

155869

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

CHRISTINA ROSCITI,
Petitioner

Vs.

K.M. No.: KC 18-1149

WALLACE CONSTRUCTION CORP.,
Respondent

RECEIVED
R.I. DEPT. OF STATE
BUS SVCS DIV
2018 DEC 13 AM 8:51

AMENDED ORDER APPOINTING TEMPORARY RECEIVER

The above-identified proceeding having come before the Honorable Associate Justice Brian P. Stern on this 16th day upon Petitioner, Christina Rosciti's ("Rosciti") Petition for the Appointment of a Receiver of Respondent, Wallace Construction Corp. ("Wallace"), and after considering the papers and pleadings in this matter, and the Court having conferenced the above request, it is hereby

ORDERED, ADJUDGED & DECREED

1. That Vincent A. Indeglia, Esq., of Warwick, Rhode Island, be and hereby is appointed Temporary Receiver (the "Receiver") of Rosciti.
2. That said Receiver shall, no later than five (5) days from the date hereof, file a bond in the sum of \$10,000.00 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 Wallace, 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 Wallace, to borrow money from time to time, to purchase for cash or upon credit, merchandise, materials and other property, to engage 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 the Receiver shall receive Court approval, *ex parte*, of the Court prior to engaging any professionals, including but not limited to brokers, accountants, financial analysts, or counsel other than the Receiver or his firm.

6. 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 is warranted and required because of the Receiver's specialized expertise.

7. 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 Wallace 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 Wallace, or the taking or attempting to take into possession any property in the possession of Wallace or of which Wallace 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 Wallace, 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 Wallace, by any public utility, without prior approval thereof from this 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.

8. That a citation be issued to said Defendant, returnable to the Superior Court Providence sitting at ~~Kent~~ County, Rhode Island on November 19, 2018, at 9:30 a.m. at which time and place this 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 this Order Appointing Temporary Receiver once in The Providence Journal on or before November 5, 2018, so long as the Receiver's Bond has been filed, and the Receiver shall give further notice by mailing, on or before November 12, 2018, a copy of said Order Appointing Temporary Receiver to each of Wallace's creditors and stockholders whose address is known or may become known to the Receiver.

Case Number: KC-2018-1149
Filed in Providence/Bristol County Superior Court
Submitted: 11/5/2018 1:25 PM
Envelope: 1786318
Reviewer: Alexa G.

ENTER:


Brian P. Stern
Associate Justice

Associate Justice

~~Date: October __, 2018~~

November 5, 2018

PER ORDER:

/s/ Carin Miley

Clerk, Superior Court

~~Date: October __, 2018~~

November 5, 2018

Presented By:

/s/ Christopher M. Mulhearn

Christopher M. Mulhearn (#5188)

Law Office of Christopher M. Mulhearn, Inc.

1300 Division Road, Suite 305

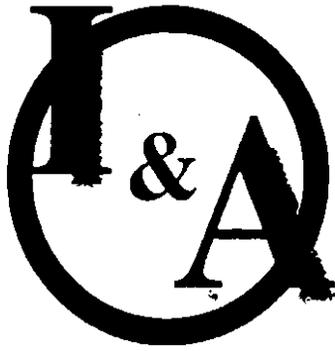
West Warwick, RI 02893

Tel.: (401) 533-9330

Fax.: (401) 533-9333

Email: cmulhearn@mulhearnlawri.com

Date: October 16, 2018



INDEGLIA & ASSOCIATES
Attorneys at Law

155869

Vincent A. IndegliA
vincent@indegliA.com

December 12, 2018

Via Regular Mail and E-mail

Cathy Albanese
Rhode Island Secretary of State
82 Smith St.
Providence, RI 02903
calbanese@sos.ri.gov

RECEIVED
R.I. DEPT. OF STATE
BUS SVCS DIV
2018 DEC 13 AM 8:51

**Re: *In Re Wallace Construction Company – Christina Rosciti v. Wallace
Construction Company Corp.
C.A. No.: KC-18-1149***

Dear Ms. Albanese:

Please find enclosed a true and correct copy of the Temporary Receivership Order in the above captioned matter. As of the date of the filing of the Temporary Receivership Order, all action against the company, including its revocation, ought to be stayed. To the extent that the Secretary of State has revoked the corporate charter, we would ask that it would be reinstated. This will only be temporary as we expect that the court will enter an Order of Dissolution sometime in the first quarter of 2019. If you should have any further questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,

Vincent A. IndegliA, Esq.

VAI/

The Summit East • 300 Centerville Road • Suite 320 • Warwick, RI 02886
Phone 401-886-9240 • Fax 401-886-9241
www.indegliA.com