

FILED

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW HAMPSHIRE FEB 14 AM 10:06

CLERK OF THE BANKRUPTCY COURT DISTRICT BK. NO, 08-11816-JMD

In Re:

USA SPRINGS, INC.,

Chapter 7

Debtor

.....  
TOWN OF NOTTINGHAM

v

USA SPRINGS, INC.

February 11- 2017

.....  
**OBJECTION TO THE MOTION BY THE TOWN OF NOTTINGHAM**

Francesco Rotondo President of USA Springs Inc. The debtor, is filing this motion to object the motion of the Town of Nottingham for relief of the automatic stay.

Your Honor, The Town of Nottingham is the main reason of my bankruptcy period!

Not many know the truth of what really happened with USA Springs Inc., and there are a lot of people that have twisted the truth terribly against me. I now have the opportunity for everyone to learn what this town has really done to me in the past that caused my Bankruptcy.

Prior to the 2008 economic disaster that basically shut down the lending world, the Town appealed every permit that I received from the State, and thus it prevented me to be successful in receiving loans that were available to me prior to the economic downturn. At first in 1998 the Town was in favor of my project in so much that before I started USA Springs Inc, I asked the town planning board chairman Mr. Richard O'Rourke, (now deceased) if he felt that my water company would be a good fit with the Town. Mr. O'Rourke told me that the Town would welcome me with open arms, and in fact it was so true that at the very first public hearing the Town voted unanimously to grant me a special exception to build a 200 thousand square foot building in the back residential zone of my land.

Furthermore, before I started the project I also analyzed at great expense with engineers the existing regulations that DES and other State agency's had in place in relation to the State ground water management. It was clear to me that with the Town in my favor and being able to meet the State regulations, I could surely move forward with my investment.

Thereafter the big problems started that involved politics and corruption at every level against my business from politicians at the State House to town officials that were racist and wanted to gain favor via the voters to benefit themselves and to do favors to the other powerful politicians that were already steadfast at killing my project for their own corrupt unethical reasons.

FR.

The town never wanted to issue a building permit, please see exhibit A,

The Town only agreed to issue a building permit when I confronted the Town administrator a Mr. Charlie Brown. Mr. Brown noticed that I was terribly angry. I proceeded to show Mr. Brown the Amy Stanton affidavit which is included as exhibit A and I told him that I was not in the business of suing people or the Town but that I would sue the Town and everyone responsible if they did not issue my building permit that I duly deserved by honestly doing everything right.

I said to Mr. Brown, make this Town understand that my lawyer will sue everyone and I will own this Town if they keep up with their unconstitutional actions against me!! I believe that the USA Constitution states that no man should impede another man's pursuit of happiness.

Thereafter and only because of this affidavit the Town issued a building permit at a cost of \$150 thousand dollars! I had already spent at least \$9 million dollars with lawyers and professionals to arrive at that juncture with the State permit approvals and with the Town Planning Board always spinning new webs to stop me at every direction. Even after I paid them their building permit fee, they still kept fighting my State large ground water withdrawal permit for two more years with appeals all the way to the Supreme Court, but I always beat them! I also spent an additional \$1.5 million dollars to clean up the Just Cause REIT 14-acre site because the Town told the State that it was polluted. I asked a town official why did the Town not notify the State of a pollution problem before me? His answer was that they simply want to shut you down.

When money was being given freely by banks back in 2006 and the banks and lending institutions were begging me to come in after my permit appeals were resolved, I was stuck with new appeals and other terrorism from this Town! I have more proof and affidavits from professionals, key witnesses to what this Town did to me, but I believe that the Amy Stanton affidavit is a good start for the Town to prepare with!

May I also point out that on a Wednesday night (they always called it spaghetti night) after the vote to issue the building permit, somebody at 3:AM on the following day decided to burn down my just restored historic barn on the property to scare me. Some Town officials in an attempt to taint me said that I burned my barn down to gain on the insurance, others said that I did it to simply gain sympathy. I had no insurance on the barn, and I had spent over \$400k to restore it so I was not in a frame of mind to burn it down for sympathy. I also endured 8 hours of interrogations with the Portsmouth FBI.

I respectfully ask how could this Town demand \$911k for taxes on a skeleton frame when USA Springs never received an occupancy permit. It was agreed in the issuance of the permit and with my attorney Tony Soltani that the tax fees in the motion provided by the Town attorney's would be in accordance to an operable and profiting company, and the initial cost of the permit was to cover the Town costs with the building inspector due to the construction visits. I totally believe that you are all being extorted by this Town.

To answer the Town attorneys of their suggesting that the Trustee has been attempting to sell the property but the response in the market has been underwhelming.

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The cause of the no sale is a no brainer, it's all to do with this miserable racist Town. I am also the only one that can renew the permits due to my grandfather status on the permits with special exceptions. Sophisticated investors know all too well the USA Springs story with the Town of Nottingham, and understand the misery that this Town would impose any new buyer even if they wanted to start a pig farm in that property! The Town directly or indirectly always made sure no one would end up with the property period.

The Town wants relief? The Town attorney stated it is time to call it a day? Those sympathetic words are simply an extortion tactic and a sham. You Honor, the Town of Nottingham is praying for this Court to "GIFT" them that land "only" so that they can forever win against me. Everybody in that Court wants to point the finger and blame Francesco Rotondo, when the real wolf in sheep's clothing is the Town of Nottingham that caused my bankruptcy and now wants to abuse this Court also for the final kill.

90% of the creditors realized that Francesco did everything honestly, never stole a dime and that the real culprit to this bankruptcy was the Town of Nottingham. The majority of the creditors asked this Court for a dismissal. The creditors realized first hand that the Town officials and their soldiers and powerful allies were killing every opportunity USA Springs Inc. had at finalizing loans if these loans were presented to the Court under its transparency. One just needs to read the hate mail that was sent to the Malom folks and the latest twisted lies from the Town soldiers in the newspapers on Mr. Delaney's purchase.

Furthermore, I don't see the Town interested in stopping the haters that they sponsor to do such terrible works by providing the newspapers and my lenders with lies! You Honor, I bet my life on it that if this Town was not so "criminally" unfavorable to The USA Springs project and did not practice their relentless destruction against USA Springs, we would have received the money needed to get it out of the bankruptcy a long time ago period! Their disciples packed more excrement on the internet to make anyone run away.

In the last month, I have used Morse code and prehistoric communications tactics to deal with a lender. Somehow this Town and their rat pack of disciples were always a step ahead of me and always knew everything I was doing! Did anybody notice how many people from the Town of Nottingham that are not associated with being a creditor were notified by the attorneys of this last Town Motion? And what for I ask, and why them?

It's because they are all Town disciples against the project and are all salivating like wolves in a pack for the Town to eat up the USA Springs Inc. property. They are so miserable and should be ashamed of themselves. I am sure they feel that I am not an American, and that they are the only real Americans in New Hampshire. They have no clue of the law suits coming down the road!

I pray that this honorable Court realizes the wrong that the Town of Nottingham has done and keeps on doing to USA Springs Inc., and the creditors with a vengeance, and to not give in to their predatory actions. I also firmly believe that the Town and its associates required a restraining order a long time ago. I had told atty. Braunstein on numerous occasions for the Court to issue a restraining order to these criminals!

I am working on getting a bid in but I frankly can't disclose any of my undertakings. Respectfully, and with the truth and nothing but the truth, so help me GOD! Francesco Rotondo



**EXHIBIT A**

ROCKINGHAM, ss.

STATE OF NEW HAMPSHIRE

SUPERIOR COURT  
Docket No. 02-E-0369

Town of Nottingham v. Garrison Place Real Estate Investment Trust, et. al.

AFFIDAVIT of AMY STANTON

I, Amy Stanton presently of Barnstead, New Hampshire, on oath, do hereby declare, under the penalties of perjury, that the following statement is true and accurate.

1. On Saturday, February 12, 2005, I received a Subpoena compelling me to testify at a deposition scheduled for Thursday, February 17, 2005 at 3:00 p.m. at the law office of Hyatt & Flynn, 110 Main Street, Salem, New Hampshire.
2. On Monday morning, February 14, 2005, I telephoned Hyatt & Flynn law office to inquire why I was being summoned to testify. I was aware of the pending site plan application of Garrison Place Real Estate Investment Trust, through Francesco Rotondo, as its Trustee, known as the USA Springs project---but I was not aware that there was any pending Court litigation between the applicant and the Town of Nottingham.
3. After speaking briefly with a secretary at Hyatt & Flynn law office, I received a telephone call from Attorney Armand Hyatt who explained that he wanted to take my deposition to fulfill his duties in the applicant's pending bad faith counterclaim against the Town of Nottingham. Attorney Hyatt stated that he was obliged to use due diligence to determine specific instances of bias or bad faith on the part of the Town. He said he would need to ask me under oath if I had observed any comments or actions of bias or hostility or bad faith by any Town officials within the Town. I said that I understood and I asked Attorney Hyatt if it would be possible to change the time of the deposition to an earlier hour on the same date as scheduled, i.e. February 17<sup>th</sup>. He said that should not be a problem and then told me that---if I would answer some questions over the phone---he might be able to prepare an Affidavit for me to sign, under oath before a Notary Public, in lieu of testifying at a deposition. He said that the Affidavit he would prepare would be a fair and accurate reflection of what I would tell him in our phone conversation; and that I would be in the position of fully determining the complete accuracy of the Affidavit.
4. Attorney Hyatt asked me what comments or actions by Town officials of a biased or hostile or prejudicial nature against the USA Springs project I could remember during the many years of my capacity as the recording secretary to the Planning Board and the Zoning Board for the Town of Nottingham, NH from early 2001 until my employment with the Town ended in October of 2004.
5. Throughout my years of serving in those capacities, I have observed attitudes on the part of Planning Board members and other Town officials which are strongly biased against Francesco Rotondo and the USA Springs project. I have heard comments made by such Town officials referring to the applicant and his associates in derogatory terms referring to the Italian heritage of Mr. Rotondo.

AFFIDAVIT of AMY STANTON (continued)

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*1 of 2*



**EXHIBIT A**

[ Page one contains paragraphs numbered 1 through 5, all of which also are true and accurate.]

6. I have also heard comments made indicating that the USA Springs project is not welcomed in Nottingham and should be stopped. One specific example of the type of hostile comments made against that project occurred on September 25, 2004, a Saturday morning, in the combined Planning Board/Zoning Board offices in Town Hall. The vice-chair of the Planning Board, Grant Seaverns (who had recused himself from participating in the process of considering the USA Springs project) was standing behind my desk, looking at the USA Springs project's Zoning Board file and then Cynthia Copeland came into the front of the office and was sitting at the conference table looking through the Planning Board file contents of that same project. As Cynthia Copeland was looking through the voluminous file documents, Grant Seaverns approached her, saying: "what can we do to stop this project ?"

7. I did not hear the specific response of Cynthia Copeland to that question, however I did observe that Grant Seaverns pulled up a chair at the conference table and joined her in going through the files, where they remained working together for some time. Grant Seaverns is one of the Town officials whom I have heard in the past use ethnics slur in reference to the applicants for this project.

8. Several months prior to this event, I was present when the Planning Board voted to erase the tapes which contained the recorded proceedings of the public hearings that concerned the USA Springs application. During my many years as recording secretary, I had never heard or witnessed the Board taking any such action as ordering tapes of record to be erased, and--- although it was not mentioned by any Planning Board member as the reason---I recollected that there were comments on those taped proceedings (especially at the end, after the applicants had departed) which contained comments by Planning Board members which were derogatory in reference either to Mr. Rotondo's ethnicity or to the USA Springs project.

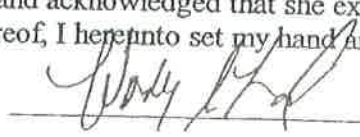
Sworn and subscribed on oath, under the penalties of perjury: February 14<sup>th</sup>, 2005

  
Amy Stanton

STATE OF NEW HAMPSHIRE

BELKNAP, ss

On this \_\_\_\_\_ day of February, 2005, before me, personally appeared Amy Stanton whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

  
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