

ROCKINGHAM, SS. THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

STATE OF NEW HAMPSHIRE

vs.

MICHAEL P. FLYNN,
FLYNN'S OIL COMPANY, LLC
AND 94 PORTSMOUTH AVENUE TRUST

DOCKET NO. 09-E-0521

OBJECTION TO MOTION FOR APPOINTMENT OF A RECEIVER

NOW COME Michael P. Flynn, Flynn's Oil Company, LLC, and 94 Portsmouth Avenue Trust, Defendants, by their attorneys, Bosen & Springer, PLLC, and petitions this Honorable Court to release the real estate attachment granted in the within matter on the following grounds:

1. Flynn's Oil Company, LLC (hereinafter "Flynn's") is a New Hampshire limited liability company that operated at 94 Portsmouth Avenue, Exeter, New Hampshire.
2. Flynn's is no longer in business and has ceased all operations.
3. Despite no longer being in business, Flynn's is trying to develop a plan to reimburse all of its pre-buy customers.
4. Recently, Flynn's negotiated a letter of intent to a third party oil company located in Massachusetts to purchase the assets of Flynn's. These assets include, but are not necessarily limited to, fuel delivery trucks, tools, equipment and customer lists.
5. The Plaintiff is asking the Court to appoint a receiver to manage Flynn's, however, Flynn's is already out of business.
6. The best option for the customers of Flynn's is to allow the sale of assets under the letter of intent.
7. The Plaintiff's petition also makes reference to 94 Portsmouth Avenue Trust. However, this entity is a Grantor trust settled by John W. Flynn, III. The trust is nothing more than the owner of the real estate located at 94 Portsmouth Avenue, Exeter, NH. The trust had absolutely no involvement in the delivery of oil and should not be the subject of a receivership.

WHEREFORE, your Defendants respectfully pray that this Honorable Court make the following order:

- A. That the motion for Appointment of a receiver be denied.
- B. And for such other and further relief as is just.

Respectfully submitted
94 Portsmouth Avenue Trust, Defendant,
By its attorneys,
Bosen & Springer, PLLC

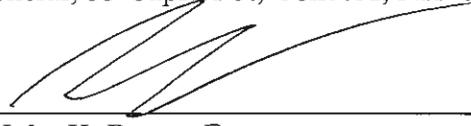
Date: February 15, 2010

By: 
John K. Bosen, Esquire
NH Bar #8129
One New Hampshire Ave, Ste 215
Portsmouth NH 03801
(603)427-5500

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Objection has been, this date, mailed, to Constance N. Stratton, Esquire, Sr. Asst Attorney General, 33 Capitol St, Concord, NH 03301.

Dated: February 15, 2010

By: 
John K. Bosen, Esq.