

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF CONNECTICUT
NEW HAVEN DIVISION**

In re:	:	Chapter 7
DIXWELL COMMUNITY HOUSE, INC.,	:	Case No. 06-30050 (LMW)
Debtor.	:	March 19, 2009

**OBJECTION BY THE CONCERNED CITIZENS FOR THE
GREATER NEW HAVEN DIXWELL COMMUNITY HOUSE, INC. TO
MOTION FOR FINAL ORDER VESTING TITLE TO ARCHIVES AND
ARTIFACTS FROM THE DEBTOR TO THE ETHNIC HERITAGE CENTER**

The Concerned Citizens for the Greater New Haven Dixwell Community House, Inc. (the “Concerned Citizens Organization”) hereby objects to the Motion for Final Order Vesting Title to Archives and Artifacts from the Debtor to the Ethnic Heritage Center (the “Motion”) and respectfully requests that this Court defer ruling on the Motion until after the adversary proceeding seeking sale of the Debtor’s interest in real property (the “Q House”) is resolved, and in support thereof states as follows.

Introduction

1. The Debtor’s estate has two assets that are invaluable to the African-American community of greater New Haven: its interest in the Q House building, and the collection of artifacts and archives documenting historic events of the African-American community in greater New Haven (the “Collection”) that, until relatively recently, had been maintained in the Q House. As the Trustee states in his Motion, “in addition to safeguarding the [Collection], it should be placed in a setting where it will be used for educational purpose and the public will have access, in the way the public had access when the [Q House] was open and fully operational.” Motion, ¶7.

2. It is part of the mission of the Concerned Citizens Organization, a duly-registered Connecticut corporation that is a recognized charitable organization, to restore the Q House to its prior status as a public educational and cultural center available to the young and old of Dixwell's African American community. As the Trustee recognizes, the Collection's greatest value will be achieved if it can be permanently accessed by current and future generations of African-Americans in the Dixwell area of New Haven in a manner that resembles the former Q House.

3. At this time, however, the future of the Q House itself is still unclear. The Concerned Citizens Organization understands that the Trustee and the City of New Haven remain engaged in negotiations regarding the City's potential purchase of the Debtor's interest in the Q House building.¹ Once those negotiations bear fruit, the Concerned Citizens Organization will have at least six months within which to "formulate a plan for the use of the site which is acceptable to the Administration and the Board of Alderman" of the City of New Haven. See Letter from John DeStefano, Jr. to Jacqueline Bracey, President, and James Muhammad, Vice President, of the Concerned Citizens Organization (the "Mayor's Letter"). A true and correct copy of the Mayor's Letter is attached hereto as Exhibit 1.

4. Given that, among other things, (a) the Trustee offers no reason as to why it is necessary, or even desirable, for the Court to decide the location of the permanent home for the Collection at this point in time, (b) the Trustee acknowledges that the best home for the Collection would be in a place that is operated in a manner that most closely resembles the historic purpose of the Q House, and (c) the Concerned Citizens

¹ As this Court is aware, the Trustee commenced an adversary proceeding in this bankruptcy case against the City of New Haven as part of the process to sell the Estate's interest in the Q House building. That adversary proceeding is still pending.

Organization's goal is to restore the Q House to its former glory as a beacon of hope for the African-American community in the greater New Haven area, the Concerned Citizens Organization respectfully requests that this Court defer deciding the permanent home for the Collection until a date that is at least six months after the Estate's interest in the Q House building is resolved.

Case Background

5. On January 26, 2006, the Debtor filed a chapter 7 bankruptcy petition under title 11 of the United States Code.

6. Thereafter, Michael J. Daly (the "Trustee") was appointed as chapter 7 trustee of the Debtor's estate and upon information and belief, has since been continuously serving in that capacity.

7. Earlier in the case, the Trustee, with the help and guidance of several individual members (the "Pre-CCO Group") of what now forms the management group of the Concerned Citizens Organization, worked diligently to preserve the value and physical condition of the Collection by, *inter alia*, finding a temporary location to house and protect the Collection.

8. The Ethnic Heritage Center ("EHC") ultimately was selected by the Trustee and, by consent order dated March 8, 2007 (the "Temporary Transfer Order"), approved by the Court as to be the temporary custodian of the Collection for a period of approximately two years from the date that the transfer of the Collection to the EHC was completed. Upon information and belief, the transfer of the Collection to the EHC was completed in late March or early April, 2007.

9. Pursuant to the Temporary Transfer Order, “[i]f, during the two (2) year period . . . the Concerned Citizens for the Greater New Haven Dixwell Community House is formed or otherwise created into a duly organized corporation or limited liability company . . . the Concerned Citizens Organization may, through its respective officers and directors, file a motion with this Court to terminate the custodianship and retake possession of the Collection. The period of 2 years may be extended if one of the parties referred to above files a valid motion for the extension of time with this Court, the Motion is properly served upon all parties and the Court after hearing arguments and considering all factors determines that an extension of time is appropriate.” Temporary Transfer Order, ¶ c.²

The Concerned Citizens Organization Has Satisfied the Conditions of the Temporary Transfer Order

10. As delineated above, the Concerned Citizens Organization was required to become a “duly organized corporation” within the two-year period after the completion of the transfer of the Collection to the EHC before it could seek to extend the period in which it could seek to terminate the EHC’s temporary custodianship of the Collection.

11. The Concerned Citizens Organization is a duly-organized Connecticut corporation. Attached hereto as Exhibit 2 is a print-out from the Connecticut Secretary of

² Undersigned counsel, on behalf of the Pre-CCO Group, filed an objection to the Trustee’s temporary transfer motion, because the initial form of proposed order contained onerous requirements that had to be met by the Pre-CCO Group before it could come back to this Court and request (a) an extension of the dates in the Temporary Transfer Order and/or (b) return of the Collection to a restored Q House concept. The minimal prerequisite in the Temporary Transfer Order – that the Pre-CCO Group become incorporated within two years of the completion of the temporary transfer of the Collection to the EHC -- was the result of extensive negotiations between the Trustee, the Pre-CCO Group and other parties in interest.

State's C.O.N.C.O.R.D. database reflecting that the Concerned Citizens Organization is an active Connecticut corporation.

12. In fact, the Concerned Citizens Organization is also recognized by the United States government as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. See Exhibit 3.

Additional Progress By the Concerned Citizens Organization Regarding Restoring the Q House to its Former Role and Standing in the Greater New Haven African-American Community

13. In addition to incorporating and becoming recognized as a charitable, tax-exempt organization, the Concerned Citizens Organization has taken many steps to revive and pass on the spirit of community and the spirit of excellence that is the Q House legacy.

14. The Concerned Citizens Organization has, among other things,

(a) raised funds to develop and has developed an initial strategic plan regarding restoration of the Q House concept,

(b) toured the Q House building with the Trustee and City engineers to assess building stability and restoration costs,

(c) met and conferred with other existing community social service agencies in the tri-state area,

(d) obtained a commitment from Dr. Ann Garrett Robinson, a long-time Dixwell community resident who has experience working with the Collection when it was previously housed at the Q House, to volunteer as a archivist/curator consultant to the Concerned Citizens Organization once the Collection is returned to the Q House;

(e) received and reviewed proposals for other organizations and individuals that are interested in being part of the Q House concept,

(f) developed a list of Q House alumni, certain of whom are interested in establishing and contributing to an endowment to support the restoration and operation of the Q House, and

(g) maintained communication with both the African-American community it was formed to serve and general supporters of the Concerned Citizens Organization's goals, including the State Attorney General's Office and the City of New Haven.

15. In fact, the Concerned Citizens Organization presented an initial proposal to the Mayor of New Haven, which resulted in the agreement between the Mayor and the Concerned Citizens Organization that is reflected in Exhibit 1 (the "Agreement").

Pursuant to the Agreement, the City agreed to pursue a purchase of the Debtor's interest in the Q House building. See Exhibit 1. Importantly, the Agreement also gives the Concerned Citizens Organization at least six months from the date that the City of New Haven acquires the Debtor's interest in the Q House building to present a formal plan for the use of the Q House building. Id.

16. Given the unresolved status of the Q House building, it is premature for this Court to decide finally the ownership status of the Collection. The Trustee, himself, has said that the Collection ultimately should be housed in a manner in which "the public will have access, in the way the public had access when the Dixwell Community Center was open and fully operational." Motion, ¶7. It is the stated goal of the Concerned Citizens Organization to restore the Q House to the Dixwell community and to grant the public access to the Collection at the restored Q House.

17. There is no reason why the Court needs to decide the issue now. These are incredible times in which we are living. The availability of federal funds to be used at the local level for activities that support the public welfare occasioned by the stimulus-driven activities of the United States government is unprecedented. The available funds are just beginning to flow to the local level. The Concerned Citizens Organization is in the process of determining how it can best access such funds for expediting their goals of

restoring the Q House building to its former prominence as a tool by which to improve the lives of the African-American community of greater New Haven.

18. The Collection is an integral part of the Concerned Citizens Organization's future plans. The Concerned Citizens respectfully ask this Court to wait before permanently placing the Collection outside the reach of the Q House.

WHEREFORE, the Concerned Citizens for the Greater New Haven Dixwell Community House, Inc. respectfully request that this Court enter an order:

- (a) denying the Trustee's request for a final order permanently transferring the Collection to the EHC;
- (b) extending the time for the Court to hear and finally adjudicate the Trustee's request to permanently transfer ownership of the Collection until after the future of the Debtor's ownership interest in the Q House is clarified;
- (c) granting the Concerned Citizens for the Greater New Haven Dixwell Community House, Inc. such further relief as is just and proper.

Dated: March 19, 2009
New Haven, Connecticut

**Concerned Citizens for the Greater New Haven
Dixwell Community House, Inc.**

/s/ Ilan Markus

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