

NEW JERSEY
LAWYERS' FUND
FOR CLIENT PROTECTION

Letter dated April 18, 1995

(Re: Copy of Default Judgment,
Docket No. MER L 005664-94,
and stating the NJLFCP will
retain local counsel to enter this
Judgment in California)

This page is for information
only and is Not part of the
attached document(s). It was
created by Kenneth F. Irek for
clarification and indexing.

NEW JERSEY LAWYERS' FUND
FOR
CLIENT PROTECTION

TRUSTEES
COWLES W. HERR, CHAIRMAN
LUIS R. SANCHEZ, VICE-CHAIRMAN
ARTHUR Z. KAMIN
ROSEMARY ALITO, TREASURER
GERALD J. BATT
SUSAN E. LAWRENCE
THOMAS W. SUMNERS, JR.



RICHARD J. HUGHES JUSTICE COMPLEX
CN-961

TRENTON, NJ 08625-0961
BILLING: (609) 292-8079
CLAIMS: (609) 292-8008

DIRECTOR & COUNSEL
KENNETH J. BOSSONG
SENIOR COUNSEL
DANIEL R. HENDI
ROGER S. STEFFENS
DEPUTY COUNSEL & SECRETARY
MICHAEL T. MCCORMICK
ASSISTANT TREASURER
FRANK C. FARR

FAX (609) 394-3637

STREET ADDRESS FOR DELIVERIES:
25 W. MARKET STREET

April 18, 1995

261
Layon Babal
Mr. Kenneth Irek
9800 Topanga Cyn #D
Chatsworth, California 91311

**Re: New Jersey Lawyers' Fund for Client
Protection v. Kenneth Irek;
J-082161-95; CPF-520**

Dear Mr. Irek:

Enclosed please find a copy of the Default Judgment entered against you in the above captioned matter. As you are aware, this judgment is a result of the Fund's payment of the claim of Szatmary v. Irek in the amount of \$5,000. To date you have not reimbursed the Fund for any portion of this amount; the entire debt of \$5,000 remains as your personal obligation.

We would hope to be able to resolve this matter amicably. Please call or write upon receipt of this letter to propose a repayment plan which is appropriate in light of your current financial condition. Even a minimal, good faith monthly payment may be acceptable until such time as your circumstances permit you to increase your monthly remittance.

Again, we wish to work with you, but cannot do so without your cooperation. If I do not hear from you by May 10, 1995 I will be forced to assume you wish to begin a potentially protracted collection process. The Fund will retain local counsel, enter its judgment in California and thereafter pursue all available remedies to obtain satisfaction of its judgment.

Please be guided accordingly.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michael T. McCormick".

Michael T. McCormick

enclosure
MM/1

NEW JERSEY LAWYERS' FUND
FOR
CLIENT PROTECTION

TRUSTEES
ROBERT S. FEDER, CHAIRMAN
COWLES W. HERR, VICE CHAIRMAN
GERALD J. BATT
LUIS R. SANCHEZ, TREASURER
ARTHUR Z. KAMIN
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ELLA M. SCARANTINO
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RICHARD J. HUGHES JUSTICE COMPLEX
CN-961

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BILLING: (609) 292-8079

CLAIMS: (609) 292-8008

STREET ADDRESS FOR DELIVERIES:
25 W. MARKET STREET

FAX (609) 394-3637

March 1, 1995

Mercer County Clerk's Office
Mercer County Court House
P. O. Box 8068
Trenton, New Jersey 08650-8068

**Re: New Jersey Lawyers' Fund for Client Protection
v. Kenneth Irek
Docket No. MER L 005664-94 / CPF-520**

Dear Sir :

Enclosed for filing are an original and two copies of a Request to Enter Default Judgment and accompanying Affidavits as follows :

- (1) Affidavit of Competency and Non-Military Service;
- (2) Affidavit In Support of Request for Default;
- (3) Certificate of Proof of Eric Sivertsen, Accountant to the Client Protection Fund.
- (4) Affidavit of Inquiry in Support of Request to Enter Default Judgment

At this time I am also enclosing an original and three copies of a form of Order for Default Judgment. Upon entry of default would you kindly provide the Default Judgment to the Judge for signing. A self-addressed stamped envelope is provided for your convenience.

Respectfully yours,

Daniel R. Hendi
DANIEL R. HENDI

DRH:kmt
Enclosures.


DRH:kmt/CPF-520
New Jersey Lawyers' Fund for
Client Protection
Richard J. Hughes Justice Complex
CN-961,
Trenton, New Jersey 08625-0961
(609) 984-7179
Daniel R. Hendi, Deputy Counsel

NEW JERSEY LAWYERS' FUND FOR	:	SUPERIOR COURT OF NEW JERSEY
CLIENT PROTECTION,	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiff,	:	
	:	DOCKET NO. MER L 005664-94
v.	:	
	:	Civil Action
KENNETH IREK,	:	
	:	REQUEST FOR ENTRY OF
Defendant	:	DEFAULT JUDGMENT WITH
	:	SUPPORTING AFFIDAVIT

To: CLERK OF THE SUPERIOR COURT

Will you please enter the default judgment of the defendant,
Kenneth Irek, herein for failure to plead or otherwise defend as
provided by the Rules of Civil Practice of the Superior Court.

New Jersey Lawyers' Fund for
Client Protection

By: 
DANIEL R. HENDI, Esquire
Senior Counsel

Dated : March 1, 1995.

DRH:kmt/CPF-520
New Jersey Lawyers' Fund for
Client Protection
Richard J. Hughes Justice Complex
CN-961,
Trenton, New Jersey 08625-0961
(609) 984-7179
Daniel R. Hendi, Deputy Counsel

NEW JERSEY LAWYERS' FUND FOR	:	SUPERIOR COURT OF NEW JERSEY
CLIENT PROTECTION,	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiff,	:	
	:	DOCKET NO. MER L 005664-94
v.	:	
	:	Civil Action
KENNETH IREK,	:	
Defendant	:	AFFIDAVIT OF COMPETENCY AND NON-MILITARY SERVICE

STATE OF NEW JERSEY :
COUNTY OF MERCER : ss .

I, DANIEL R. HENDI, of full age, being duly sworn on my oath,
depose and say:

1. I am an attorney at law of the State of New Jersey and am
employed by Plaintiff, New Jersey Lawyers' Fund for Client
Protection, and am familiar with the facts in this matter.

2. To the best of my knowledge the defendant is competent and
over the age of 18.

3. To the best of my knowledge and upon reasonable

investigation it has been determined that the defendant is not in active service in any branch of the military of the United States, and resides at 9800 Topanga Cyn, #D, Chatsworth, CA 91311. Mail addressed to defendant at this address has been accepted for defendant.



DANIEL R. HENDI, Esquire
Senior Counsel

Sworn and subscribed to
before me this 1st day
of March, 1995.



KATHLEEN M. TOMCHO
Notary Public of New Jersey
My commission expires 7-29-98

Kathleen M. Tomcho
Notary Public of New Jersey
My Commission Expires July 29, 1998

DRH:kmt/CPF-520
New Jersey Lawyers' Fund for
Client Protection
Richard J. Hughes Justice Complex
CN-961,
Trenton, New Jersey 08625-0961
(609) 984-7179
Daniel R. Hendi, Deputy Counsel

NEW JERSEY LAWYERS' FUND FOR	:	SUPERIOR COURT OF NEW JERSEY
CLIENT PROTECTION,	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiff,	:	
	:	DOCKET NO. MER L 005664-94
	:	
v.	:	Civil Action
	:	
KENNETH IREK,	:	AFFIDAVIT IN SUPPORT OF
	:	REQUEST TO ENTER DEFAULT
Defendant.	:	JUDGMENT

DANIEL R. HENDI, of full age, being duly sworn upon his oath according to law, deposes and says :

(1) I am Deputy Counsel to the New Jersey Lawyers' Fund for Client Protection and have been entrusted with the handling of the within matter on behalf of plaintiff.

(2) Defendant, Kenneth Irek, maintained offices for the practice of law in Colts Neck, New Jersey until his disbarment on May 11, 1993.

(3) The Complaint in this matter was filed in the Superior Court, Law Division, Mercer County, on December 29, 1994. On January 3, 1995, the requisite Summons and Complaint were forwarded


to Mr. Irek at his known address of 111 Crandon Boulevard, Key Biscayne, Florida 33149. On January 24, 1995, this office received the certified mail - return receipt card back with a forwarding address for Mr. Irek of 9800 Topanga Cyn, #D, Chatsworth, CA 91311, (copy attached hereto at Exhibit "A").

(4) The certified mail receipt card attached as Exhibit "A" states that service of the within Summons & Complaint was accepted on behalf of defendant on January 18, 1995.

(5) I have, on today's date, contacted the Clerk's Office and have been advised that the defendant has neither filed an Answer nor any other pleading in this action.


(6) As a result of the failure of Defendant to answer or otherwise move, Plaintiff is entitled to the relief sought in the Complaint.

(7) This Affidavit is filed in support of the entry of default judgment against the defendant.



DANIEL R. HENDI, Esquire
Senior Counsel

Sworn and subscribed to
before me this 1st day
of March, 1995.



KATHLEEN M. TOMCHO
Notary Public of New Jersey
My commission expires 7-29-98

Kathleen M. Tomcho
Notary Public of New Jersey
My Commission Expires July 29, 1998

LAWYERS FUND 1/4

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Kenneth G. Trek
 1111 Gandon Blvd.
 7800 S TURNER
 Key Biscayne Florida
 CHATSWORTH 33149 CA

4a. Article Number

2363199777

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

DEC 24 1995

8. Addressee's Address (Only if requested and fee is paid)

**NJ LAWYERS' FUND FOR
 CLIENT PROTECTION**

Thank you for using Return Receipt Service.

5. Signature (Addressee)

91311

6. Signature (Agent)

[Handwritten Signature]

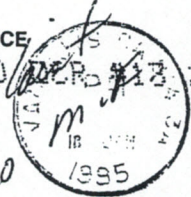
PS Form 3811 December 1991 U.S.G.P.O. 1992-307-530

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
TRENTON NJ 08650

Official Business

*Lummosi
CPT-520*



01-22-95

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE \$300



Print your name, address and ZIP Code here

*Client Protection Fund
 CO-961
 Trenton, NJ 08625-0961*

Exhibit "A"

DRH:kmt/CPF-520
New Jersey Lawyers' Fund
for Client Protection
Richard J. Hughes Justice Complex
CN-961,
Trenton, New Jersey 08625-0961
(609) 984-7179
Daniel R. Hendi, Deputy Counsel

NEW JERSEY LAWYERS' FUND	:	SUPERIOR COURT OF NEW JERSEY
FOR CLIENT PROTECTION,	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiff,	:	
	:	DOCKET NO. MER L 005664-94
v.	:	
	:	Civil Action
KENNETH IREK,	:	
	:	CERTIFICATE OF PROOF OF
Defendant	:	ERIC SIVERTSEN, ACCOUNTANT
	:	TO THE CLIENT PROTECTION FUND

ERIC SIVERTSEN, of full age, certifies that:

1. I am the Accountant to the New Jersey Lawyers' Fund for Client Protection and am charged with the responsibility of maintaining the books, records and accounts of the Fund, including those involving Kenneth Irek.

2. I have examined the records of the Fund and they reflect that a claim has been paid in regard to Kenneth Irek to Zontan and Cathleen Szathmary in the sum of \$5,000.00.

3. As a condition of payment of the claim of Zontan and Cathleen Szathmary, the Fund was subrogated to their rights. The Claimants executed a Release, Assignment and Subrogation Agreement

in favor of the Fund.

4. Defendant is indebted to plaintiff as a result of the claim of Zontan and Cathleen Szathmary in the amount of \$5,000.00.

5. No money has been paid to the Fund as reimbursement on this claim and, therefore, no offsets apply.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



ERIC SIVERTSEN, Accountant

Dated : March 1, 1995.

DRH:kmt/CPF-520
New Jersey Lawyers' Fund for
Client Protection
Richard J. Hughes Justice Complex
CN-961,
Trenton, New Jersey 08625-0961
(609) 984-7179
Daniel R. Hendi, Senior Counsel

NEW JERSEY LAWYERS' FUND FOR CLIENT PROTECTION,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MERCER COUNTY
	:	
Plaintiff,	:	DOCKET NO. MER L 005664-94
	:	
v.	:	Civil Action
	:	
KENNETH IREK,	:	AFFIDAVIT OF INQUIRY
	:	IN SUPPORT OF REQUEST
	:	TO ENTER DEFAULT JUDGMENT
Defendant.	:	

DANIEL R. HENDI, of full age, being duly sworn upon his oath according to law, deposes and says :

(1) I am Deputy Counsel to the New Jersey Lawyers' Fund for Client Protection and have been entrusted with the handling of the within matter on behalf of plaintiff.

(2) Defendant, Kenneth Irek, maintained offices for the practice of law in Colts Neck, New Jersey until his disbarment on May 11, 1993.

(3) Defendant, Kenneth Irek, no longer lives or works in the State of New Jersey and after diligent inquiry I have learned that he cannot be served in this State; I have ascertained that the defendnat, Kenneth Irek, is presently residing in California.

(4) I have made diligent inquiry as to the defendant's whereabouts and have been advised by the postal service of Key Biscayne, Florida that he has moved to and currently resides at 9800 Topanga Cyn, #D, Chatsworth, California 91311.

(5) Plaintiff herein filed a Complaint in the Superior Court, Law Division, Mercer County, on December 19, 1994. A Summons was issued on January 3, 1995, and was forwarded to defendant by regular and certified mail - return receipt requested and regular mail to defendant's former address, 111 Crandon Boulevard, Key Biscayne, Florida 33149.

(6) As appears from the Domestic Return Receipt (certified mail green card) at Exhibit "A", the Summons and Complaint were accepted on behalf of Mr. Irek on January 18, 1995, at his new place of residence, 9800 Topanga Cyn, #D, Chatsworth, California 91311.

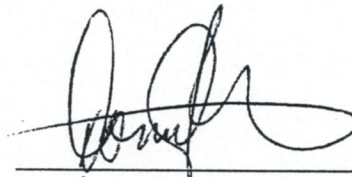
(7) The time within which defendant may answer or otherwise move as to the Complaint has expired.

(8) Defendant has failed to file an Answer or otherwise move

with regard to the plaintiff's Complaint.

(9) As a result of the failure of defendant to answer or otherwise move, plaintiff is entitled to the relief sought in the Complaint.

(10) This Affidavit is filed in support of the entry of default and default judgment against defendant.



Daniel R. Hendi, Esquire

Sworn and subscribed to
before me this 1st day
of March, 1995.



KATHLEEN M. TOMCHO
Notary Public of New Jersey
My commission expires 7-29-98

Kathleen M. Tomcho
Notary Public of New Jersey
My Commission Expires July 29, 1998

LAWYERS FUND 1/4

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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Mr. Kenneth G. Trek
 1111 Condon Blvd.
 9805 TURNING
 Key Biscayne Florida
 CHATSWORTH 33099 CA
 Signature (Addressee) 91311
 Signature (Agent)
 Filed Agent

4a. Article Number
2363199777

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Receipt for Merchandise

7. Date of Delivery
DEC 24 1995

8. Addressee's Address (Only if requested and fee is paid)
 NJ LAWYERS' FUND FOR
 CLIENT PROTECTION

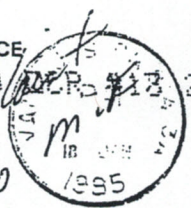
Thank you for using Return Receipt Service.

PS Form 3811 December 1991 U.S.G.P.O. 1992-307-530

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
TRENTON NJ 08650

Official Business
Lammosi
CPK-520



DEC 23 01-22-95

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE \$300



Print your name, address and ZIP Code here

Client Protection Fund
 CD-961
 Trenton, NJ 08625-0861

Exhibit "A"

