

NEW JERSEY
LAWYERS' FUND
FOR CLIENT PROTECTION

Zontan and Cathleen Szatmary
Statement of Claim
for \$5,000, dated April 12, 1991)

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.

Respond to:
NEW JERSEY LAWYERS' FUND FOR CLIENT PROTECTION
Richard J. Hughes Justice Complex
CN-961
Trenton, New Jersey 08625

RECEIVED
APR 16 1991
NJ LAWYERS' FUND FOR
CLIENT PROTECTION

STATEMENT OF CLAIM
(Please Use Black Ink)

1. Name: Zontan Szatmary (Cathleen D. Szatmary-Spouse)
Address: 3 Ware Place
Middletown N.J. Zip Code 07748
Area Code (908) Area Code (-)
Home Tel. # 706-1124 Business Tel. # _____
Age 33 Marital Status Married sex male
2. Occupation Self-Employed, Construction
3. Attorney Against Whom Claim is Made:
Name: Kenneth Irex (also see attached
Address: 41 Highway 34 P.O. Box 161 paper)
Colts Neck, New Jersey zip code 07722
4. How Long Have You Known Him/Her Never met him, Dealings only
through real estate deal. (escrow agent)
5. How Long Did He/She Represent You NA
6. (Dollar Amount of Loss \$ 5,000.00 (Five thousand)
+ 4,000.00 in other expenses.)
7. Is Claim Based On Attorney-Client Relationship
Or Fiduciary (guardian, executor, trustee)
Relationship (escrow agent)
8. In Chronological Order, List Events Leading Up to the
Misappropriation Of Your Money, AND ATTACH ALL PROOFS TO THIS
STATEMENT OF CLAIM (Use a separate sheet if more space is
needed):

- A. A contract was prepared by Kirex Development Co. dated May 23, 1990, and signed by Kenneth Irex as president and secretary. The contract was signed 5/29/90 by us and 6/6/90 by Mr. Irex.
- B. Check #1301 dated 5/29/90 from us (Zontan + Cathleen Szatmary) in the amount of \$5,000.00 to Kirex Development Co. sent to Kirex negotiated 6/1/90.
- C. Please see letter of Dennis Poane Esq. dated Nov. 14, 1990 on page 2 listing his letters to Mr. Irex in chronological order.
- D. Time of the Essence letter mailed Aug. 6, 1990, and another letter sent using a new address on Aug. 13, 1990, as shown on Mr. Poane's letter.

Home Address
87 Carriage Hill Dr.
Colts Neck, NJ
07722

Question # 3 continued

Name: Kenneth Irex

Address: 87 Carraige Hill Dr.
Colts Neck, NJ. 07722

Phone #

Kenneth + Brenda Irex

} Home Address)

Also Company called Fast Frame Building
Systems

Address: P.O. Box 725

Freehold, NJ. 07728

Answering service # 409-0227

Question #8 Cont.

E. cont. Somewhere around Aug. 20, 1990 to Aug 29, 1990, Fran Donahue, a realtor, said that Mr. Irek was in North Carolina for a while and didn't receive his mail in time but she advised Mr. Poane that Mr. Irek would complete the sale. Mr. Poane then wrote the letter of Aug. 29, 1990. Apparently this was to stall any intentions to close.

F. There have been no more contact with Mr. Irek or anyone on his behalf since the call from Fran Donahue after she talked with him. On the day of the closing date we were present at Dennis Poane's office. We ~~we~~ attempted to make calls to contact Mr. Irek in which we left messages with the number Fran Donahue gave us of Fast Framing Building Systems which accepted calls for Ken Irek.

G. Mr. Poane wrote to the Monmouth County Prosecutor's office on Nov. 14, 1990, detailing the events.

H. The Prosecutor's office responded Dec. 11, 1990, saying they were not sure whether the matter would be presented to a Monmouth County Grand Jury. The letter advised us to go to the District IX Ethics Committee and Client's Security Fund, which we have.

9. If Claim Is Based On Investment, List Chronologically All Monies Invested And The Amounts Paid To You By Your Attorney On Account Of Principal Or Interest. ATTACH PROOF OF ATTORNEY-CLIENT RELATIONSHIP PREDATING THE TRANSACTION THAT IS THE BASIS OF YOUR CLAIM.

N/A

10. Date And Circumstances Under Which Loss Was Discovered:

Date: See events under #8. Mr. Irek has not been heard from since Aug. 1990 thru Fran Donahue. Many attempts have been made to contact him. His whereabouts are unknown to me.

11. Can Your Loss Be Reimbursed From Any Other Source?

Yes No If Yes, Indicate Source Below

12. If Known, List The Assets Of The Attorney From Which Reimbursement Can Be Made, And Indicate What Efforts Have Been Made To Recover The Loss From The Attorney Directly.

Mr. Irek, I believe was a principal in Kirex Development Co. and probably owned the property I was trying to buy through the Corporation. The Development we were going to buy our lot in had a sign saying "Brentwood Acres" By Kirex Development Corp. I believe there were several properties owned by Kirex and/or Mr. Irek there. Further my attorney tells us that Stewart Title Company, 30 West Main Street, Freehold, N.J. 07728, said they did work for Mr. Irek and they may know of additional assets. Mr. Irek was the owner listed on the tax rolls for 87 Carriage Hill Dr., Colts Neck, N.J. according to a response to Mr. Poane's inquiry. For a while Mr. Irek was accepting calls through messages left for him at Fast Frame Building Systems P.O. Box 725, Freehold, N.J. 07728 (201) 409-0227

13. Are You Suffering Any Financial Hardship? Yes X No
If Yes, Describe Below:

See attached paper

14. The Name, Address And Telephone Number Of Any Attorney Or Other Person Who Assisted You In The Preparation And Presentation Of This Statement:

Name: Mr. Dennis Poane c/o Donini and Donini Attorneys At Law

Address: 1512 Highway 138

Wall Township, N.J. Zip Code 07719

Tel. # 908-681-9500

15. How Did You Learn About The Fund?

Through Dennis Poane (our Attorney)

STATE OF New Jersey :
COUNTY OF Monmouth : ss.

I, Zoltan J. Szatmary, the Claimant in this Statement of Claim, being of full age and duly sworn according to law upon my oath, depose and say that the information set forth in this Statement of Claim is true and that I have fully disclosed this information, in writing, to the appropriate County Prosecutor's Office and District Ethics Committee.

Zoltan Szatmary
(Signature of Claimant)

Cathleen Szatmary
(Signature of Co-Claimant)
(Spouse)

Sworn and subscribed to before me this 12 day of April, 1991

Margaret R. Clark

Margaret R. Clark
Notary Public of New Jersey
My Commission Expires March 19, 1992

Answer to Question #13

We have been in a financial hardship ever since Ken Irek took our money without intent to truly close on the land deal. We had to use our savings to rent another house while we look for a house to purchase since we can no longer purchase property due to the \$5,000.00 loss. We need to pay cash for property in order for the bank to loan us money to build, our Dream Died when Ken Irek walked off with our money.

We are now in a real dilemma, we have to purchase a house by Aug. 1991 in order not to pay capital gain tax. The real problem is, we don't have enough down payment now to qualify for the amount we are supposed to purchase in order not to pay any tax, this is due to the \$5,000.00 loss + other expenses amounting to \$4,000.00 for a total of approximately \$9,000.00. So either way we are still going to have to pay some tax.

We had to pay for a perc + Bearing, Survey + septic designs and architect plans also other little expenses. The money we lost has put a great stress on our family life and individual dealings.

To top this all off I was pregnant when all of this happened adding more stress and financial burden because we had no maternity coverage on our insurance policy. My husband is in the construction business and hasn't worked steady in about 1 1/2 yrs. So not having much

Answer to Question # 13 cont.

income, paying out large major expenses on Hospital and doctor Bills has left us no choice but to dip into our house money, which wouldn't be there if we had built or close to another home. That is another reason for our down payment being lower than it should be. In all we have truly lost over \$30,000.00.

Now we have found a home to purchase but we need 20% down in order to qualify to purchase it. We really hope that you will bring this before the Board as soon as possible so that we will know if we can receive our money back to buy this home. We have been disappointed quite a few times already please don't despair our hopes this time in handling this matter.

We heard after the fact that Ken Irck was suspended from the bar either in 1987 or 1989, if we had been aware of this at the time we would have been more cautious in dealing with him. We would like to put our trust ~~in~~ in lawyers in general but this is not the first time we had misdealings with one. We had be wronged by Justinian Connors approximately 1985, luckily there was no money loss, just a trust in some lawyers. Please restore our faith + trust in the system and help us to obtain our money so that we will not have to pay over \$12,000.00 to the government for capital gain tax and so that we may once again have the joy and satisfaction of owning our very own home. This will surely ease the stress and emotional discord we are now experiencing as a family.

Szatmary

Answer to Question # 13 cont.

We also heard that he had taken other peoples money from downpayments of homes he was supposed to have built for them. So as you can see he was truly being dishonest in his conduct in dealing with us. Please be moved to handle him in the manner in which you would any dishonest lawyer and restore us our money.

Thank you that there is such a system and fund to help protect people like us.

Sincerely Yours,
Catherine D. Szatmary

Enc. Documents
and copy of check