

STATE OF MAINE

YORK, ss

SUPERIOR COURT
Docket No. RE-09-111

Robert Almeder, et al
Plaintiffs

v.

Town of Kennebunkport, et al
Defendants

ANSWER TO COMPLAINT

Parties-in-Interest¹, **Patrick and Margaret Barry**, (the **Barrys**) answer the Complaint for Declaratory Judgment and Quiet Title, filed by **Robert Almeder, et al**, as follows:

1. As to allegations numbered 1, 3, 4, 37, 38, 39, 51, 52, 53, and 55, the **Barrys** are without knowledge of the truth of same, but believe the allegation is made in good faith, and therefore **conditionally admit** same.
2. As to allegations numbered 2, 5-27, 33, 36, 42, 43, and 54, the **Barrys** are without knowledge, and therefore the allegation is **denied**, and would leave the Plaintiffs to their proof on this issue.
3. As to allegations numbered 28, 29, 31, 46, 48, 49, and 50 the allegations are **admitted**.
4. As to allegations numbered 30 and 32 the allegations are **admitted**, *except* to the extent of the ownership as claimed by the Plaintiffs, to which the **Barrys** have responded in paragraph 2.
5. As to allegations numbered 33, 34, 35, 40, 41, and 44 the allegations are **denied**.

¹ So designated in accordance with the Court January 5, 2011 Order Addressing So-Called "Third Party Defendants".

6. As to allegations numbered 45 and 47, the “rollover” allegations, the **Barrys** **reincorporate** their answer to each numbered allegation as if set forth in full.

AFFIRMATIVE DEFENSES

7. The **Barrys** reserve the right to amend this answer as discovery so indicates.

8. The **Barrys** reserve the right to amend this answer as justice may so require, or in order to consent to relief, either complete or limited.

9. The **Barrys** do not oppose, nor do they support, the relief requested by the Town of Kennebunkport, and as such, have designated themselves “*parties-in-interest*” pursuant to the court’s January 5, 2011 Order Addressing So-Called “Third Party Defendants”.

10. To the extent not inconsistent with the **Barrys**’ position that they do not oppose nor support, either Plaintiffs’ or Defendants’ position, the **Barrys**’ adopt all affirmative defenses asserted in this litigation as if set forth in full.

WHEREFORE, the Defendants, **Patrick and Margaret Barry**, pray for relief as requested by the Plaintiffs, as follows:

(a) as to the claim for Declaratory Relief, the **Barrys** would agree that it is in all parties’ interest to clarify the issues raised by the Plaintiffs, but the **Barrys** neither support nor oppose this claim;

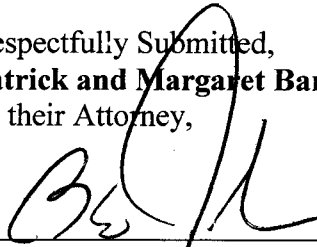
(b) as to the claim to Quiet Title, the **Barrys** would agree that it is in all parties’ interest to clarify the issues raised by the Plaintiffs, but the **Barrys** neither support nor oppose this claim;
and

(c) as to the counterclaims made by the Town of Kennebunkport, the **Barrys** would agree that it is in all parties’ interest to clarify the issues raised by the Town of Kennebunkport but the **Barrys** neither support nor oppose these counterclaims.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on March 10, 2011 to the Attorneys and *pro se* parties on the attached "Service List".

Respectfully Submitted,
Patrick and Margaret Barry,
by their Attorney,



Date: March 10, 2011

Attorney Robert E. Danielson
Maine Bar Registration # 7186
Two Canal Plaza, Suite 401
Portland, Maine 04101
Phone: 207-879-1337
Fax: 207-879-1579
E-Mail: rdanielson@optlaw.net