

**STATE OF MAINE
YORK, ss.**

**SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-09-111**

ROBERT F. ALMEDER et al.,)
)
)
Plaintiffs,)
)
v.)
)
TOWN OF KENNEBUNKPORT and)
ALL PERSONS WHO ARE)
UNASCERTAINED,)
)
Defendants.)

**AMENDED JOINDER OF WILLIAM D.
FORREST AND NANCIE JULIAN AS
PLAINTIFFS AND ANSWER TO
DEFENDANTS' COUNTERCLAIMS**

JOINDER AS PLAINTIFFS

Beachfront property owners William D. Forrest (“Forrest”) and Nancie M. Julian (“Julian”), pursuant to this Court’s Order of August 30, 2010, hereby joins this action as a plaintiff and adopts and incorporates by reference, as though fully set forth herein, all the same allegations and claims asserted in the original plaintiffs’ Complaint and alleges as follows:

1. Forrest and Julian, as joint tenants, are the fee simple owners of beach front real property situated at 239 Kings Highway, Kennebunkport, County of York, State of Maine and more particularly identified upon the Town of Kennebunkport’s Assessor Map as Map/Lot No. 34-1-2, by virtue of a deed recorded in the York Registry of Deeds, Book 14091, Page 315. A true copy of the referenced deed is attached hereto as Exhibit A.

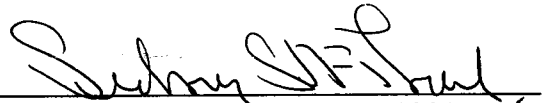
2. Julian is the fee simple owner of beach front real property situated at 241 Kings Highway, Kennebunkport, County of York, State of Maine and more particularly identified upon the Town of Kennebunkport’s Assessor Map as Map/Lot No. 34-1-1, by virtue of a deed

recorded in the York Registry of Deeds, Book 14855, Page 111. A true copy of the referenced deed is attached hereto as Exhibit B.

ANSWER TO DEFENDANTS' COUNTERCLAIMS

Forrest and Julian join, adopt, and incorporate by reference, as though fully set forth herein, the answers as pled by plaintiffs Robert Almeder, et al. to all of the defendants' counterclaims in this action.

Dated: April 5, 2011



Sidney St. F. Thaxter, Bar No. 1301
David P. Silk, Bar No. 3136
CURTIS THAXTER LLC
One Canal Plaza / P.O. Box 7320
Portland, Maine 04112-7320
(207) 774-9000

Attorneys for plaintiffs
William D. Forrest and Nancie M. Julian

AFTER RECORDING RETURN TO:
William Forrest and Nancie Julian
9 Flower Lane
Greenwich, CT 06831

WARRANTY DEED

KNOW ALL BY THESE PRESENTS That I, RICHARD S. STEDMAN, OF 239
Kings Highway, Kennebunkport, ME 04046,

for consideration paid,

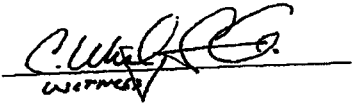
GRANT TO WILLIAM D. FORREST and NANCIE M. JULIAN of 9 Flower Lane,
Greenwich, CT 06831,

with Warranty Covenants, as Joint Tenants,

SEE ATTACHED EXHIBIT A

WITNESS my hand and seal this 19th day of May, 2004.

Witness:


WITNESS


RICHARD S. STEDMAN

MAINE R.E. TRANSFER TAX PAID

STATE OF MAINE
COUNTY OF YORK, ss.

May 19th, 2004

Personally appeared the above-named RICHARD S. STEDMAN, and
acknowledged the foregoing instrument to be his free act and deed.

Before me,

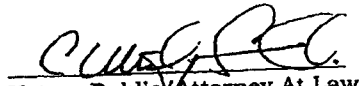

Notary Public/Attorney At Law
C. WESLEY GOWELL

EXHIBIT A

EXHIBIT A

A certain lot or parcel of land, together with the buildings thereon, situated in that part of the Town of Kennebunkport known as Goose Rocks Beach, bounded and described as follows:

Beginning at an iron pipe driven into the ground on the southerly side of the King's Highway at the northeasterly corner of land of one Dykstra;

Thence S 78° 07' E by said Highway fifty-five (55) feet to an iron pipe driven into the ground and land now or formerly of Suzanne M. Hill;

Thence S 11° 44' W by said land now or formerly of Suzanne M. Hill and by a line which passes ten and 96/100 (10.96) feet easterly of the cornerboard at the northeasterly corner of the closed-in piazza of the house standing on land herein described and passes fourteen and 69/100 (14.69) feet easterly of the cornerboard at the southeasterly corner of the piazza attached to said house one hundred sixteen and 09/100 (116.09) feet to an iron pipe driven into the ground near the top of the bank of the ocean;

Thence N 74° 50' W by said top of the bank fifty-five (55) feet to an iron pipe driven into the ground and said land of Dykstra;

Thence N 11° 38' E by said land of Dykstra one hundred twelve and 93/100 (112.93) feet to the point of beginning.

The above bearings refer to the 1960 Magnetic Meridian.

Also all our right, title and interest in and to the land situated at said Goose Rocks Beach in said Kennebunkport lying southerly of and adjoining the above described land and lying between the southerly prolongations of the easterly and westerly sidelines described above and extending from said southerly sideline described above to said ocean or so far southerly as this grantor may own.

Being the same premises described in Trustee's Deed of Bank of New England West, formerly known as Third National Bank of Hampden County, Trustee, to Richard S. Stedman, dated August 2, 1990 and recorded in the York County Registry of Deeds in Book 5494, Page 063.

BERGEN & PARKINSON, LLC
Attorneys at Law
62 Portland Road
Kennebunk, Maine 04043
12p

Received York SS
05/19/2004 3:04PM
REGISTER OF DEEDS

Debra L. Anderson

WARRANTY DEED

SUZANNE M. WILSON, TRUSTEE OF THE S.M. WILSON TRUST dated April 23, 2002, of Lexington, Massachusetts, for consideration paid, grants to NANCIE M. JULIAN of Greenwich, Connecticut, whose mailing address is 9 Flower Lane, Greenwich, CT 06831, with WARRANTY COVENANTS, a certain lot or parcel of land, with the buildings and improvements thereon, situated at Goose Rocks Beach, so-called, in the Town of Kennebunkport, in the County of York and State of Maine, and lying Northerly of that portion of the Atlantic Ocean known as Goose Fair Bay and Southerly of Kings Highway, so-called, at number 241 Kings Highway in the present numbering of said street; said certain lot or parcel of land being the same lot or parcel of land described in a deed from Suzanne M. Wilson to Suzanne M. Wilson, Trustee of the S.M. Wilson Trust, which deed is dated April 29, 2002 and recorded in the York County Registry of Deeds in Book 11601, Page 147; the verbatim description of said certain lot according to the aforementioned title deed being as follows:

MAINE R.E. TRANSFER TAX PAID

A certain lot or parcel of land with the buildings thereon, situated at Goose Rocks Beach, so-called, in Kennebunkport, County of York and State of Maine, bounded and described as follows:

Beginning on the southerly side of the Kings Highway, so-called, at an iron pipe driven into the ground marking the northeasterly corner of said Highway (sic) of land recently conveyed by one Prescott to one Dykstra, said iron pipe being located South 78° 07' East, seventy-one (71) feet from another iron pipe marking the northwesterly corner of said Dykstra premises; thence running South 11° 38' West, one hundred twelve and 93/100 (112.93) feet by said Dykstra land to an old iron set in the ground at the sea wall; thence running southeasterly by said sea wall one hundred three and 75/100 (103.75) feet, more or less, to Bartlett Avenue; thence running northerly by said Bartlett Avenue one hundred twenty (120) feet, more or less, to the junction of said Bartlett Avenue and said Kings Highway; thence running North 78° 07' West, eighty-six (86) feet, more or less, to the point of beginning.

Said premises are conveyed together with any and all right, title and interest which I may have in and to the land lying between said sea wall and

EXHIBIT B

the Atlantic Ocean and between the easterly and westerly sidelines of the above described premises projected to said ocean.

These courses and distances which are given with exactness in the foregoing description are taken from survey of the Dykstra premises by Libby and Dow, Engineers, April 24, 1961.

Excepting therefrom the premises conveyed to John R. Stedman, et al, by deed dated September 10, 1969, and recorded in York County Registry of Deeds in Book 1852, Page 443.

Being the same premises conveyed to the Grantor herein by Joanne M. Fenn, Trustee under Declaration of Trust, dated December 18, 1978 and recorded in the York County Registry of Deeds in Book 2463, Page 82.

Benefits and burdens - the property hereinbefore described is hereby conveyed: (1) subject to such utility service and other easements on, over, under or across said property as may now have any legal existence; (2) with the benefit of all appurtenant utility service easements and all appurtenant rights of way; and (3) subject to and with the benefit of applicable municipal, state and federal zoning, land use and conservation ordinances, regulations and statutes.

WITNESS my hand this 26th day of May, 2006.

Robert B Woodman

By:

S.M. WILSON TRUST

Suzanne M. Wilson

Suzanne M. Wilson, Trustee

Hereunto duly authorized

STATE OF MAINE
County of York, ss.

May 26, 2006

Then personally appeared the above named Suzanne M. Wilson, in her said capacity, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Robert B Woodman
Notary Public / Attorney-at-Law

Print Name:

Robert B. Woodman

Commission Expires:

BERGEN & PARKINSON, LLC
Attorneys at Law
62 Portland Road
Kennebunk, Maine 04043

RE/Deeds/Wilsons to Forrest

END OF DOCUMENT

→ JP