

1 JOHN FRIEDEMANN, P.C. (#3607)
5103 E. Thomas Road
2 Phoenix, Arizona 85018
(602) 840-0314
3 e-mail: john@friedeman.com
Attorney for Exeter Trinity Properties

4 **IN THE UNITED STATES DISTRICT COURT**
5 **DISTRICT OF ARIZONA**

7 UNITED STATES OF AMERICA, 8 Plaintiff, 9 vs. 10 JOSEPH J. LIPARI, EILEEN H. LIPARI and EXETER TRINITY PROPERTIES, 11 L.L.C., 12 Defendants.	No. 3:10-CV-08142 JWS RESPONSE OF DEFENDANT EXETER TRINITY PROPERTIES, LLC, TO UNITED STATES' STATEMENT OF MATERIAL FACTS Honorable John W. Sedwick
---	--

13 Defendant Exeter Trinity Properties, L.L.C., ["Exeter"] responds and objects to
14 the Plaintiff's Statement of Facts as follows:

15 1. A large portion of the Statement of Facts relates to tax claims against the
16 Defendants Lipari. Exeter does not know if said claims are accurate, but for purposes of
17 summary judgment they will be taken to be accurate.

18 2. In paragraph 7 it was alleged that the only consideration received from the
19 Liparis for transferring the subject real property was \$10. However, Mr. Liparis testified in
20 his deposition (p. 4, ln 23 - p. 5, ln 4) that he wanted the property in trust to protect it from his
21 daughter and Mrs. Lipari testified in her deposition (p. 52, ln 16-21; p. 53, ln 4-11; p. 52, ln 1-
22 14; p. 67, ln 17; p. 87, ln 6-13) she wanted the property in trust so it could pass to a charity
23 upon their deaths. Although these benefits were not financial, they are consideration. In
24 addition, the Liparis were permitted to live on the property for 15 years rent free.

25 3. Paragraphs 20, 21, 32 and 33 discuss other cases, which the Plaintiff
26 concedes are not at issue in the instant lawsuit. Those allegations are not relevant.

JOHN FRIEDEMANN, P.C.
5103 East Thomas Road
Phoenix, Arizona 85018-7914
(602) 840-0314

1 Dated: December 30, 2011.

2 RESPECTFULLY SUBMITTED,

3 /s/ John Friedeman

4 John Friedeman
5 5103 E. Thomas Road
6 Phoenix, AZ 85018
7 Attorney for Exeter Trinity Properties, LLC

8 CERTIFICATE OF SERVICE

9 I HEREBY CERTIFY that on this December 30, 2011, I electronically filed the foregoing
10 with the Clerk of Court and served the following attorney of record using the CM/ECF system:

11 Charles M. Duffy
12 P.O. Box 683
13 Ben Franklin Station
14 Washington, D.C. 20044-0683

15 I further certify that on the same day I mailed by U.S. Postal Service the foregoing to the
16 following party who is not represented by counsel.

17 Joseph Lipari
18 156 Johnson Hill Drive
19 Waynesville, NC 28786
20 Defendant, pro per

21 /s/ John Friedeman

22 _____
23 John Friedeman
24
25
26

JOHN FRIEDEMANN, P.C.
5103 East Thomas Road
Phoenix, Arizona 85018-7914
(602) 840-0314