief of deponent and that no security exists for said debt.

That the attorneys named on this Proof of Claim are hereby made and constituted attorneys for all purposes whatsoever in connection with this claim with full power of substitution (if an attorney is filing for you).

(Signature of Claimant)

STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me on this _____ day of _____, 2017.

Notary Public
My Commission Expires: _____