

107394

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT
BUSINESS CALENDAR

PAUL ULLUCCI
Petitioner,

VS.

ULLUCCI SPORTS MEDICINE &
PHYSICAL THERAPY, INC.
Respondent.

C.A. NO. PC 2014-5784

SECRETARY OF STATE
CORPORATIONS DIV
2014 NOV 24 PM 1:46

ORDER APPOINTING TEMPORARY RECEIVER

This cause came on to be heard upon the plaintiff's Petition for Appointment of a Receiver and, upon consideration thereof, it is hereby:

ORDERED, ADJUDGED AND DECREED

1. That Michael B. Forte, Jr., Esq. of Warwick, Rhode Island, be and hereby is appointed Temporary Receiver (the "Receiver") of the defendant.

2. That said Receiver shall, no later than five (5) days from the date hereof, file a bond in the sum of \$ 10,000 with any surety company authorized to do business in the State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform the duties of said office and duly account for all monies and property which may come into the Receiver's hands and abide by and perform all things which the Receiver will be directed to do by this Court.

3. That said Receiver is authorized to take possession and charge of the property and assets of the defendant, to collect the debts and property belonging to it and to preserve the same until further order of this Court.

4. That said Receiver is authorized until further order of this Court, in the Receiver's discretion and as said Receiver deems appropriate and advisable, to conduct the business of said defendant, to borrow money from time to time, to purchase for cash or upon credit, merchandise, materials and other property, to engage appraisers and/or employees and assistants, clerical or otherwise, and to do and perform or cause to be done and performed all other acts and things as are appropriate in the premises.

5. That pursuant to and in compliance with Rhode Island Supreme Court Executive Order No. 95-01, this Court finds that the designation of the aforescribed person for appointment as Receiver herein is warranted and required because of the Receiver's specialized expertise in the Court

SUPERIOR COURT
FILED
HENRY S. KINCH JR., CLERK

2014 NOV 21 A 11:01

Copy Attest
Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island

experience in operating businesses in receivership and in administering non-routine receiverships which involve unusual or complex legal, financial or business issues.

6. 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 the levy of any attachment, execution or other process upon or against any property of said defendant, or the taking or attempting to take into possession any property in the possession of the defendant or of which the defendant 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 defendant, 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 defendant, by any public utility, without 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.

7. That a citation by issued to said defendant, returnable to the Superior Court sitting at Providence County, Rhode Island, on December 12, 2014 at 9:30 a.m., at which time and place the cause is set down for hearing on the prayer for the Appointment of a Permanent Receiver; that the clerk of this Court shall give notice of the pendency of the Petition herein by publishing a copy of the annexed Receivership Notice once in the *Providence Journal* on or before November 28, 2014, so long as the Receiver's Bond has been filed, and the Receiver shall give further notice by mailing, on or before December 5, 2014, a copy of said Order Appointing Temporary Receiver to each of defendant's creditors and stockholders whose address is known or may become known to the Receiver.

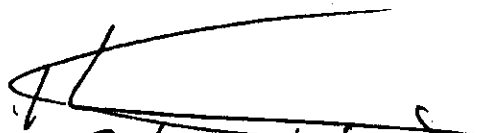
8. This order is entered by virtue of and pursuant to this Court's equity powers and pursuant to its powers as authorized by the laws and statutes of the State of Rhode Island.

ENTERED as an Order of this Court this 21st day of November, 2014.

ENTER:

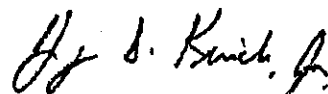
BY ORDER:

JUDGE


Silverstein
11/21/2014

CLERK


Supriyendy
True Copy Attest


Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT
BUSINESS CALENDAR

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SECRETARY OF STATE
CORPORATIONS DIV

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 November 19, 2014, **Ullucci Sports Medicine & Physical Therapy, Inc.**, lately doing business at 1235 Wampanoag Trail, East Providence, RI 02915, 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 _____, 201__.

Notary Public
My Commission Expires: _____

Please send this Proof of Claim, and any documentation supporting your claim, to: Michael Forte, Receiver, Olenn & Penza, LLP, 530 Greenwich Avenue, Warwick, RI 02886.

O L E N N & P E N Z A
ATTORNEYS AT LAW - LLP

November 21, 2014

RECEIVED
SECRETARY OF STATE
CORPORATIONS DIV
2014 NOV 24 PM 1:46

TO CREDITORS AND OTHER PARTIES IN INTEREST:

Re: Ullucci Sports Medicine & Physical Therapy, Inc.

On January 21, 2014, the Rhode Island Superior Court, sitting in Providence County (the "Court"), entered an Order appointing the undersigned as Temporary Receiver of Ullucci Sports Medicine & Physical Therapy, Inc. (hereinafter "Ullucci"). Ullucci operated a physical therapy facility located at 1235 Wampanoag Trail, East Providence, RI 02915. All business operations terminated upon the appointment of the Receiver.

As the Receiver, I am an Officer of the Court, appointed to represent the interests of all creditors and parties in interest. I do not now, nor have I ever represented Ullucci or its members. I have been appointed as a neutral and impartial Receiver for the purpose of marketing and selling the assets of Ullucci for the highest value, in order to maximize recovery for creditors. It is my intention to immediately market and sell the assets.

Preliminarily, it appears that Ullucci has secured debt of an unknown amount, possible priority tax debt of at least \$1,740, and general unsecured debt in the amount of approximately \$81,000.

In connection with the Receivership, as set forth in Paragraph 6 of the enclosed Order Appointing Temporary Receiver, all creditors are enjoined and stayed from taking any action to enforce their claims against Ullucci and/or its assets.

No claims will be approved and no distribution to creditors will take place without notice to all creditors and other parties in interest who file a Proof of Claim with the Receiver, after a Hearing thereon before the Rhode Island Superior Court.

INTERESTED PARTIES

November 21, 2014

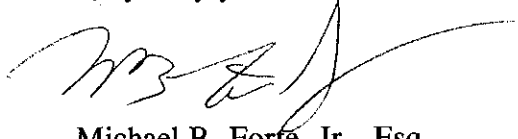
Page 2

In order that your interests be protected and to make sure that you receive notice of all appropriate court filings in connection with this case, I am taking the liberty of enclosing a Proof of Claim form which I suggest that you complete, execute before a Notary Public, and return to me at the earliest possible date.

As indicated in the enclosed Order, the Rhode Island Superior Court has scheduled a Hearing on continuation of the undersigned as Permanent Receiver for 9:30 a.m. on **December 12, 2014**. Creditors and other interested parties are welcome to attend, but are not required to do so.

If you have any questions regarding any aspect of the foregoing, please feel free to contact the undersigned.

Very truly yours,



Michael B. Forte, Jr., Esq.

Receiver of

Ullucci Sports Medicine & Physical Therapy, Inc.

mbf@olenn-penza.com

MBF:mbf

Enclosures

\\74913 2 Creditor Letter Re Temp Receiver 11-21-14.docx

OP
OLENN & PENZA
ATTORNEYS AT LAW - LLP

November 21, 2014

RECEIVED
SECRETARY OF STATE
CORPORATIONS DIV
2014 NOV 24 PM 1:46

State of Rhode Island
Office of the Secretary of State
Corporations Division
148 West River Street
Providence, RI 02904-2615

Re: Paul Ullucci v. Ullucci Sports Medicine & Physical Therapy, Inc.
Our File No. 7491/3

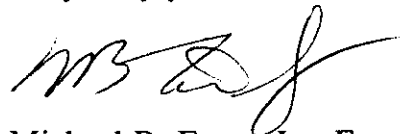
Dear Sir or Madam:

Enclosed you will find a copy of a court order appointing me as a temporary receiver for Ullucci Sports Medicine & Physical Therapy, Inc., a domestic profit corporation, Identification #000107394. A copy of the corporation's database information related to this entity is also enclosed for your reference of the entity.

Enclosed you will also find a copy of the notice to creditors and the court order which I would I ask that you scan into the database.

If you have any questions, please feel free to contact me.

Very truly yours,



Michael B. Forte, Jr., Esq.,
As Temporary Receiver for
**Ullucci Sports Medicine &
Physical Therapy, Inc.**
mbf@olenn-penza.com

MBF:mbf
Enclosures

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