

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KARYN M. KELLEY, THE KARYN M. KELLEY REVOCABLE TRUST
AGREEMENT OF JULY 13, 2016

Applicant / Petitioner,

v.

MARY E. FEENEY, COMMISSIONER ATTORNEY CHARLES A. RUSSELL,
GIOVANNI VERANI, JOHN POIRIER, DAVID P. MASCIARELLI, CHRISTY N.
MASCIARELLI, DAVID P. AND CHRISTY N. MASCIARELLI AS CO-TRUSTEES
DAVID AND CHRISTY MASCIARELLI REVOCABLE TRUST DATED MARCH 30,
2021, GRANITE STATE MORTGAGE CORPORATION

Respondent,

On Petition For A Writ Of Certiorari To
The Supreme Court of New Hampshire

APPENDIX
PETITION FOR A WRIT OF CERTIORARI

Attorney Daniel C. Proctor
Counsel of Record for
Mary E. Feeney
P.O. Box 3544
Concord, NH 03302

Karyn M. Kelley
Karyn M. Kelley, Trustee
Pro Se Applicant/Petitioner
P. O. Box 1706
Merrimack NH 03054
(603) 820-2664

Commissioner Attorney Charles A. Russell Pro Se,
P.O. Box 2124
Concord, NH 03302

Giovanni Verani, Pro Se,
Berkshire Hathaway HS, Verani Realty
1 Verani Way
Londonderry, NH 03053

Attorney John F. Bisson,
Counsel of Record for John Poirier
722 Chestnut Street
Manchester, NH 03104

Attorney Timothy E. Britain,
Counsel of Record for David P. Masciarelli, Christy N. Masciarelli and Granite State
Mortgage Corporation
2 Capital Plaza 5th Floor
Concord, NH 03301

September 18, 2025

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APPENDIX A

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2024-0369, Mary Feeney v. Karyn Kelley; Karyn Kelley & a. v. Mary Feeney & a., the court on April 24, 2025, issued the following order:

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that the party claims the court has overlooked or misapprehended.

We have reviewed the claims made in the motion to reconsider and conclude that no points of law or fact were overlooked or misapprehended in our decision. Accordingly, upon reconsideration, we affirm our March 25, 2025 decision and deny the relief requested in the motion.

Relief requested in motion to reconsider denied.

MacDonald, C.J., and Bassett, Donovan, and Countway, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

Hillsborough County Superior Court North, 216-2010-EQ-00193

Honorable David A. Anderson

✓ Karyn Kelley

Seth J. Hipple, Esq.

John F. Bisson, Esq.

Charles A. Russell, Esq.

Giovanni Verani

Timothy E. Britain, Esq.

Jacob M. Rhodes, Esq.

Michael R. Feniger, Esq.

William J. Amann, Esq.

Charles Kirk

Sherri L. Miscio, Supreme Court

File

APPENDIX B

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2024-0369, Mary Feeney v. Karyn Kelley; Karyn Kelley & a. v. Mary Feeney & a., the court on March 25, 2025, issued the following order:

The court has reviewed the written arguments and the record submitted on appeal, and has determined to resolve the case by way of this order. See Sup. Ct. R. 20(3). Karyn Kelley, individually and as trustee of The Karyn M. Kelley Revocable Trust Agreement of July 13, 2016, appeals orders of the Superior Court (Anderson, J.) that, among other things, dismissed her action to quiet title to certain property previously partitioned and sold pursuant to final orders affirmed by this court, and ordered sanctions and injunctive relief against her. As the appealing party, Karyn Kelley has the burden of demonstrating reversible error. Gallo v. Traina, 166 N.H. 737, 740 (2014). Based upon our review of the trial court's orders, Karyn Kelley's challenges to them, the relevant law, and the record submitted on appeal, we conclude that Karyn Kelley has not demonstrated reversible error and affirm the court's decisions. See id.; Sup. Ct. R. 25(8).

The request in the brief filed by Mary Feeney that we issue "Orders of Contempt" is denied. This order is without prejudice to any of the appellees filing a properly-supported motion, in accordance with Supreme Court Rule 23, requesting an award of reasonable costs and attorney's fees incurred in defending this appeal.

Affirmed.

MacDonald, C.J., and Bassett, Donovan, and Countway, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

Hillsborough County Superior Court North, 216-2010-EQ-00193

~~Honorable David A. Anderson~~

✓ Karyn Kelley

Daniel C. Proctor, Esq.

John F. Bisson, Esq.

Charles A. Russell, Esq.

Giovanni Verani

Timothy E. Britain, Esq.

Jacob M. Rhodes, Esq.

Michael R. Feniger, Esq.

William J. Amann, Esq.

Charles Kirk

Francis C. Fredericks, Supreme Court

Sherri L. Miscio, Supreme Court

File

APPENDIX C

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.nh.gov>

May 31, 2024

**KARYN KELLEY
PO BOX 1706
MERRIMACK NH 03054**

Case Name: **Mary Feeney v. Karyn Kelley**
Case Number: **216-2010-EQ-00193**

You are hereby notified that on May 30, 2024, the following order was entered:

RE: MOTION TO RECONSIDER ORDER NOTICIED APRIL 30, 2024:

See copy attached. (Anderson, J.)

W. Michael Scanlon
Clerk of Court

(923)

C: Daniel C. Proctor, ESQ; Charles A. Russell, ESQ; William J. Amann, ESQ; Timothy Edward Britain, ESQ

C-1

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough County

Hillsborough Superior Court Northern District

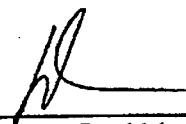
Mary Feeney v. Karyn Kelley

216-2010-EQ-00193

ORDER

Defendant's motion for reconsideration is DENIED. As an initial matter, Defendant is not a judgment creditor. At the conclusion of the bench trial, this Court awarded both Kelley and Feeney shares of both the real and personal property at issue. After that order became final, the clerk's office informed both parties that they could receive their allocated funds once they filed the necessary tax documents (w-9's). Defendant refused to file a w-9 despite receiving multiple notices that this was a requirement for receiving her funds. Thereafter (a significant amount of time passed), Defendant's funds were encumbered by Kevin Kelley on behalf of their mother's estate (as a judgment creditor) and by this Court's award of attorney's fees. With respect to the fees awarded to Commissioner Charles A. Russell, the Court denies Defendant's motion for the reasons stated by the Commissioner. In all other respects, the Court relies on its numerous prior orders in this case.

May 30, 2024
Date



Judge David A. Anderson

APPENDIX D

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
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<http://www.courts.nh.gov>

April 30, 2024

**KARYN KELLEY
PO BOX 1706
MERRIMACK NH 03054**

Case Name: **Mary Feeney v. Karyn Keliey**
Case Number: **216-2010-EQ-00193**

You are hereby notified that on April 30, 2024, the following order was entered:

RE: PARTIALLY ASSENTED MOTION TO PAY OVER FUNDS HELD BY THE CLERK:

See attached. (Anderson, J.)

W. Michael Scanlon
Clerk of Court

SEE

C: Daniel C. Proctor, ESQ; Charles A. Russell, ESQ; William J. Amann, ESQ; Timothy Edward
Britain, ESC

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough County

Hillsborough Superior Court Northern District

Mary Feeney v. Karyn Kelley

216-2010-EQ-00193

ORDER

Plaintiff's partially-assented to motion to pay over funds from the \$46,107.72 held by the clerk's office is GRANTED IN PART. Defendant does not point to any valid basis for denying the motion. In all other respects, the Court relies on and incorporates its orders of August 17, 2023 and October 11, 2023. As for the amounts sought, the Court has carefully reviewed the supporting materials provided by all parties seeking fees and finds both the hourly rates and time spent reasonable for this market.

As for the specific amounts sought, the remaining funds held by the Court do not permit a full award. Kevin Kelley attached the funds prior to the award of attorneys' fees. Thus, Kevin Kelley is entitled to \$37,436.40. The Court divides the remaining \$8,671.32 in three ways. As Commissioner Russell is only seeking \$2,700, he receives that amount. The clients of Attorneys Britain and Proctor will each receive \$2,985.66 plus half of the accumulated interest (currently less than \$100). In order to receive the interest, the parties will need to file W-2's.

April 30, 2024

Date



Judge David A. Anderson

APPENDIX E

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.nh.gov>

October 12, 2023

FILE COPY

Case Name: **Mary Feeney v. Karyn Kelley**
Case Number: **216-2010-EQ-00193 216-2023-CV-00376**

You are hereby notified that on October 11, 2023, the following orders were entered:

RE: AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES UNDER ORDER DATES AUGUST 17, 2023:

"The Court awards Feeney \$5150.00 in attorney's fees for the reasons stated in its August 17, 2023 order. As for the date issue on the JP stamp, the Court finds counsel's explanation and attachment sufficient. The Court further finds that the amount billed and the rate charged are reasonable based on the complexity and long history of the matter. (Anderson, J.)

RE: MOTION TO RECONSIDER NOTICIED ORDER OF AUGUST 18, 2023:

"Denied for the reasons stated in the objections and the court's order of August 17, 2023."
(Anderson, J.)

RE: AFFIDAVIT IN SUPPORT OF RULE 2.3 BIAS, PREJUDICE AND HARRASMENT BY JUDGE ANDERSON AND AFFIDAVIT IN SUPPORT OF 28 U.S. CODE SECTION 144 BIAS OR PREJUDICE OF JUDGE BY JUDGE DAVID ANDERSON:

"To the extent this pleading seeks relief of any kind, the request is DENIED for the reasons stated in the Court's many prior orders. The claimants have not established a basis for recusal." (Anderson, J.)

RE: AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES UNDER ORDER DATED AUGUST 17, 2023:

"The Court awards the moving parties \$7,409.59 in attorney's fees pursuant to its August 17, 2023 order. The Court finds that the amount billed and the rate charged are reasonable based on the complexity of the matter and the typical rates in this community." (Anderson, J.)

**RE: MOTION TO COMPENSATE COMMISSIONER FOR TIME SPENT DEFENDING KELLEY'S
CLAIMS AGAINST ATTNY. RUSSELL:**

"Granted. This is not a request for attorneys' fees but a request for additional compensation for services rendered as a commissioner appointed by the Court. In view of the lack of merit associated with the claims filed against the commissioner, the Court agrees that he is entitled to compensation for that time spent in responding to the claims." (Anderson, J.)

**W. Michael Scanlon
Clerk of Court**

(923)

C: Daniel C. Proctor, ESQ; Charles A. Russell, ESQ; William J. Amann, ESQ; Timothy Edward Britain, ESQ

E-2

APPENDIX F

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.nh.gov>

August 18, 2023

FILE COPY

Case Name: **Mary Feeney v. Karyn Kelley**
Case Number: **216-2010-EQ-00193 216-2023-CV-00370**

You are hereby notified that on August 17, 2023, the following order was entered:

RE: DISMISSAL AND SANCTIONS

See copy of order of attached - Anderson. J

W. Michael Scanlon
Clerk of Court

(539)

J. Daniel C. Proctor, ESQ; William J. Amann, ESQ; Timothy Edward Britain, ESQ; Karen Kelley;
J. H. Bisson, ESQ; Charles A. Russell, ESQ

F-1

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
NORTHERN DISTRICT**

SUPERIOR COURT

Mary Feeney

v.

Karvn Kellev

Docket No. 216-2010-EQ-00193

and

Karyn Kelley, et al.

v.

Mary Feeney, et al.

Docket No. 216-2023-CV-00370

ORDER

The Court has recently characterized the history of this case as "tortured." Beginning in 2010 as a petition to partition, the case settled into a protracted litigation over the disposition of certain real property located at Indian Rock Road in Merrimack (the "Property") that had been jointly owned by Mary Feeney and Karyn Kelley since 1999. Over the course of many years, and after several appeals to the New Hampshire Supreme Court, the Court ordered the Property sold. After several more years of recalcitrant, fraudulent, and contemptuous behavior on the part of Kelley, which resulted in numerous sanctions by this Court, the Property was finally sold in 2020. The case did not end there, however, as Kellev resisted the distribution of the sale proceeds, unsuccessfully appealed the issue to the Supreme Court, and filed a plethora of post-

judgment pleadings challenging the sale of the Property. Kelley's repeated frivolous filings have been so unrelenting that the Court, on March 10, 2023, issued an order directing her to cease filing pleadings concerning Feeney or the commissioner and instructing the clerk's office to reject any such pleadings that were filed.

In early 2023, well after the final resolution of the original partition action, Kelley and the Karyn M. Kelley Revocable Trust of 2016 filed a new action in the 9th Circuit Court, Probate Division, against Mary Feeney, Charles Russell, Esq., Giovanni Verani, John Poirier, Granite State Mortgage Corporation (GSMC), David and Christy Masciarelli, and the David and Christy Masciarelli Revocable Trust of 2021.¹ That complaint alleged that this Court had erred in its disposition of the Property and maintained that Kelley and her trust still held a legal interest in same. The probate action was eventually transferred to this Court.

As an initial matter, the Masciarellis and GSMC move to consolidate the two actions. Consolidation of actions is a matter of this Court's discretion, and is appropriate where the matters involve significant overlaps in parties, evidence, and issues to be adjudicated. See *Barnard v. Elmer*, 128 N.H. 386, 388 (1986). Because the transferred probate matter directly involves this Court's rulings in connection with the Property, consolidation is proper. Accordingly, the motion to consolidate is GRANTED.

Kelley has filed motions arguing this Court lacks jurisdiction to hear the probate matter and that, at a minimum, the appropriate venue for the transferred probate action is Hillsborough County Superior Court South, given that the Property is located in

¹ The Masciarellis are the purchasers of the property, and the remaining parties facilitated the sale.

Merrimack. The Court disagrees with Kelley's position on both matters. "[J]urisdiction to resolve questions of title and matters of equity lies with the superior court." *Friedline v. Roe*, 166 N.H. 264, 268 (2014). Moreover, as set forth above, the Indian Rock Property has been the subject of extensive litigation before this Court since 2010. Kelley's probate action, which effectively seeks to overturn this Court's prior rulings in connection with the final disposition of the Property, is properly before this Court. Accordingly, Kelley's motions challenging jurisdiction and venue are DENIED. All other pending motions filed by Kelley are similarly DENIED as lacking merit.

Defendants in the probate action have moved to dismiss and seek sanctions on the grounds that Kelley's claims are barred as res judicata. "The doctrine of res judicata prevents parties from relitigating matters actually litigated and matters that could have been litigated in a previous action." *Riverbend Condo. Assoc. v. Groundhog Landscaping and Prop. Maint., Inc.*, 173 N.H. 372, 375 (2020). "Under res judicata, a final judgment by a court of competent jurisdiction is conclusive upon the parties in a subsequent litigation involving the same cause of action." *Id.* "The doctrine applies if three elements are met: (1) the parties in both actions are the same or in privity with one another; (2) the same cause of action was before the court in both instances; and (3) the first action ended with a final judgment on the merits." *Id.* All three factors are unquestionably met here, as both cases involve claims over the legal ownership of the Property.

Indeed, Kelley's probate complaint explicitly argues that she is the proper legal owner of the Property and that this Court erred when it ordered the Property sold. (See

216-2023-CV-370 Compl. ¶¶ 16–18.) Most recently, the Supreme Court summarily disposed of Kelley's latest attempt to appeal issues already decided, holding:

The superior court correctly determined in its March 10, 2023 order that Karyn Kelley's claims are all barred by the prior orders in this case concerning Feeney and Karyn and the distribution of funds between Feeney and Karyn, which are all final judgments under New Hampshire law." The March 10, 2023 order and the superior court's subsequent orders denying reconsideration do not qualify as a final and appealable decision on the merits *because the merits of the superior court matter had been concluded by prior orders and the outcome of previous appeals.*

Feeney v. Kelley, No. 2023-620 (slip op. July 12, 2023) (emphasis added). Kelley's blatant attempt to circumvent this Court's prior orders by filing the probate action is therefore barred. Accordingly, the motions to dismiss are GRANTED.

In her motion for contempt, sanctions, and permanent injunctive relief, Feeney sets forth an extensive and detailed accounting of the long path this litigation has taken to this point. (See No. 216-2010-EQ-193, Doc. 609.) Those facts abundantly highlight the need for sanctions here. As the Court noted above, litigation over Kelley's legal interest in the Property began in 2010 and continues to the present day, despite the Property being sold in 2020. Every one of Kelley's numerous appeals to the Supreme Court over the course of this litigation was resolved against her, either through the affirmation of this Court's adverse rulings or through outright rejection of the appeal. Kelley has been found in contempt of this Court's orders numerous times, and has expressly engaged in numerous acts of fraudulent conduct in her attempt to retain ownership of the Property.

"New Hampshire adheres to the American Rule on the question of attorney's fees: parties pay for their own attorneys' costs, subject to certain statutorily and

judicially created exceptions." *Board of Water Comm'rs, Laconia Water Works v. Mooney*, 139 N.H. 621, 628 (1995). "Attorney's fees have been awarded in this State based upon two separate theories: 'bad faith litigation' . . . and 'substantial benefit.'" *New Hampshire Motor Transport Ass'n v. State*, 150 N.H. 762, 770 (2004). "Bad faith conduct held to justify the award of counsel fees has been found where one party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons; where the litigant's conduct can be characterized as unreasonably obdurate or obstinate; and where it should have been unnecessary for the successful party to have brought the action." *Harkeem*, 117 N.H. at 690–91 (citations omitted).

The defendants in the probate action have expended significant time and money combatting Kelley's obdurate pursuit of the Property. This action has become the very definition of bad faith litigation, as none of the dozens of pleadings filed in connection with the probate action ought to have been necessary. Therefore, the Court awards the defendants all attorney's fees and costs that were occasioned by Kelley's initiation of the probate action. This is to include fees and costs incurred before both the probate court and this Court. The parties' counsel shall submit a full accounting of reasonable fees and costs that they believe is covered by this award.

The Court also agrees with Feeney that Kelley's filing of the probate action signals the need for injunctive relief. "The issuance of injunctions, either temporary or permanent, has long been considered an extraordinary remedy." *Pike v. Deutsche Bank Nat'l Tr. Co.*, 168 N.H. 40, 45 (2015). "An injunction should not issue unless there is an immediate danger of irreparable harm to the party seeking injunctive relief, there is no adequate remedy at law, and the party seeking an injunction is likely to succeed on

the merits." Id. Kelley's persistent willingness to flout the orders of this Court and harass the other parties in this case warrants injunctive relief. The Court therefore expands its March 10, 2023 order and permanently enjoins Kelley from filing any pleadings in either of the instant cases or initiating new actions in this jurisdiction involving the Property. The Court does not impose this sanction lightly, but Kelley's behavior in this litigation has been unacceptable for years and has resulted in an immense waste of judicial resources. Kelley's failure to abide by the terms of this order will result in findings of contempt and sanctions beyond the award of attorney's fees.

SO ORDERED.

August 17, 2023



David A. Anderson
Presiding Justice

APPENDIX G

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

9th Circuit - Probate Division - Nashua
30 Spring Street, Suite 103
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2334
<https://www.courts.nh.gov>

NOTICE OF DECISION

KARYN M KELLEY
PO BOX 1706
MERRIMACK NH 03054

Case Name: **Karyn M. Kelley v. Mary . Feeney, ET AL**
Case Number: **316-2023-EQ-00268**

On May 04, 2023, Judge Beth H Kissinger issued orders relative to:

Motion for Jury Trial - Granted as to Prayer A. See RSA 547:II-d.

Motion to Transfer and Change of Venue - Prayer A is Granted in part. The Court will not take any action in this matter as a motion for a jury trial has been granted, see RSA 547:II-d and the matter shall be transferred (North) Superior Court. This Court lacks jurisdiction to order consolidation of two Superior Court matters. The issue of Sanction(s) shall be determined in Superior Court.

Defendant's (Charles) Request for Jury Trial and Transfer to Superior Court - Granted as to Prayers A & B. See RSA 547:II-d.

Defendant's David and Christy Masciarelli and Granite State Mortgage Corp.'s Motion for A Jury Trial - Granted as to Prayer B. See RSA 547:II-d. Prayer A shall be denied as moot as the Court is transferring the matter to the Superior Court.

Motion to Dismiss for Lack of Subject Matter Jurisdiction - Granted as to Prayer B in Part. The Court has granted the requests for a jury trial and transfer to Hillsborough County Superior Court (North) pursuant to RSA 547:II-d. The Court lacks the jurisdiction/authority to order assignment of the matter to a particular Superior Court Judge. Prayer A is denied as Moot as the matter is being transferred.

Motion to Dismiss Absolute Immunity - Read and Noted.

Plaintiff's Motion to Strike Reply to Plaintiffs Objection to Defendants David and Christy Masciarelli and Granite State Mortgage Co - Prayer A is denied as moot. The Court has ruled on the motion to dismiss.

Any Motion for Reconsideration must be filed with this court within 10 days of receiving this notice.
Any appeals to the Supreme Court must be filed within 30 days of receiving this notice.

May 08, 2023

Sherry L. Bisson
Clerk of Court

C: Mary E Feeney; CHARLES A RUSSELL, ESQ; Giovanni Verani; John Poirier; David P Masciarelli; Christy N Masciarelli; Granite State Mortgage Corporation; Daniel C. Proctor, ESQ; John F. Bisson, ESQ; Timothy Edward Britain, ESQ

APPENDIX H

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Probate Division - Nashua
30 Spring Street, Suite 103
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF DECISION

**KARYN M KELLEY
PO BOX 1706
MERRIMACK NH 03054**

Case Name: **Karyn M. Kelley v. Mary - Feeney, ET AL**
Case Number: **316-2023-EQ-00268**

On April 21, 2023, Judge Beth H Kissinger issued orders relative to:

Motion to Extend Service for Defendant John Poirier -- Granted.

Mary Feeney's Motion to Stay Deadlines - Granted as to Prayer A. All deadlines shall be stayed.

Defendants David and Christy Masciarelli and Granite State Mortgage Corp.'s Motion to Stay Deadlines - Prayer A Granted in Part. ALL deadlines shall be stayed.

**Any Motion for Reconsideration must be filed with this court within 10 days of receiving this notice.
Any appeals to the Supreme Court must be filed within 30 days of receiving this notice.**

May 04, 2023

Sherry L. Bisson
Clerk of Court

**C: Mary E Feeney; CHARLES A RUSSELL, ESQ; Giovanni Verani; John Poirier; David P Masciarelli;
Christy N Masciarelli; Granite State Mortgage Corporation; Daniel C. Proctor, ESQ; John F. Bisson,
ESQ; Timothy Edward Britain, ESQ**

APPENDIX I

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY

FEBRUARY 2023

HILLSBOROUGH PROBATE COURT-SOUTHERN DISTRICT
DOCKET NUMBER 316-2023-ED-268

Karyn M. Kelley

v.

Mary E. Feeney, ET AL

VERIFIED COMPLAINT

NOW COMES, Karyn M. Kelley, Pro Se, and The Karyn M. Kelley Revocable Trust Agreement of July 13, 2016, pursuant to NH RSA 498:5-a, NH RSA 547-C and states the following:

Parties

1. Plaintiff, Karyn M. Kelley (hereafter Plaintiff), is an individual with an address of Box 1706, Merrimack, New Hampshire.
2. Plaintiff, The Karyn M. Kelley Revocable Trust Agreement of July 13, 2016 (hereafter Trust), with an address of Box 1706, Merrimack, New Hampshire.
3. Defendant, Mary E. Feeney (hereafter Feeney), an individual with an address of 401 Papaya Circle, Barefoot Bay, Florida.
4. Defendant, Commissioner Attorney Charles A. Russell (hereafter Commissioner), is an attorney with a business address of 26 Pleasant Street, PO Box 2124, Concord, New Hampshire.
5. Defendant, Giovanni Verani, Berkshire Hathaway HS Verani Real (hereafter Verani), is the owner/contact with a business address of 1 Verani Way, Londonderry, New Hampshire.

6. Defendant, John Poirier (hereafter Poirier), is the realtor/broker with a business address of Berkshire Hathaway HS Verani Realty, P.O. Box 1228, Amherst, New Hampshire.
7. Defendant, David P. Masciarelli (hereafter David), an individual with an address of 13 Lindsay Road, Hooksett, New Hampshire.
8. Defendant, Christy N. Masciarelli (hereafter Christy), an individual with an address of 13 Lindsay Road, Hooksett, New Hampshire.
9. Defendant, David P. and Christy N. Masciarelli as Co-Trustees, David and Christy Masciarelli Revocable Trusted dated March 30, 2021, with an address of 13 Lindsay Road, Hooksett, New Hampshire.
10. Defendant, Granite State Mortgage Corporation (hereafter Bank), with a business address of 187 Main Street, Salem, New Hampshire.

Jurisdiction and Venue

11. The Court has jurisdiction over the subject matter of this action pursuant to NH RSA 498:5-a which the court of Probate shall have exclusive jurisdiction over disputes in title arising under NH RSA 547-C because the Plaintiff(s) alleged an interest and future interest in the real property located at 62 Indian Rock Road, Merrimack, New Hampshire.
12. The Court has personal jurisdiction over the Plaintiff(s) as this action arises in the Town of Merrimack, New Hampshire.
13. The Court has personal jurisdiction over the Defendant(s) as this action arises out of the Defendant(s) transaction of individual or business tortious acts or

violation of a court order with the real property located in Merrimack, New Hampshire.

14. Venue is proper in this Court for resolution of Plaintiff(s) interest and future interest in the real property, which is served by this Court.
15. Jurisdiction and Venue are proper in this Court under NH RSA 477:3-b III (a)(b)(1) with a subsequent grantee recorded on February 11, 2020 at book 9261 page 869.

Disputed Interest and Disputed Future Interest

16. Karyn M. Kelley took ownership of 62 Indian Rock Road, Merrimack, New Hampshire on September, 1987, book 4375 page 294, further ownership recorded at book 5180 page 1094, further ownership by Hillsborough Superior Court North by Order of November 18, 2010 under NH RSA 547-C, Petition to Partition granted Karyn M. Kelley sole ownership of 62 Indian Rock Road, Merrimack, New Hampshire subsequently recorded at the Hillsborough County Registry of Deeds under book 8807 page 2606. The Court ordered that Mary E. Feeney transfer all her interest in 62 Indian Rock Road, Merrimack, New Hampshire to Karyn M. Kelley recorded at book 8864 page 0165.
17. The Karyn M. Kelley Revocable Trust Agreement of July 13, 2016 received ownership on August 4, 2016 from Karyn M. Kelley recorded at book 8883 page 0466. Karyn M. Kelley, Trustee is under the belief that the Trust has an interest and future interest in the real property whereby the Law of the case was recorded at book 8807 page 2606 or NH RSA 547-C:11, NH RSA 547-C:22.

18. Hillsborough Superior Court North for the State of New Hampshire, a public organization, had erroneously sold the real estate located at 62 Indian Rock Road, Merrimack, New Hampshire without considering the Law of the case recorded Court Order of November 18, 2010 whereby Hillsborough Superior Court awarded Karyn M. Kelley her real property recorded at book 8807 page 2606 also known as 62 Indian Rock Road, Merrimack, New Hampshire.
19. The Defendant(s) without legal excuse deprived Kelley or Trust life, liberty, or property without due process of law.
20. Plaintiff(s) are seeking relief from Defendant(s) actions that deprived Plaintiff's inherent rights among which are, the enjoying and defending life and liberty, acquiring, possessing and protecting, property, and in work, of seeking and obtaining happiness.
21. On January 22, 2020, Kelley and Trust sent letters of cease and desist that Noticed Feeney, Commissioner, Verani, Poirier, David, Christy and the Bank of a disputed interested in 62 Indian Rock Road, Merrimack, New Hampshire which all parties ignored.
22. Feeney, Commissioner, Verani, Poirier, David, Christy and the Bank failed to perform a title run down on the property located at 62 Indian Rock Road, Merrimack, New Hampshire which the Plaintiff(s) are under the belief the purchase and sale, HUD closing statement and Commissioner deed are improper that Kelley and Trust have an interest and future interest in the real property.

23. Plaintiff(s) are seeking relief from this Court for the unlawful actions stated above and to remove clouds from the title or quiet title per recorded Court Order of November 18, 2010 whereby Kelley was awarded the real property for which the recorded order had never been vacated.
24. Kelley asserts: (1) "that some person deprived [her] of a federal right," and (2) that such person "acted under color of state or territorial law." Gomez v. Toledo, 446 U.S. 635, 640 (1980).
25. Commissioner was acting as Commissioner on behalf of the State Court, therefore a state actor, which breached his fiduciary duty.
26. Commissioner is not immune from relief sought, whether such immunity has been established depends on facts peculiarly within the knowledge and control of Defendant(s). In this case, Defendant(s) knew the Law of the case was recorded at book 8807, page 2606 in the Hillsborough County Registry of Deeds, which the Order was never vacated.
27. The Defendant(s) bad faith, vexatious, wanton, or oppressive conduct has compelled the Plaintiffs to initiate litigation to secure a clearly defined and established right, which should have been freely enjoyed without such action, such that the Plaintiff(s) are therefore entitled to an award of costs and reasonable attorney's fees. Harkeem v. Adams 117 N.H. 687 (1977).

Other Allegations

28. Kelley states that Commissioner breached his fiduciary duty or RSA 311:6 Oath, Every attorney admitted to practice shall take and subscribe the oaths to support the constitution of this state and of the United States, and the oath of

office in the following form: You solemnly swear or affirm that you will do no falsehood, nor consent that may be done in the court, an if you know of any, that.....

29. In this case Defendant(s) knew that Kelley owned her residence/homestead moreover Feeney's Recorded Proposed Order of November 18, 2010 awarded Kelley her homestead.
30. Defendant(s) knew of other contracts that Feeney waived all interest in Kelley's real property or homestead, recorded at book 9145 page 2082 and book 9145 page 2083.
31. David and Christy violated NH RSA 545-A when they transferred ownership in the real property without recorded consent from the Bank.

WHEREFORE, The Plaintiff(s) respectfully request this Honorable Court to Order the following:

- A. Award judgment in favor of the Plaintiff(s) for damages, interest, and costs;
- B. Award interest in real property to Plaintiff(s);
- C. Award future interest in real property to Plaintiff(s);
- D. Quiet title to 62 Indian Rock Road, Merrimack, New Hampshire;
- E. Award Plaintiff(s) take immediate possession of 62 Indian Rock Road, Merrimack, New Hampshire;
- F. Order Defendant(s) to pay fees and costs; and,
- G. Grant any further relief that is just and equitable.

Date: February 2, 2023

I swear to the above filing
and Respectfully submitted,


Karyn M. Kelley

P. O. Box 1706

Merrimack NH 03054

603-820-2664

I swear to the above filing
and Respectfully submitted,


Karyn M. Kelley, Trustee

Of the Karyn M. Kelley

Recoverable Trust

Agreement dated July 13,
2016

P. O. Box 1706

Merrimack NH 03054

603-820-2664

APPENDIX J

Karyn Kelley
62 Indian Rock Rd
Merrimack, NH 03054

Carmela O'Connell

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY

SUPERIOR COURT
NORTHERN DIVISION

Mary Feeney

v.

Karyn Kelley

DOCKET NO.: 10-E-0193

ORDER ON DEFAULT JUDGMENT

After hearing on the matter, the Court makes the following Ruling:

- ~~1. The Petitioner is awarded money damages in the amount of \$46,165.00, which is reflective of the expenses paid by the Petitioner on Behalf of the Respondent.~~
- ~~2. The Petitioner is awarded money damages in the amount of \$7,789.00 for the unlawful entry and theft of personal property.~~
- ~~3. The Respondent is ordered to pay the Petitioner's attorney fees and costs in the amount of \$3,205.00.~~
4. The Petitioner, Mary Feeney shall be entitled to change the Titles of the following vehicle with the State of New Hampshire, whether the Respondent Karyn Kelley is cooperative or not:
 - 1998 Ford Conquest RV shall be titled to Karyn Kelley;
 - 1996 Honda 600cc Motorcycles shall be titled to Karyn Kelley;
 - 1996 Lincoln Town Car shall be titled to Mary Feeney;
 - 2006 Hall Mark Utility Trailer shall be titled to Mary Feeney;

- The Boat Trailer and Boat shall be titled to Karyn Kelley;
- 2005 Honda Shadow-Aero Model Motorcycle shall be titled to Mary Feeney.

5. If any of these vehicles are missing or damaged, the Respondent shall owe the value of such vehicle to the Petitioner.
6. The Petitioner shall have authority to request from any Storage Facility in the State of New Hampshire if Karyn Kelley has a unit on the premises and shall have permission to enter such unit to retrieve her personal property taken by the Respondent.
7. The Petitioner is looking for the following personal property: 2005 Motorcycle, Pool Table Legs, Toro Lawn Mower, High Weed Trimmer, and personal photographs.
8. The Petitioner shall be able to enter the garage at the condominium Unit located at 62 Indian Rock Road in Merrimack to obtain any personal property and vehicles that may be stored at the Condominium. The Petitioner shall have a police escort, which the cost of shall be directly billed to Karyn Kelley.
9. The deed recorded on July 14th transferring the property from Mary Feeney and Karyn Kelley to Kevin Kelley is vacated and the attached notice shall be recorded with the Registry of Deeds.
10. This order shall be recorded as lien against the property located at 62 Indian Rock Road in Merrimack and the Petitioner shall transfer her interest to the Respondent. The Respondent's homestead interest shall not apply to such lien.

APPROVED:

DATED: _____

11/18/10


PRESIDING JUDGE

A TRUE COPY
ATTEST:

 W. Michael Scanlon
Clerk