

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

PROBATE AND FAMILY COURT

DOCKET NO. 06E0061 GC1

JANE DANIEL,
Plaintiff

VS.

7

2 Sum Iss. 7-17-06

ROBERT PAUL NICKSE,
Defendant

and

VERA LEE,
Defendant

COMPLAINT IN EQUITY

1. Plaintiff Jane Daniel is a Massachusetts resident with a primary residence at 4 Hovey Street, Gloucester, Essex County, Massachusetts, and is the Wife of Defendant Robert Paul Nickse.
2. Defendant Robert Paul Nickse is a Massachusetts resident residing in Newburyport, Massachusetts and is the Husband of Plaintiff Jane Daniel.
3. Defendant Vera Lee is a Massachusetts resident with a primary residence at 15 Claremont Street, Newton, Middlesex County, Massachusetts, and is a Judgment Creditor of Plaintiff Jane Daniel.
4. Plaintiff Jane Daniel and Defendant Robert Paul Nickse are parties to an on-going divorce litigation in the Essex Probate and Family Court, Docket No. 04D-1906-DV1, wherein there exists a court ordered Automatic Restraining Order against both of these parties on the transfer of marital assets since the inception of the Divorce Action in November of 2004.
5. There exist numerous marital assets in the Divorce Action (Essex Probate and Family Court, Docket No. 04D-1906-DV1) other than the marital residence and its real property located at 4 Hovey Street, Gloucester, Massachusetts, namely Defendant Robert Paul Nickse's beneficial interest in a Trust Fund, estimated value is \$200,000.00, as well as Defendant Robert Paul Nickse's 40% interest in real property located in Vieques, Puerto Rico, estimated value in excess of \$2,000,000.00.

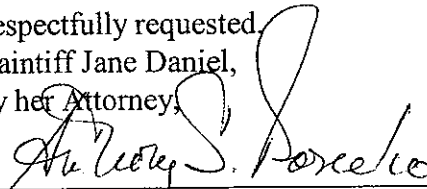
6. During the pendency of the Divorce Action (Essex Probate and Family Court, Docket No. 04D-1906-DV1), Defendant Vera Lee brought a civil action against the Plaintiff and Defendant Robert Paul Nickse in Middlesex Superior Court, Civil Action No. 04-4428, alleging, amongst other things, that the marital property located at 4 Hovey Street, Gloucester, had been transferred fraudulently.
7. During the pendency of the Trial of the Middlesex Superior Court Civil Action No. 04-4428, Defendant Robert Paul Nickse entered into an Agreement for Judgment dated March 1, 2006, a copy of which is attached hereto as Exhibit A. Said Middlesex Superior Court action was dismissed with prejudice as against Plaintiff Jane Daniel.
8. Pursuant to the Agreement for Judgment in the Middlesex Superior Court Civil Action No. 04-4428, Defendant Robert Paul Nickse executed a Quit Claim Deed whereby he deeded his interest in the real property located at 4 Hovey Street, Gloucester, which interest was held as Tenants By The Entirety with Plaintiff Jane Daniel, to Jane Daniel in exchange for a future payment by Defendant Vera Lee of \$250,000.00. (See Exhibit A, Agreement for Judgment, at paragraph 4.)
9. Defendant Robert Paul Nickse's Quit Claim Deed to Plaintiff Jane Daniel was recorded at Essex South Registry of Deeds at Book 25426, Page 498.
10. Plaintiff Jane Daniel disclaimed the interest conveyed to her by Defendant Robert Paul Nickse by recording a Disclaimer of Quit Claim Deed at Essex South Registry of Deeds at Book 25458, Page 311.
11. In June of 2006, Defendant Vera Lee filed a new civil action against Plaintiff Jane Daniel and Defendant Robert Paul Nickse, Essex Superior Court Civil Action No. 2006-1175, wherein Defendant Vera Lee seeks, among other things, Declaratory Judgment with respect to the Disclaimer of Quit Claim Deed filed by Plaintiff Jane Daniel.
12. The purpose of the transfer by Defendant Robert Paul Nickse was to circumvent the divorce process and permit Defendant Robert Paul Nickse to obtain assets out of the marriage that he would not otherwise obtain under M.G.L. c. 208, s. 34.

COUNT 1 - RECISION

13. At this time, there appears to be no other remedy at law for the Plaintiff with regards to the transfer by Defendant Robert Paul Nickse of his undivided interest as Tenants By The Entirety in the real property located at 4 Hovey Street, Gloucester, Massachusetts.
14. The transfer by Defendant Robert Paul Nickse of his undivided interest as Tenants By The Entirety with Plaintiff Jane Daniel was in violation of the Automatic Restraining Order issued as part of the Divorce Action, Essex County Probate and Family Court

3. For such other equitable relief as this Court may deem equitable and just.

Respectfully requested,
Plaintiff Jane Daniel,
By her Attorney,

A handwritten signature in cursive script, reading "Anthony S. Porcello", written over a horizontal line.

Anthony S. Porcello, Esq.
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Dated: July 6, 2006