

FILED

02/14/2019

2019 FEB 21 AM 8:39

Response to:

NOTICE OF DEBTORS' FIFTH (5TH) OMNIBUS (NON-SUBSTANTIVE)
OBJECTION TO CLAIMS PURSUANT TO SECTION 502 OF THE BANKRUPTCY
CODE, BANKRUPTCY RULE 3007, AND LOCAL RULES 3007-1 AND 3007-2

CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

Case No. 17-12560 (KJC)

Response to OBJECTION TO DISPUTED CLAIMS #14

George Michael Driscoll responding to the claim for \$149,644.31 appearing in Exhibit A

On Dec. 18, 2015 my wife, Maryellen Reiss Driscoll, and I, George Michael Driscoll, jointly invested in 2 units (\$200,000) of Woodbridge Mortgage Investment Fund 3A, LLC, an investment with which we were completely satisfied until the bankruptcy filing almost two years later. This investment represented the lion's share of our savings, and we relied upon the monthly interest checks to supplement our teacher's pensions.

I don't believe that I included Maryellen's name on any of the bankruptcy correspondence I've sent. I really never thought about it. The fund documents were in both of our names. This was an oversight on my part and I apologize.

Maryellen was diagnosed with glioblastoma in Oct. of 2016 and, although steadily losing ground, has been waging a courageous battle against this terminal cancer ever since. I am her caregiver, and between caring for her, getting her to constant appointments (most of which are at least an hour away, and doing everything that has to be done around our house, there's not much time left in any day. If I forgot to put her name on a form I hope you'll give me a Mulligan.

Maryellen lost her ability to write about two years ago. I am her POA (copy included). If her signature is required for any reason during these proceedings, I can sign for her, or have a notary witness her X if necessary.

If you need any more information, or if you have any for me, my contact information follows. I am sending the enclosed documents by certified mail and by first class mail as well to assure you receive everything by February 22. Thank you.

George Michel Driscoll
PO Box 461
Truro, MA 02666

508-572-0860
gmd3@mac.com

George Michael Driscoll

Maryellen Reiss Driscoll

Maryellen Reiss Driscoll (By George Michael Driscoll, POA)

set forth herein. Any such notice shall be deemed given when delivered personally, telegraphed, telexed or sent by facsimile transmission or, if mailed, three days after the date of deposit in the United States mail.

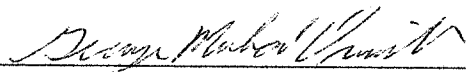
12 Interpretation.

12.1 When the context in which words are used in this Agreement indicates that such is the intent, singular words shall include the plural, and vice versa, and masculine words shall include the feminine and neuter genders, and vice versa.

12.2 Captions are inserted for convenience only, are not a part of this Agreement, and shall not be used in the interpretation of this Agreement.

SUBSCRIBER:

Dated: December 18, 2015

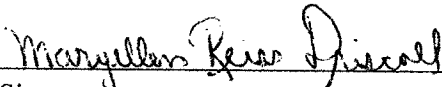

Signature
Name: George Michael Driscoll
Title: Subscriber

2.0
Number of Units for which
Subscriber subscribed

Address:
P.O. Box 461
Truro, Massachusetts 02666

\$200,000.00
Aggregate Purchase Price

018-34-1228
Tax Identification or Social Security Number


Signature
Name: Maryellen Reiss Driscoll
Title: Subscriber

Address:
P.O. Box 461
Truro, Massachusetts 02666

102-40-4381
Tax Identification or Social Security Number

The foregoing subscription is accepted and the Company hereby agrees to be bound by its terms.

**WOODBIDGE MORTGAGE
INVESTMENT FUND 3A, LLC**

By:  WMF Management, LLC, its Manager

Dated: _____, 2015

By: _____
Robert Shapiro, Duly Authorized

<p>DURABLE POWER OF ATTORNEY</p>	<p>MARYELLEN R. DRISCOLL to GEORGE M. DRISCOLL</p>	<p>Duplicate Original</p>	<p>LA TANZI, SPAULDING & LANDRETH, P.C. ATTORNEYS AT LAW P.O. BOX 2300 8 CARDINAL LANE ORLEANS, MASSACHUSETTS 02653-2133 TELEPHONE (508) 255-2133</p>
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DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, MAREYLLEN R. DRISCOLL, of Truro, Barnstable County, Massachusetts, do hereby make, constitute and appoint GEORGE M. DRISCOLL, of Truro, Barnstable County, Massachusetts, my true and lawful attorney for me and in my name, place and stead to act under the following provisions:

1. **General Powers.** To exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including but without limitation, the specifically enumerated powers granted below. I further grant to my said attorney full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present.
2. **Powers of Collection and Payment.** To demand, sue for, collect, compromise, recover and receive all debts, moneys, property interests, claims, personal and real property, and intangible and tangible property and property rights, and demands whatsoever, now due or that may hereafter be or become due to me, including the right to institute any legal or equitable proceedings therefor; and to execute and deliver on my behalf and in my name, any and all endorsements, releases, receipts, or discharges for the same.
3. **Banking and Investment Powers.** To make, execute, deliver and endorse notes, drafts, checks, certificates of deposit and orders for the payment of money or other property from or to me in order of my name; the right to make deposits or withdrawals on any accounts and/or close such accounts in banks or other financial institutions on my behalf and to open new accounts in my name individually or jointly with another; the right to invest and reinvest in any investments, stocks, bonds or other securities or property, real or personal; the right to borrow money and as security therefor to pledge, mortgage or hypothecate any securities or other property, real or personal.

KMD
M.D. Driscoll

4. **Power to Acquire and Sell.** To make, execute and deliver deeds, mortgages, notes, releases, acknowledge conveyances and contracts of every nature in relation to both real and personal property, tangible or intangible, including stocks, bonds, contracts of indemnity, automobiles and insurance; on such terms and conditions as my attorney shall deem proper.
5. **Powers with Respect to Life Insurance Contracts.** To have full authority to deal with any policies of insurance on my life or owned by me (including National Service Life Insurance), including but not limited to the right to make irrevocable assignments thereof, to surrender, borrow against, or convert any such policies and to change the beneficiaries thereof, or to take any other action with respect to such policies as my said attorney shall deem proper.
6. **Powers over Safe Deposit Boxes.** To have access to all my safe deposit boxes, whether in my name alone or held jointly with others, including the authority to drill the safe deposit box.
7. **Powers as to Securities.** To act as my proxy with power of substitution, to vote all stocks or securities in my name in relation to any individual or corporate action, to deposit any stocks or securities in connection with any plans of protective or reorganizational committees, to purchase, accept or exercise rights, to subscribe for securities and to sell same, to endorse securities or any agreements relating thereto, on my behalf.
8. **Powers as to Rents.** To receive and receipt for all rents and income to which I am or may become entitled, pay therefrom all necessary expenses for the maintenance, upkeep, care and protection of my property, deduct therefrom my attorney's own reasonable compensation and pay the net income from time to time to me or in such manner as I shall direct, or in the absence of such payment to me or such direction, to invest the same in my attorney's judgment.
9. **Use of Funds for My Care.** In the event of my illness, incapacity or other emergency, to incur and pay and satisfy such expenses and obligations for my comfort, benefit and care, and obligations of a nature customarily incurred by me, as in my attorney's judgment my attorney may consider necessary or desirable or consistent with my wishes.

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10. **Governmental Benefits.** To apply for, obtain and/or maintain my eligibility for any and all governmental and charitable benefits and entitlement programs, including but not limited to Social Security, Supplementary Security Income, Medicare and Medicaid or MassHealth, and to appeal the denial of any such benefits through administrative or court proceedings
11. **Power to Represent.** To represent my interests in any Probate Court, equity, or similar court proceeding instituted for separate support or due to the death or incapacity of another person, to assent or object thereto, and to accept on my behalf the delivery or mailing of any legal notice pursuant to such proceeding, and to waive, enforce or relinquish any rights which I may have throughout such proceeding. To file on my behalf resignations of, or declination to serve from any position in which I am serving as or nominating to serve as fiduciary.
12. **Powers as to Taxes and Domicile.** To prepare, execute and file federal or state income, gift or other tax returns and other real and personal property tax returns or statements and to pay or compromise any or all such taxes or apply for and collect any refunds due and to seek abatements or appeals of any taxes or assessments for the years 1990 through 2040 including without limiting Forms 1040, 709 and 2848. To prepare, execute and file disclaimers for federal or state estate tax purposes or other purposes. To make any elections under employee benefit or retirement plans including but not limited to making rollovers of plan benefits into other retirement plans. To take any action my agent deems advisable to change my domicile.
13. **Powers Relative to a Qualified State Tuition Program.** My attorney in fact is specifically authorized to open, change a designated beneficiary, transfer contributor rights, and otherwise make decisions that are within the discretion of a contributor to a particular qualified state tuition program account.
14. **Transfers to Trusts and Other Entities.** To transfer any or all property, tangible, intangible or real, in which I may have any interest, into a trust or trusts, whether created by me or by my said attorney on my behalf, or to any other form of entity or ownership, including any form of co tenancy under such terms and with such provisions as my attorney deems in the best interests of myself and my family. Further, my said attorney shall have full power and authority under said Trust Agreement, or with respect to any such trust, to make written instructions and demands to the Trustee or others with respect to elections, trust management and the making of distributions of income or principal of the trust property, to or for my benefit, or to or for the benefit of others including members of my family to the same extent to which I can make written instruction or demand as provided in the

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~~agreement governing such trusts. In this regard, the fact that my said attorney may be a co-trustee or a beneficiary in connection with any such transfer hereunder shall not affect the validity thereof, nor, by itself, constitute a breach of my attorney's fiduciary duty hereunder.~~

15. Retirement Benefits. My attorney shall have the power to establish one or more individual retirement accounts or other retirement plans or arrangements in my name.

In connection with any pension, profit-sharing or stock bonus plan, individual retirement arrangement, Roth IRA, 403(b) annuity or account, 457 plan, or any other retirement plan, arrangement or annuity in which I am a participant or of which I am a beneficiary (whether established by my attorney or otherwise) each of which is hereinafter referred to as such Plan), my attorney shall have the following powers, in addition to all other applicable powers granted by this instrument:

- a. To make contributions (including rollover contributions) or cause contributions to be made to such Plan with my funds or otherwise on my behalf.
- b. To receive and endorse checks or other distributions to me from such Plan, or to arrange for the direct deposit of the same in any account in my name.
- c. To elect a form of payment of benefits from such Plan, to withdraw benefits from such Plan, and to make, exercise, waive or consent to any and all elections and/or options that I may have regarding the contributions to, investments or administration, of, or distribution or form of benefits under such Plan.

16. Power to Make Gifts. To make outright gifts of my property to or for the benefit of such persons who, in the opinion of my said attorney, would be the donees I may choose.
17. Compensation. My attorney in fact, and any successors, shall be entitled to reasonable compensation for services rendered.
18. Power to Abandon. To release or abandon any property, interest in property or powers which I may now or hereafter own.
19. Third Party Reliance. Any party dealing with my said attorney hereunder may rely absolutely on the authority granted herein and need not look to the application of any proceeds nor the authority of my said attorney as to any action taken hereunder. In this regard, no person who may in good faith act in reliance upon the representations of my attorney or the authority granted hereunder shall incur any liability to me or my estate as a result of such act.

KMC
MD
Jan

20. **Conservatorship/Guardianship.** In the event a petition is filed in any court for the appointment of a Guardian or a Conservator to care for me or my estate, I make the following nominations:

a. **Guardian of my Person.** I nominate GEORGE M. DRISCOLL to serve as Guardian of my person. In the event GEORGE M. DRISCOLL is not able to serve as Guardian, then I nominate DAVID DRISCOLL of Holden, Massachusetts, to serve as Guardian in his stead. In the event DAVID DRISCOLL is not able to serve as Guardian, then I nominate CONOR DRISCOLL, of Easthampton, Massachusetts, to serve as Guardian in his stead.

b. **Conservator of my Estate.** I nominate GEORGE M. DRISCOLL to serve as Conservator of my estate. In the event GEORGE M. DRISCOLL is not able to serve as Conservator, then I nominate DAVID DRISCOLL to serve as Conservator in his stead. In the event DAVID DRISCOLL is not able to serve as Conservator, then I nominate CONOR DRISCOLL to serve as Conservator in his stead.

No bond with sureties shall be required of any Guardian or Conservator who may be appointed pursuant hereto. I further request that my said designee(s) hereunder also be appointed Temporary Guardian or Temporary Conservator upon application therefor. Nothing in this part shall be construed as a direction that such a petition be filed or such an appointment be made, and it is my express wish that such action be taken only when and if absolutely necessary.

21. **Successor Attorneys in Fact.** In the event the said GEORGE M. DRISCOLL for any reason ceases or is unable to act under this power then I grant the same aforesaid powers in every respect to DAVID DRISCOLL. In the event the said DAVID DRISCOLL for any reason ceases or is unable to act under this power then I grant the same aforesaid powers in every respect to CONOR DRISCOLL. A written statement by any attorney in fact as to the cessation or inability of any prior attorney to serve shall be conclusive evidence of such fact, and any third party may rely upon the same.

22. **Reliance on Copies of this Power.** A photostatic copy of this power, as executed, may be treated as an original power by any third party dealing with my attorney in fact.

23. **Ratification of Attorney's Acts.** I hereby ratify and confirm whatever my said attorney shall lawfully do under these presents.

24. **Power to Employ Agents.** To employ agents and attorneys for any purpose and to pay the compensation of said agents or attorneys.

EMC
M.D.
c/o Y

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 7th day of

September, 2017.

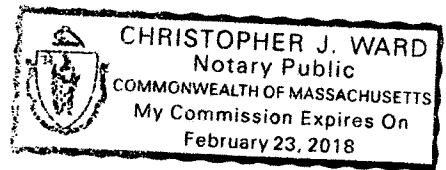
Walter Lombard
Witness
Jerusha [Signature]
Witness

Mareylen R. Driscoll
MAREYLEN R. DRISCOLL

Commonwealth of Massachusetts
County of Barnstable, ss.

On this 7th day of September, 2017, before me, the undersigned notary public, personally appeared MAREYLEN R. DRISCOLL, personally known to me, [] or proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it of her free act and deed and voluntarily for its stated purpose.

[Signature]
Notary Public



KML
M.D.
[Signature]