

RET. DATE: APRIL 5, 2022 : SUPERIOR COURT

ALBERT L. MUNROE, JR., : J.D. OF ANSONIA/MILFORD  
PLUMBING & HEATING, INC.

VS. : AT MILFORD

ROBERT RUSS AND JENNIFER L. : MARCH 7, 2022  
RUSS

### **COMPLAINT**

1. At all times relevant hereto, the Defendants, **ROBERT RUSS and JENNIFER L. RUSS**, owned and still own, and are in the current possession of a certain piece or parcel of land with the buildings thereon, known by the address of 10 Flax Mill Lane, Milford, Connecticut, bounded and described as follows:  
See attached Schedule "A" annexed hereto and made a part hereof (hereinafter, the "Property").
2. The Plaintiff, by itself and through its agents commenced to furnish materials and render services for construction and plumbing at the Property, as per the contract and understandings between the Plaintiff, Robert Harrington (as General Contractor), and the Defendants, as evidenced by agreements and understandings, by or with the consent of the Defendants and Robert Harrington.
3. On April 7, 2021, the Plaintiff, to secure the balance of \$4,245.00 due to it, filed a Mechanic's Lien in writing, duly signed and sworn to by a duly authorized member of the Plaintiff, with the Town Clerk of the City of Milford. A copy of said Mechanic's Lien is attached hereto, as Schedule B.
4. On April 8, 2021, the Plaintiff caused to be served upon the Defendants a written notice that it had furnished labor and materials for the performance of the work on the Property, and intended to claim a lien upon the Property for the value of the outstanding unpaid bills with respect thereto, by leaving with the Defendants a true and attested copy of such notice.
5. The following encumbrances of record upon the Property are prior in right to the Plaintiff's lien and are not affected by this action:

- a. A Mortgage given by Robert Russ and Jennifer L. Russ in favor of Mortgage Electronic Registration Systems, Inc., as Nominee for First 2<sup>nd</sup> Mortgage co. of NJ, Inc. in the principal amount of \$407,550.00 dated October 30, 2022 and recorded in Volume 3906 at Page 28 of the Milford Land Records.
6. The Plaintiff did record a Notice of Lis Pendens on the Milford Land Records reciting the pendency of this action and has caused to be served a true and attested copy of said notice of Lis Pendens in conjunction with this complaint, upon the owners of record, Robert Russ and Jennifer L. Russ. A photocopy of said Notice of Lis Pendens is attached hereto as Exhibit C and made a part hereof.
7. The Plaintiff claims interest for detention of money pursuant to C.G.S. 37-3a.

WHEREFORE, the plaintiff claims:

- (1) A foreclosure of the Mechanics Lien;
- (2) Possession of the Premises;
- (3) Interest on the amount outstanding to plaintiff as provided in C.G.S. 37-3a;
- (4) Reasonable Attorney's fees and costs of collection; and
- (5) Such other and further equitable relief as may be required.

**ALBERT L. MUNROE, JR.,  
PLUMBING & HEATING, INC.**

BY: 

\_\_\_\_\_  
WINTHROP S. SMITH, JR., ESQ.  
DEY SMITH STEELE, LLC  
Its Attorneys

## **SCHEDULE A**

### **LEGAL DESCRIPTION**

**All that certain piece or parcel of land with any improvements thereon, situated in the City of Milford, County of New Haven, and State of Connecticut, and known as Lot #6 as shown on map of "Layout of Lots, Walter V. Brown, Inc., Orange and Milford, Connecticut, Scale 1" equals 40', April 1953", Clarence Blaire Associates, Inc., Civil Engineers and Surveyors on file in the Town Clerk's Office ins aid Milford being bounded and described as follows:**

WESTERLY: By West River Street, as shown on said map, 152.41 feet;

NORTHERLY: By Lot #5 on said map, 428 feet, more or less;

EASTERLY: By the center of Wepawaug River, as shown on said map;

SOUTHERLY: By Lot #7 as shown on said map, 210 feet, more or less;

EASTERLY: Again, by Lot #7 on said map, 180 feet;

SOUTHERLY: Again, by Lot #7 on said map, 180 feet;

SOUTHWESTERLY: By the curved line of West River Street and Flax Mill Lane, 44.30 feet, as shown on said map.

FOR INFORMATION ONLY:

**Commonly known as: 10 Flax Mill Lane, Milford, Connecticut**

**MECHANICS LIEN**

Doc ID: 006616580002 Type: MECH LIE  
Book 3939 Page 240 ~ 241  
File# 3180

**KNOW YE**, That, ALBERT L. MUNROE, JR., PLUMBING & HEATING, INC., a Connecticut Corporation with a principal place of business located at 23 Blair Street, Milford, CT 06460, herein referred to as "Lien Claimant" does hereby Certify that in accordance with a certain contract between Lien Claimant, and ROBERT HARRINGTON, an individual having an address at 160 Kings Highway, Milford, Connecticut 06460, furnished materials and rendered services on the premises at 10 Flax Mill Lane owned by ROBERT RUSS and JENNIFER L. RUSS and situated in the City of Milford bounded and described as fully described in the Notice set forth below.

The value of the materials and services so furnished and rendered amounts to the sum of FOUR THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS AND 00/100 (\$4,245.00) as nearly as the same can be ascertained, which sum with interest from January 12, 2021, plus attorneys fees, is now justly due from said ROBERT RUSS and JENNIFER L. RUSS to Lien Claimant.

Lien Claimant commenced to furnish materials and render services on January 12, 2021 and ceased furnishing such materials and rendering such services on February 24, 2021.

On April 8, 2021, the following Notice in writing was given to said ROBERT RUSS and JENNIFER L. RUSS:

**TAKE NOTICE** that on January 12, 2021 the undersigned commenced to furnish materials and/or render services for plumbing, hot water heating, and/or other related services at 10 Flax Mill Lane, Milford, Connecticut 06460, as per contract with ROBERT HARRINGTON on land owned by ROBERT RUSS and JENNIFER L. RUSS, or the improvement of such land or in the site development or subdivision of such land or plot of land, situated in the City of Milford, County of New Haven, Connecticut, bounded and described as follows:

All that certain piece or parcel of land with any improvements thereon, situated in the City of Milford, County of New Haven, and State of Connecticut, and known as Lot #6 as shown on map of "Layout of Lots, Walter V. Brown, Inc., Orange and Milford, Connecticut, Scale 1" equals 40', April 1953", Clarence Blaire Associates, Inc., Civil Engineers and Surveyors on file in the Town Clerk's Office ins aid Milford being bounded and described as follows:

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NORTHERLY: By Lot #5 on said map, 428 feet, more or less;

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SOUTHERLY: By Lot #7 as shown on said map, 210 feet, more or less;

EASTERLY: Again, by Lot #7 on said map, 180 feet;

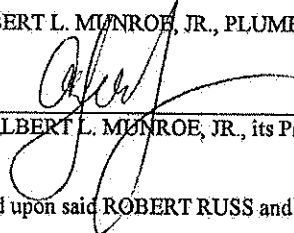
SOUTHERLY: Again, by Lot g7 on said map, 180 feet;

SOUTHWESTERLY: By the curved line of West River Street and Flax Mill Lane, 44.30 feet, as shown on said map.

**TAKE FURTHER NOTICE THAT THE UNDERSIGNED INTENDS TO CLAIM A MECHANIC'S LIEN THEREFOR** on said land(s), lot or plot of land and building(s).

Dated at Milford, Connecticut, this 7<sup>th</sup> day of April, 2021.

ALBERT L. MUNROE, JR., PLUMBING & HEATING, INC.

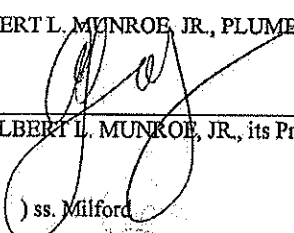
BY   
ALBERT L. MUNROE, JR., its Principal Member

The Notice was duly served upon said ROBERT RUSS and JENNIFER L. RUSS, as required by statute.

WHEREFORE Lien Claimant now by these presents claims a lien on said land, and improvements of said land, as security for the payment in full of the aforesaid sum with interest and attorneys fees, and to this end the Lien Claimant now makes and lodges with the Town Clerk of the Town in which said land and improvements are situated this certificate within ninety days from the date of ceasing to render such services and furnish such materials.

**IN WITNESS WHEREOF**, Lien Claimant has hereunto set its hand(s) this 7<sup>th</sup> day of April, 2021.

ALBERT L. MUNROE, JR., PLUMBING & HEATING, INC.

BY   
ALBERT L. MUNROE, JR., its Principal Member

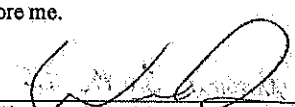
STATE OF CONNECTICUT)

COUNTY OF NEW HAVEN)

) ss. Milford

April 7, 2021

Personally appeared ALBERT L. MUNROE, JR., duly authorized Principal Member of ALBERT L. MUNROE, JR., PLUMBING & HEATING, INC., signer of the foregoing certificate and made solemn oath that the facts stated therein are true, and that the said sum of FOUR THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS AND 00/100 (\$4,245.00), as nearly as the same can be ascertained, with interest, is justly due, before me.

  
Winthrop S. Smith, III, Esq.  
Commissioner of the Superior Court

Received for Record at Milford, CT  
On 04/08/2021 At 12:53:22 pm

*Karen Fortunati*

RET. DATE: APRIL 5, 2022 : SUPERIOR COURT

ALBERT L. MUNROE, JR., : J.D. OF ANSONIA/MILFORD  
PLUMBING & HEATING, INC.

VS. : AT MILFORD

ROBERT RUSS AND JENNIFER L. : MARCH 7, 2022  
RUSS

**PRAYER FOR RELIEF**

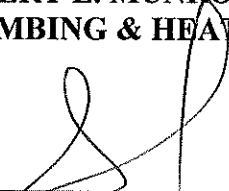
WHEREFORE, THE PLAINTIFF CLAIMS:

1. Foreclosure of the Mechanics Liens;
2. Immediate possession of the Property;
3. Interest on the amount outstanding to the Plaintiff as provided C.G.S. 37-3a;
4. Reasonable Attorney's fees and costs of collection;
5. Such other and further relief as this Court may deem just and proper in equity.

Dated at Milford, Connecticut this 23<sup>rd</sup> day of February 2022.

**ALBERT L. MUNROE, JR.,  
PLUMBING & HEATING, INC.**

BY:

  
\_\_\_\_\_  
WINTHROP S. SMITH, JR., ESQ.  
DEY SMITH STEELE, LLC  
Its Attorneys

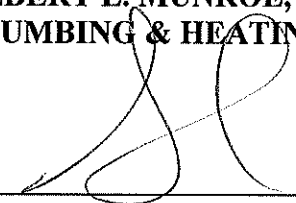
RET. DATE: APRIL 5, 2022 : SUPERIOR COURT  
ALBERT L. MUNROE, JR., : J.D. OF ANSONIA/MILFORD  
PLUMBING & HEATING, INC.  
VS. : AT MILFORD  
ROBERT RUSS AND JENNIFER L. : MARCH 7, 2022  
RUSS

**STATEMENT RE: AMOUNT IN DEMAND**

The amount, legal interest or property in demand is greater than Two Thousand Five Hundred (\$2,500) Dollars, exclusive of interest and costs.

**ALBERT L. MUNROE, JR.,  
PLUMBING & HEATING, INC.**

BY:

  
\_\_\_\_\_  
WINTHROP S. SMITH, JR., ESQ.  
DEY SMITH STEELE, LLC  
Its Attorneys

RET. DATE: APRIL 5, 2022 : SUPERIOR COURT

ALBERT L. MUNROE, JR., : J.D. OF ANSONIA/MILFORD  
PLUMBING & HEATING, INC.

VS. : AT MILFORD

ROBERT RUSS AND JENNIFER L. : MARCH 7, 2022  
RUSS

**NOTICE**

(UNDER THE FAIR DEBT COLLECTION PRACTICES ACT 15 USC 1692 ET SEQ)

UNLESS YOU, WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS NOTICE, DISPUTE THE VALIDITY OF THIS DEBT, OR ANY PORTION THEREOF, THE DEBT WILL BE CONSIDERED TO BE VALID BY THE SIGNER OF THIS NOTICE. HOWEVER, LEGAL ACTION MAY BE INSTITUTED WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE.

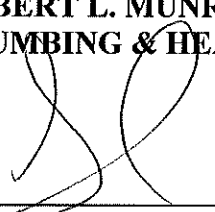
IF YOU NOTIFY THE SIGNER OF THIS NOTICE, IN WRITING, WITHIN THE THIRTY (30) DAY PERIOD, THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, THE SIGNER OF THIS NOTICE WILL OBTAIN VERIFICATION OF THIS DEBT OR COPIES OF A JUDGMENT AGAINST YOU AND A COPY OF SUCH VERIFICATION OF JUDGMENT WILL BE MAILED TO YOU BY THE SIGNER OF THIS NOTICE.

UPON YOUR WRITTEN REQUEST WITHIN THE THIRTY (30) DAY PERIOD, THE SIGNER OF THIS NOTICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

THE UNDERSIGNED IS ATTEMPTING TO COLLECT THE DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**ALBERT L. MUNROE, JR.,  
PLUMBING & HEATING, INC.**

BY:

  
\_\_\_\_\_  
WINTHROP S. SMITH, JR., ESQ.  
DEY SMITH STEELE, LLC  
Its Attorneys



RET. DATE: APRIL 5, 2022 : SUPERIOR COURT

ALBERT L. MUNROE, JR., : J.D. OF ANSONIA/MILFORD  
PLUMBING & HEATING, INC.

VS. : AT MILFORD

ROBERT RUSS AND JENNIFER L. : MARCH 7, 2022  
RUSS


**NOTICE TO HOMEOWNER**

If you are a homeowner, under the terms of the Conn. Gen. Stat. Section 49-31d, et seq., you are hereby given notice that under those statutes, if you are UNEMPLOYED or UNDEREMPLOYED you may make application to the Court to which this matter is returnable for relief from foreclosure. You may qualify for relief under those statutes if: YOU ARE UNEMPLOYED OR UNDER-EMPLOYED, HAVE (FOR A CONTINUOUS PERIOD OF AT LEAST TWO YEARS PRIOR TO THE COMMENCEMENT OF THIS FORECLOSURE ACTION) OWNED AND OCCUPIED THE PROPERTY BEING FORECLOSED AS YOUR PRINCIPAL RESIDENCE AND HAVE NOT RECEIVED AN EMERGENCY MORTGAGE ASSISTANCE LOAN AND HAVE NOT APPLIED FOR EMERGENCY MORTGAGE ASSISTANCE FOR TWO YEARS BEFORE THE APPLICATION UNDER P.A. 93-414. YOU MAY BE ENTITLED TO CERTAIN RELIEF UNDER THESE STATUTES. YOU SHOULD CONSULT AN ATTORNEY TO DETERMINE YOUR RIGHTS UNDER THOSE STATUTES.

In order to qualify for relief under those statutes, you must make application for protection from foreclosure within 25 DAYS of the return date.

**ALBERT L. MUNROE, JR.,  
PLUMBING & HEATING, INC.**

BY:

  
\_\_\_\_\_  
WINTHROP S. SMITH, JR., ESQ.  
DEY SMITH STEELE, LLC  
Its Attorneys

RET. DATE: APRIL 5, 2022 : SUPERIOR COURT

ALBERT L. MUNROE, JR., : J.D. OF ANSONIA/MILFORD  
PLUMBING & HEATING, INC.

VS. : AT MILFORD

ROBERT RUSS AND JENNIFER L. : MARCH 7, 2022  
RUSS

**LIS PENDENS**

Notice is hereby given of the pendency of civil action brought by the above-named Plaintiff against the above-named Defendant by Writ dated March 7, 2022, and made returnable to the Superior Court for the Judicial District of Ansonia/Milford on April 5, 2022, which action was brought for the foreclosure of a certain Mechanics Lien, which lien is recorded on the Milford Land Records on Volume 3939 at Page 240-241, concerning real property known by the address of 10 Flax Mill Road, Milford, Connecticut and more particularly described in Schedule "A" annexed hereto.

Dated at Milford, Connecticut this 7<sup>th</sup> day of March 2022.

**ALBERT L. MUNROE, JR.,  
PLUMBING & HEATING, INC.**

BY: \_\_\_\_\_

**WINTHROP S. SMITH, JR., ESQ.  
DEY SMITH STEELE, LLC  
Its Attorneys**

## **SCHEDULE A**

### **LEGAL DESCRIPTION**

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SOUTHWESTERLY: By the curved line of West River Street and Flax Mill Lane, 44.30 feet, as shown on said map.

FOR INFORMATION ONLY:

**Commonly known as: 10 Flax Mill Lane, Milford, Connecticut**

DOCKET NO: AANCV226046432S

SUPERIOR COURT

ORDER 089998

ALBERT L. MUNROE, JR., PLUMBING &  
HEATING, INC.

V.  
RUSS, ROBERT Et Al

JUDICIAL DISTRICT OF ANSONIA/  
MILFORD  
AT MILFORD

9/13/2022

ORDER

ORDER REGARDING:  
08/23/2022 102.00 MOTION FOR DEFAULT-FAILURE TO PLEAD

The foregoing, having been considered by the clerk, is hereby:

ORDER: GRANTED

Superior Court Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

089998

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BY THE CLERK  
Processed by: Denise Martinez

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

NO. AAN-CV-22-6046432-S	)	SUPERIOR COURT
	)	
ALBERT L. MUNROE, JR., PLUMBING	)	JUDICIAL DISTRICT OF
& HEATING, INC.	)	ANSONIA-MILFORD
	)	
vs.	)	AT MILFORD
	)	
ROBERT RUSS, ET AL	)	January 19, 2026

### **MOTION FOR DISCHARGE OF MECHANIC'S LIEN**

The Defendants hereby move that a bond be substituted for said lien pursuant to Connecticut General Statutes §49-37.

In support of this motion, the undersigned represents:

1. That the Defendants, Robert Russ and Jennifer L. Russ, are the owners in Fee Simple of a certain parcel of real estate commonly known as 10 Flax Mill Lane, Milford, Connecticut, more fully described in the attached legal description.
2. That there are no other owners of record of such real estate.
3. That on or about April 21, 2021, the Plaintiff purported to place a mechanic's lien on the movants' real estate in the amount of \$4,245.00 and filed a notice thereof on the Milford Land Records.

Wherefore, the Defendants move for the dissolution of the lien on substitution of a bond.

THE DEFENDANTS,

By Michael J. McCabe  
Michael J. McCabe, Their Attorney

**ORDER**

The foregoing motion having been heard, it is hereby

Ordered: GRANTED/DENIED

It is further ordered that:

BY THE COURT \_\_\_\_\_  
Judge/Assistant Clerk

**CERTIFICATION**

This is to certify that the foregoing has been mailed on this 19<sup>th</sup> day of January 2026 to  
the following parties and counsel of record, as follows:

Winthrop S. Smith, Jr., Esq.  
Dey Smith Steele, LLC  
9 Depot Street  
Milford, CT 06460  
*Attorney for the Plaintiff*

307057  
\_\_\_\_\_  
Michael J. McCabe, Esq.  
Commissioner of the Superior Court

DOCKET NO: AANCV226046432S

SUPERIOR COURT

ORDER 410631

ALBERT L. MUNROE, JR., PLUMBING &  
HEATING, INC.

V.  
RUSS, ROBERT Et Al

JUDICIAL DISTRICT OF ANSONIA/  
MILFORD  
AT MILFORD

1/20/2026

ORDER

ORDER REGARDING:  
01/12/2026 111.00 MOTION TO OPEN DEFAULT

The foregoing, having been considered by the Court, is hereby:

ORDER: GRANTED

Superior Court Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

410631

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Judge: BARRY STEVENS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.



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**ANSWER**

1. As to Paragraphs 1-6 of the Complaint, the defendants have insufficient knowledge or information upon which to form a belief and therefore leave the plaintiff to its proof.
2. As to Paragraph 7 of the Complaint, the defendants deny that any monies were wrongfully detained.

## SPECIAL DEFENSE

1. There was no formal contract between the parties.
2. Before any work even began, plaintiff required two deposits—one for \$3,000 and another for \$4,000.
3. When plaintiff finally provided a "detailed" itemized list of labor and material costs, it was discovered that plaintiff attempted to charge defendants for a permit that was never pulled, and double-charged for multiple items.
4. As plaintiff could not adequately defend its bill, defendants decided not to have plaintiff do any additional work on the home.
5. Defendants brought in a new plumber at a cost of \$500 to complete the job

where plaintiff was requesting an additional \$10,000.

Dated at Milford, Connecticut, this 10<sup>th</sup> day of January 2026.

THE DEFENDANTS

BY: 

Michael J. McCabe

McCabe, Wikstrom & Barney, LLC

112 Broad Street

Milford, CT 06460

Tel. No.: (203) 882-9983

Fax (203) 283-9275

Juris No. 435722

**CERTIFICATION OF SERVICE**

I certify that the foregoing was mailed on January 10, 2026, to:

Winthrop S. Smith, Jr., Esq.

Dey Smith Steele, LLC

9 Depot Street

Milford, CT 06460

*Attorney for the Plaintiff*



Michael J. McCabe

Commissioner of Superior Court