

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MAINE
YORK, ss

SUPERIOR COURT
Civil Action
Docket No. RE-09-111

ROBERT F. ALMEDER and)
VIRGINIA S. ALMEDER, et al.)
Plaintiffs)

v.)

TOWN OF KENNEBUNKPORT and)
ALL PERSONS WHO ARE)
UNASCERTAINED,)
Defendants)

DEPOSITION OF JOHN T. COUGHLIN, taken before
Colleen A. DiPierro, RMR, CRR, pursuant to notice dated
May 13, 2011, at the law offices of Drummond Woodsum &
MacMahon, 84 Marginal Way, Portland, Maine, on
May 27, 2011, commencing at 9:02 A.M.

APPEARANCES:

ANDRE G. DUCHETTE, ESQ.
SIDNEY ST. F. THAXTER, ESQ.
BRIAN D. WILLING, ESQ.
PAUL STERN, ESQ.
ALEXANDER M. LACHIATTO (pro se)
RICHARD J. DRIVER (pro se)

Colleen A. DiPierro
DiPierro Reporting, LLC
220 Pine Street
South Portland, ME 04106
207-767-5330

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Deponent:	JOHN T. COUGHLIN	
Examination by:		Page
	ATTY. DUCHETTE	3
	ATTY. WILLING	36
	ATTY. STERN	61
	MR. DRIVER	67
	ATTY. LACHIATTO	75
	MR. DRIVER:	92

EXHIBITS

Number	Description	Page
1	Deed to Coughlins, 5/8/83	8
2	Deed to Kennbunkport Industries, Inc. from Campbell, 6/22/81	9
3	Emmons Heirs Plan of Land, 12/21	10
4	Complaint for Declaratory Judgment and Quiet Title	16
5	Answers/Objections to Interrogatories	22
6	Black and White Photograph	31
7	Black and White Photograph	32
8	Lot Plan Drawing	33
9	Notice of Deposition	55
10	Photograph	57
11	Photograph	57
12	Photograph	57
13	Building Permit, 10/23/89	60
14	Building Permit, 1/29/07	60

(Exhibits 1-14 included in original and copies.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STIPULATIONS

It is hereby agreed by and between the parties that signature is not waived.

- - - - -

JOHN T. COUGHLIN, having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION-BY ATTY. DUCHETTE:

Q. Good morning.

A. Good morning, sir.

Q. We introduced each other earlier. My name is Andre Duchette, and I represent a large number of Goose Rocks Beach back lot owners, for lack of a better term. Before I get into the deposition, let me go through a -- some ground rules. have you ever been deposed before?

A. Yes.

Q. When was that?

A. Numerous times.

Q. When was the most -- when was the most recent time you were deposed?

A. Last year just about this time.

Q. And what was it for?

A. It was on a construction case to speed -- we had done the steel on the contract. There was some issues on it and they posted us on it.

1 Q. Have most of the depositions you've been involved in
2 been related to some sort of business?

3 A. Yes.

4 Q. Okay. And I'll get into that a little bit more. Well,
5 then I'll skip over many of the pleasantries regarding
6 the instructions. I'd just ask that you wait until I
7 finish asking a question before you answer. If it's a
8 yes or no, I'd ask you to say yes or no instead of
9 uhm-uhm and uh-huh because it doesn't translate very
10 well for the stenographer.

11 Any questions before we start?

12 A. No.

13 Q. Could you state your full name, title and address for
14 the record?

15 A. My name is John Coughlin. My prime address is 42
16 Candlewood Drive, Topsfield, Massachusetts.

17 Q. And are you currently on any medications that might
18 impact your testimony today?

19 A. No.

20 Q. Is there any other reason in which your judgment or
21 ability to testify is impaired for any reason today?

22 A. No.

23 Q. Okay. What is the last level of schooling that you've
24 completed?

25 A. I have an associate's degree.

1 Q. With -- and where did you get that?

2 A. University of Massachusetts.

3 Q. And are you currently employed?

4 A. Yes.

5 Q. And who is that with?

6 A. Quinn Brothers.

7 Q. And what is Quinn Brothers?

8 A. Quinn Brothers is a Massachusetts corporation.

9 Q. That does what?

10 A. Quinn Brothers fabricates structural steel and erects
11 the same and has a division that's involved in real
12 estate development, leasing and project management of
13 buildings.

14 Q. And what is your position there?

15 A. Project manager.

16 Q. Okay. Do you have any ownership interest in that
17 company?

18 A. No.

19 Q. Are you employed with any other businesses?

20 A. No.

21 Q. Okay. Are you married?

22 A. Yes.

23 Q. What is your spouse's name?

24 A. Priscilla.

25 Q. Coughlin?

1 A. Yes.

2 Q. And do you have any children?

3 A. Two.

4 Q. What are their names?

5 A. John and Joseph.

6 Q. And what are their ages?

7 A. 40 and 38.

8 Q. And do you have any grandchildren?

9 A. Two.

10 Q. And what are their names?

11 A. Jacob and Thomas.

12 Q. And do you know their ages?

13 A. 11 and 9.

14 Q. And are you currently the record title holder of real
15 estate located at 115 Kings Highway in Kennebunkport,
16 Maine?

17 A. Yes.

18 Q. How did you acquire title to that property?

19 A. I purchased it.

20 Q. When was that?

21 A. Approximately 30 years ago.

22 Q. So around 1981?

23 A. Somewheres in that area, yes.

24 Q. And is it currently being held in your name?

25 A. It's -- no.

1 Q. Whose name is the title holder?

2 A. PMC Realty Trust.

3 Q. What is that?

4 A. It's a realty trust that's owned by my wife and myself.

5 Q. And why is the -- why is the property being held in
6 trust?

7 A. No specific reason.

8 Q. Estate planning, limited liability?

9 A. We own a lot of property within that trust, so pieces
10 of property that we own we put into that trust.

11 Q. Okay. And does anyone else reside with you at 115
12 Kings Highway when you're there or is it predominantly
13 just you and your wife?

14 A. It's me and my wife, yes.

15 Q. Before you purchased your property did you -- had you
16 been to Goose Rocks Beach or visited Goose Rocks Beach
17 in the past?

18 A. No.

19 Q. What -- how did you discover Goose Rocks?

20 A. Just -- just by driving around and finding it.

21 Q. Had you been to -- was there ever a period of time that
22 you lived in the State of Maine?

23 A. No.

24 Q. Okay. And had you vacationed in the State of Maine
25 before?

1 A. No.

2 Q. And so sometime in -- around 1981 you decided to look
3 at potential vacation property in the State of Maine?

4 A. That's correct.

5 Q. And happened upon Goose Rocks Beach?

6 A. Yes.

7 Q. Okay. I'm going to ask you some specific questions
8 related to your deed, and I guess we can mark that as
9 the first exhibit.

10 (Deposition Exhibit No. 1, Deed to Coughlins,
11 5/8/83, marked for identification.)

12 BY MR. DUCHETTE:

13 Q. So I'm looking at your deed and it indicates that the
14 date indicated on this deed is May 8, 1983.

15 Is that the date you acquired the property at
16 Goose Rocks Beach?

17 A. Yeah, I would presume so. Yes, sir.

18 Q. There's no earlier deeds than this to your knowledge?

19 A. Not to my knowledge.

20 Q. And Kennebunk Industries, Inc. is the -- is the -- the
21 seller that you purchased the property from?

22 A. No.

23 Q. Who did -- who are the prior owners of the property you
24 purchased?

25 A. I believe it was a woman by the name of Margaret Jones

1 maybe. I forget now, but that's who we bought the
2 property from.

3 Q. Who's -- who's Kennebunkport Industries, Inc.?

4 A. Kennebunkport Industries, Inc. is a company that I
5 owned -- a corporation I owned at that particular time.

6 Q. Okay. So then -- so it was Kennebunk Industries, Inc.
7 that purchased the property?

8 A. That's correct.

9 Q. And that was purchased from Margaret Campbell?

10 A. Campbell, yes.

11 (Deposition Exhibit No. 2, Deed to Kennbunkport
12 Industries, Inc. from Campbell, 6/22/81, marked for
13 identification.)

14 BY MR. DUCHETTE:

15 Q. I'm going to show you what we've marked as Exhibit 2,
16 and that's the deed running from Margaret Campbell to
17 Kennebunkport Industries, Inc.

18 What's the date on that deed?

19 A. June 23 maybe 1981 is when it was recorded, I believe,
20 if I'm reading that properly.

21 Q. And so that's -- that seems to be more in line with --

22 A. Yeah.

23 Q. -- in terms of when you think you purchased the
24 property over --

25 A. I would think so, yes.

1 Q. -- 30 years ago?

2 A. Yes.

3 Q. Looking at that deed, if you start looking at the
4 description of the property, I think it references two
5 lots that your property is comprised of.

6 Do you know what two lots those are?

7 A. No.

8 Q. If you -- if you want to take some time to reference
9 the deed and indicate what those two lots are, please
10 do so.

11 A. I -- I really don't understand your question. Excuse
12 me.

13 Q. Your deed indicates -- well, I'll point it out to you.
14 Your deed indicates that you own a certain lot, a
15 parcel of land, being a portion of lot No. 10 as
16 referenced on a plan of land of Emmons' heirs, which
17 I'll show it to you in a minute, and also a 5-foot
18 strip parcel situated on lot No. 9, the same plan.

19 Do you disagree with that at all?

20 A. No.

21 (Deposition Exhibit No. 3, Emmons Heirs Plan of
22 Land, 12/21, marked for identification.)

23 BY MR. DUCHETTE:

24 Q. So you don't -- you don't disagree, at least with
25 respect to the deed, in which it indicates that you own

1 a portion of lot 10 and a portion of lot 9?

2 A. No.

3 Q. And if you could with my pen mark an X on lot 9 and lot
4 10 on what's been marked as Exhibit 3?

5 A. This is lot 10, I believe, if I'm reading this
6 correctly, and there's lot 9 right there.

7 Q. Okay. And I'll further represent to you that your deed
8 indicates that you own on the southeasterly side of the
9 Babson River Road so-called, sometimes referred to as
10 Kings Highway. And I've noticed you've already placed
11 the Xs on the southerly side of what's marked as road
12 on that particular plan.

13 Is that your understanding of where Kings
14 Highway currently runs?

15 A. Yes.

16 Q. Have you seen this plan before?

17 A. I might have. I can't be sure 100 percent.

18 Q. Okay. And when you look at that plan where does --
19 where does your -- where does the southerlymost point
20 of your property line end? If you want to -- actually,
21 if you could place an X on where your property line
22 ends.

23 A. When you say southerly, you're going easterly towards
24 the ocean?

25 Q. Correct.

1 A. I -- I -- I don't think -- if this is meant to be a
2 property line, I guess it would be right there, but
3 that is not my interpretation of it.

4 Q. What's your interpretation of it?

5 A. Of what, my property line?

6 Q. Yes.

7 A. The low water mark of the water.

8 Q. Where do you get that interpretation from?

9 A. Where do I get that interpretation from?

10 Q. Yes.

11 A. It's one of the reasons why I purchased the property.
12 When we purchased the property, it was represented to
13 us that we owned to the mean -- to the low water mark.
14 At that particular point in time I had an engineering
15 firm that was doing work for us down in Massachusetts
16 research it and had my corporate attorney research it,
17 and they concurred that we owned to the low water mark.

18 Q. Do you have any records related to the research that
19 was done at that time?

20 A. No.

21 Q. Okay. And they communicated to you that you owned to
22 the --

23 A. That's what my corporate attorney conveyed to me after
24 research with an engineer -- the engineering firm that
25 we had research the work.

1 Q. Okay. Is there an indication anywhere on that plan
2 that indicates the low -- low water mark?

3 A. Nothing I see here, no.

4 Q. Okay. Is there an indication at the -- is there an
5 indication on that plan that indicates beach?

6 A. Nothing, not that I can see.

7 Q. I'll ask you to look at the Exhibit 3 again and
8 indicate whether or not there's a reference to it?

9 A. Oh, right here, yeah, it looks -- I'm sorry. It looks
10 like it says beach right here.

11 Q. Okay. And that would be below the various -- that
12 would be below the various lots?

13 A. It appears to be, yes.

14 Q. Okay. At least with looking at this plan, does it look
15 like any of the lots own the beach?

16 A. No.

17 Q. And you don't question your deed, correct?

18 A. No. It is what it is.

19 Q. But it's your testimony today that you think you own to
20 the low water mark?

21 A. That's correct.

22 Q. Are there any other conveyances or documents, other
23 than your deed and the plan which would -- which would
24 indicate anything differently, i.e., you own to the low
25 water mark?

1 A. Not that I'm aware of.

2 Q. If you don't own the beach in front of your property,
3 do you think you have the right to use it?

4 MR. THAXTER: I object to the question. He
5 just said he did own the beach. You're asking him to
6 speculate.

7 BY MR. DUCHETTE:

8 Q. You can still answer.

9 A. Can you re -- give me the question again, please.

10 Q. If you don't own the property in front of your house,
11 if you don't own the beach in front of your house, do
12 you think you still have the right to use it?

13 A. Well, I do own it.

14 Q. It is a strong possibility that at the end of the day
15 it might be determined that you do not own that beach,
16 and my question to you is if that ultimate
17 determination comes out, do you still think that you'd
18 still have the right to use it?

19 MR. THAXTER: I'd object. It has an assumption
20 that I believe is absolutely untrue.

21 BY MR. DUCHETTE:

22 Q. You can still answer.

23 A. I would have to cross that bridge when I came to it.

24 Q. You can't -- you don't have any feelings one way or
25 another whether or not you'd think you'd have the right

1 to use that beach?

2 A. I haven't even entertained that thought.

3 Q. I'm asking you to entertain it now.

4 A. I don't know. I'd have to think about it.

5 Q. How much time do you need?

6 MR. THAXTER: I think the question is asked and
7 answered. He said he'd cross the bridge when he comes
8 to it.

9 MR. DUCHETTE: I can bring him back in for
10 another deposition and give him some time to think
11 about it. I'm happy to do so.

12 MR. THAXTER: He said he'll cross that bridge
13 when he comes to it. He does not have to answer if he
14 has not formed an opinion. Let's move to the next
15 question.

16 MR. DUCHETTE: He's brought a suit against the
17 Town of Kennebunkport and all ascertained people who
18 think they may or may not have a right to use it, and
19 he's never thought about what the particular impacts
20 are of that?

21 MR. THAXTER: He said he owns the beach so why
22 does he have to think further than that? That's his
23 position.

24 MR. DUCHETTE: Well, maybe I'll come back to it
25 and rephrase it another way. I'll leave it there.

1 (Deposition Exhibit No. 4, Complaint for
2 Declaratory Judgment and Quiet Title, marked for
3 identification.)

4 BY MR. DUCHETTE:

5 Q. I'm marking what we're calling Exhibit 4, which is the
6 Complaint that you brought against the Town of
7 Kennebunkport and all unascertained people who may
8 claim a right to the beach. I'm going to have you look
9 at paragraph 29 which is on page 8.

10 Do you think people have trespassed on your
11 property?

12 A. Yes.

13 Q. Do you know who -- who has trespassed on your property?

14 A. There's been numerous people.

15 Q. And how have they committed a trespass?

16 A. They're on my property.

17 Q. And by your property, which portion of your property
18 are you referring to?

19 A. I'm talking about my backyard.

20 Q. Are you -- are you talking about the grass portion of
21 what you're claiming to be your backyard or the sand
22 portion?

23 A. Sand portion.

24 Q. Okay. And that would include both the dry and wet
25 sand?

1 A. For the most part, I think on the occasions it's
2 happened, it's been dry sand.

3 Q. Okay. If people are using the wet sand, are they
4 committing the trespass?

5 A. They'd be on my property, yes.

6 Q. Would they be continuing to trespass if they were
7 fishing?

8 A. They're on my property. They're trespassing.

9 Q. Would they be committing a trespass if they were
10 hunting birds?

11 A. Yes.

12 Q. If they were in the wet sand portion of what you claim
13 to be your property?

14 A. Yes.

15 Q. Would they be committing the trespass if they were
16 navigating in any way, whether by boat or some other
17 means, if they were in the wet sand portion of the
18 property?

19 A. Well, if they're in a boat out in the water, no, they
20 wouldn't be trespassing.

21 Q. Okay. If they brought that boat up on the wet sand
22 portion of your property, though, would they be
23 committing a trespass?

24 A. I don't think so, no.

25 Q. Why not?

1 A. Because they're coming in from the water and I don't
2 own the water.

3 Q. But once they got up on the wet sand portion, I
4 believe, at that point are they committing a trespass?

5 A. They'd be on my property, yes.

6 Q. Okay. If you look at paragraph 40 of the Complaint
7 which is on page 10, it indicates that defendants
8 have -- have made unlawful uses of the property over
9 plaintiffs' objections.

10 What objections have you made to various
11 people's use of the beach?

12 A. Myself?

13 Q. Yes.

14 A. Yeah, when I see people on my property, I go out and
15 tell them it's my property and ask them if they'd
16 leave.

17 Q. Who have you told that to?

18 A. It happens half a dozen, dozens of times during the
19 course of the summer.

20 Q. Does anybody have a right to use your property, the
21 beach portion of what you claim to be your property?

22 A. If I give them permission, sure.

23 Q. Who have you given permission to?

24 A. There's been numerous occasions. There was a wedding
25 that happened back about 10 years ago, and they wanted

1 to have the service at sunset on the beach, so as a
2 good neighbor I said, of course, you can, if only as
3 long as you pick up and clean up after yourself.

4 I've had a neighbor who wanted to leave his
5 boat, sailboat, on my property, and we agreed on a
6 position that was over to one side, and I told him he
7 could leave it there. I've had another neighbor who
8 wanted to leave a kayak on my property, and I told him
9 he could do that. And then years gone by there's been
10 a few of the neighbors that have wanted to have a
11 cookout on the beach, and I told them they could do
12 that.

13 Q. Do you know who any of these people are?

14 A. Yeah. Bill Junker who lives directly across the street
15 from me has had cookouts on our beach with his family,
16 on my beach. He left his boat there for two or three
17 seasons and he's left his kayak there. There are some
18 -- the name escapes me, but they live two doors down
19 from Bill. They've left their kayak on the property
20 and they've had family cookouts on my beach.

21 Q. And you've given permission --

22 A. Most definitely.

23 Q. -- to those people?

24 A. Most definitely.

25 Q. And you don't know who you've asked to leave or stop

1 any activity using the beach in front of you?

2 A. No. I don't get -- I don't ask the specific names, I
3 just ask them if they'd leave my property.

4 Q. Have you ever placed any no-trespassing signs up on --

5 A. No.

6 Q. -- any portions of your property?

7 A. No.

8 Q. Have you ever called the police for any other kind of
9 problem?

10 A. No need to, I was handling it myself.

11 Q. Okay. I believe you had indicated you had prepared
12 some responses to interrogatory questions that we had
13 submitted, and you indicated that you only use the area
14 in front of your home; is that correct?

15 A. That's correct.

16 Q. So you've never used any other portions of Goose Rocks
17 Beach?

18 A. No.

19 Q. Have you ever walked up and down Goose Rocks Beach?

20 A. Occasionally.

21 Q. And that's all -- you've never used any other portions
22 of Goose Rocks Beach other than walking?

23 A. That's correct.

24 Q. What about your -- what about your spouse?

25 A. For the most part, we're up there -- yes, that would be

1 the same for her, too.

2 Q. What about your children?

3 A. My children in years gone by were up, up at the beach.
4 They swam out in front and used our section of the
5 beach.

6 Q. And they never used any other --

7 A. No.

8 Q. -- portions of the beach?

9 A. No, outside of walking out to the rocks, which is
10 directly in front of us. That's the extent of it.

11 Q. The same thing for your grandchildren?

12 A. That's exactly right.

13 Q. Okay. About how much -- how much of the beach do you
14 think you own roughly square footage?

15 A. I have no idea.

16 Q. No idea?

17 A. It varies from low to high tide.

18 Q. Okay. Well, at low tide what would you estimate it to
19 be?

20 A. I wouldn't even have a guess.

21 Q. Okay. And you work for a construction firm?

22 A. Yes, I do.

23 Q. Okay. In your interrogatories you indicate
24 that -- well, actually let me ask the question again.

25 Is walking permitted on Goose Rocks Beach?

1 A. Yeah, I would say yes.

2 Q. Are people allowed to walk on the beach portion of what
3 you claim to be your property?

4 A. I don't know if they are or they're not.

5 MR. DUCHETTE: Let's mark this.

6 (Deposition Exhibit No. 5, Answers/Objections
7 to Interrogatories, marked for identification.)

8 BY MR. DUCHETTE:

9 Q. I'll show you what's been marked as Exhibit 5, and I'll
10 point your attention to your answer to No. 9. These
11 are interrogatories.

12 I guess first I'll ask have you seen these
13 before?

14 A. Yes.

15 Q. Okay. And is that your signature?

16 A. That is my signature.

17 Q. I'll ask you to read the question for No. 9 out loud?

18 A. 9: What is your understanding of your rights to use
19 Goose Rocks Beach in front of other beachfront owners'
20 homes?

21 Q. I'm going to ask you to read your answer.

22 A. "Our understanding is the beachfront property is
23 privately own and access is not permitted over private
24 property. There are several public access ways to use
25 along the beach. Also, walking the entire beach is

1 permitted by the beachfront neighbors and the area is
2 shared by all.

3 Q. Okay. So I'm going to ask you again are people allowed
4 to walk up and down Goose Rocks Beach?

5 A. I don't know.

6 Q. Well, you -- is this -- is your statement that walking
7 the entire beach is permitted by all the beachfront
8 neighbors and the area is shared by all, is that an
9 inaccurate statement by you?

10 A. No, it's not.

11 Q. Okay. What do you mean by that?

12 A. I don't understand your question.

13 Q. Well, I've asked you if people have the right to walk
14 up and down the beach.

15 A. I don't know if they legally have the right to do that.
16 It's what -- I don't know if they have the right to do
17 it is what I'm -- is how I'm trying to answer your
18 question.

19 Q. Well, I guess how do you define -- what's permitted
20 mean then?

21 A. It happens. I don't know legally if they -- if they
22 have a right to do it. You can go by their property
23 today and there will be people walking across my
24 property and other people's property. Do they legally
25 have a right to do that, I don't know.

1 Q. Well, with respect to your property --

2 A. Uhm-uhm.

3 Q. -- do you think people have the right to walk across
4 it?

5 A. I think people are walking across my property. Do they
6 legally have a right to do it, I don't know.

7 Q. Do you have any objection to people walking on your
8 property?

9 A. No. People walking across the front of my property, I
10 have never said anything to anybody about that. They
11 are walking across the front of my property. The only
12 thing I have said over the years is we have a leash law
13 in the summertime up there that people aren't supposed
14 to have dogs on the beach. This is not my law, it's
15 the town's law. I own a dog. I don't walk my dog on
16 the beach because there are signs all over the place
17 that says you can't.

18 I have informed people there is a law for this,
19 and the other thing I've asked them is to take their
20 plastic bags with them when they're walking their dogs
21 across the beach and pick up the product that their dog
22 leaves on the beach. That's as far as I've gone.

23 Q. Do you think you have a right to walk up and down Goose
24 Rocks Beach?

25 A. If one of my neighbors told me they didn't want me

1 walking across their property, I would not have the
2 right to do it. It is their property.

3 Q. Okay. How -- you've been at Goose Rocks Beach for 30
4 years. What's -- what's -- in the 30 years you've been
5 there, what's been the history of its use? Is it used
6 just by beachfront owners?

7 A. I have no idea. I mean, there's very few people on
8 Goose Rocks Beach. The activity over the last few
9 years has increased, but there isn't that many people
10 on it.

11 Q. But you -- what -- what's the basis for the Complaint
12 you brought? What's your ultimate goal? What are you
13 trying to achieve?

14 A. Myself, I'm trying to protect my property rights.

15 Q. And what does that mean?

16 A. That I own the property and I want to be able to use it
17 myself.

18 Q. And nobody else has a right to use it?

19 A. That's right. It's my backyard; I bought it and I want
20 to keep it.

21 Q. Do any of the -- do any of the back lot owners behind
22 your property, you mentioned a couple, I think,
23 Junkers, do any of them have the right to use Goose
24 Rocks Beach?

25 A. Of course, they do. If they ask me permission I've

1 always granted it to them. I try to be a good
2 neighbor.

3 Q. So their right to use it is by permission only?

4 A. Yes. I'd say no different than if I wanted to go over
5 and use their backyard. I would ask them if I was
6 going to have a cookout in their backyard can I come
7 over and use your backyard today. Same thing.

8 Q. Okay. But they have no other rights independent of
9 that?

10 A. That's correct.

11 Q. In the 30 years you've been there what types of
12 activities have you seen people doing on the beach?

13 A. People swim, people lay on the beach; they read a book.
14 People sunbathe on the beach. People -- I've seen
15 people take picnics, have sandwiches down at the beach
16 and eat them, that sort of thing.

17 Q. Over the years has there been any change in how people
18 have used the beach?

19 A. No.

20 Q. Is the beach busier now or was it busier 30 years ago?

21 A. There's been more activity on the beach in recent
22 years.

23 Q. Last two years, last three years?

24 A. I would only be speculating, but in the last few years
25 there has been increased activity on the beach.

1 Q. Have you seen any misuse or abuse of the beach?

2 A. Yes.

3 Q. What?

4 A. Just a few things that I've mentioned, people --
5 there's a town ordinance, I believe, that's posted up
6 there, walking dogs on beach, beach dogs should be on
7 leashes. You see that being violated. You -- misuse,
8 you see people with animals on the beach not picking up
9 after them, which bothers me because I don't walk my
10 dog on the -- I have a dog and I walk it down the road
11 because -- because of the posted law, and it does
12 bother me when I'm obeying the law and I see other
13 people not doing it. I'll be very candid with you.
14 And I've seen people on the beach drop litter on the
15 beach, and I go right after them, tell them to pick it
16 up.

17 Q. You indicated you have a dog and you don't -- why don't
18 you bring it on your back -- on your backyard like you
19 indicated onto the beach?

20 A. Pardon me? Because it's a posted ordinance. I don't
21 agree with it because it is my property, I should be
22 able to bring it on, but I'm not going to violate it.
23 It's as simple as when I want to have a bonfire with my
24 grandsons out there, I don't think I should have to go
25 pull a permit for it, but I do, because I'm trying to

1 live within the rules and regulations of the community.

2 Q. I'm assuming I already know the answer to this, but can
3 other beachfront owners recreate on your beach in front
4 of your property, so can Mr. Almeder come over and use
5 your property?

6 A. Sure, if he asks me.

7 Q. But he needs your permission?

8 A. Yeah. Anymore than I would need his permission to use
9 his beachfront property.

10 Q. Is there any rights-of-ways access points to the beach
11 near your property?

12 A. I don't think so. There could be. I don't know.

13 Q. Okay. Never -- you haven't observed people walking
14 down any access points to the beach near your property?

15 A. No, I've seen them try to walk through my yard before
16 from the street in and I've stopped them.

17 Q. I'm not talking about your yard but a right-of-way.

18 A. No.

19 Q. Have you asked permission -- have you asked permission
20 of any other beachfront owners with respect to your use
21 of Goose Rocks Beach or your family's use of Goose
22 Rocks Beach?

23 A. Permission of what?

24 Q. Walk.

25 A. No.

1 Q. Okay. Why not?

2 A. Because I don't walk the beach.

3 Q. I think you testified earlier today that you have
4 walked up and down --

5 A. Occasionally I have, yes.

6 Q. And I think you indicated that your spouse and your
7 children have in the past as well.

8 Have any of you ever asked any permission to do
9 that?

10 A. I -- I -- speaking -- all I can do is speak for myself.
11 I have never asked anybody.

12 Q. Okay. Why not?

13 A. Because it's probably too early in the morning. I
14 didn't want to wake them up.

15 Q. Do you think you have to ask their permission?

16 A. Well, if I was walking in front of somebody's property
17 and they asked me why or why I was doing it, yes, I
18 would think I would have to ask them.

19 Q. Okay. But in the 30 years you've been there, you've
20 never asked for permission?

21 A. No, I have not.

22 Q. Has anybody ever given you permission?

23 A. No, they have not.

24 Q. Okay. Do you -- do you come to your property up at
25 Goose Rocks Beach during the wintertime at all?

1 A. Yes.

2 Q. Have you -- what types of activities have you seen
3 occur on the beach during the wintertime?

4 A. Very little.

5 Q. Even that little amount of activity, what does -- what
6 has it been?

7 A. Really nothing at all.

8 Q. Anybody walking?

9 A. Occasionally you will see people walking on the beach,
10 yes.

11 Q. Cross-country skiing?

12 A. I've never noticed that.

13 Q. Okay. Do you have any objections to people walking or
14 cross-country skiing up and down the beach in the
15 wintertime?

16 A. No.

17 Q. Do you think they have the right to do that?

18 A. No.

19 Q. What rights, if any, do you think back lot owners have
20 with respect to Goose Rocks Beach?

21 A. I really don't know.

22 Q. Do you have any objections to back lot owners using
23 Goose Rocks Beach?

24 A. No.

25 Q. Do you have any objection to back lot owners using the

1 beach in front of your property?

2 A. Yes.

3 Q. What are those objections?

4 A. It's my property. I think they should ask my
5 permission before they use it.

6 Q. Okay.

7 (Deposition Exhibit No. 6, Black and White
8 Photograph, marked for identification.)

9 BY MR. DUCHETTE:

10 Q. I'm showing you a picture that's been marked as Exhibit
11 6. I'll represent to you that that's a picture that --

12 MR. THAXTER: Did you make copies for us?

13 MR. DUCHETTE: Yes.

14 BY MR. DUCHETTE:

15 Q. -- that you provided in your response to plaintiffs'
16 request for production of documents. These are all the
17 pictures but I think it's the --

18 MR. THAXTER: Okay.

19 BY MR. DUCHETTE:

20 Q. Is your house depicted in that picture at all?

21 A. Yes.

22 Q. And can you mark an X on your -- on your home?

23 MR. THAXTER: I think we've stipulated it's the
24 only one in the picture.

25 MR. DUCHETTE: Good one.

1 A. Is the X okay?

2 BY MR. DUCHETTE:

3 Q. Yeah. And it looks like in that picture there's
4 a -- there's a bank that appears to have been eroded?

5 A. That's correct.

6 Q. And then there's the beach in front of it?

7 A. Yes.

8 Q. Is that -- is that how it still looks today?

9 A. No.

10 Q. How does it look today?

11 A. It's been completely filled in and dunegrass has been
12 planted.

13 Q. When were these pictures -- when was that picture
14 taken?

15 A. I don't know, to be honest with you.

16 Q. When -- do you know when you had the -- the -- the fill
17 brought in, the dune grass planted?

18 A. In the time that I've been up there, we've had, on four
19 occasions, we've had major Northeaster storms and it's
20 washed out the beach, and in each case I've had to
21 replace the front of it. That's happened four times.

22 MR. DUCHETTE: Mark another picture.

23 (Deposition Exhibit No. 7, Black and White
24 Photograph, marked for identification.)

25 BY MR. DUCHETTE:

1 Q. I'm going to show you what's been marked as Exhibit 7.
2 There's some -- and, again, it's a picture that you
3 provided in response to our request for production of
4 documents. There's a notation -- there's two
5 notations. I don't know what the first one is. It
6 looks like low tune. But then there's also another
7 notation that says illegal sea -- well, actually I
8 think -- I'm sorry.

9 There's one notation on the picture you're
10 looking at that says illegal seawall. Whose
11 handwriting is that?

12 A. I don't know.

13 Q. Okay. Do you know who took these pictures?

14 A. No, I don't.

15 Q. Is it -- do you think that's an illegal seawall?

16 A. I was informed it was, yes.

17 Q. Who were you informed -- who indicated that to you?

18 A. The engineering firm that I had prepare the paperwork
19 and the drawings to reconstruct the beach after the
20 first major storm.

21 Q. Did they indicate why that's an illegal seawall?

22 A. Their understanding was that the seawall was put in and
23 permits were never pulled for it.

24 (Deposition Exhibit No. 8, Lot Plan Drawing,
25 marked for identification.)

1 BY MR. DUCHETTE:

2 Q. I'm going to show you what's been marked as Exhibit 8.
3 Again, this is a document you produced in response to
4 our request for production of documents, and it appears
5 to be some sort of plan.

6 Have you seen that document before?

7 A. Yes.

8 Q. What is it?

9 A. I think it was a layout, I think. It was a layout plan
10 that the engineering company that we hired to -- during
11 the first rebuild put together to situate the house
12 with where the beach was going to be end filled. It
13 was part of the permitting process.

14 Q. Okay. And there are various lot lines with respect to
15 your -- to your property.

16 Do you know where those -- those -- you know,
17 those measurements and those numbers came from?

18 A. I do not know. They were pulled together by the
19 engineer.

20 Q. Do you have any objections to the engineer's work?

21 A. Do I have any objections? I don't understand the
22 question.

23 Q. Well, is there anything in this depiction of your
24 property and the boundary lines of your property that
25 you object to?

1 A. No.

2 Q. Do you think you own any more than what's depicted in
3 that?

4 A. Yes.

5 Q. This drawing?

6 A. Yes.

7 Q. You do?

8 A. Yes.

9 Q. And, again, what do you base that opinion on?

10 A. I base it on the legal opinion that I received when I
11 first bought the property.

12 Q. And that's a legal opinion you no longer have, correct?

13 MR. THAXTER: He doesn't have a written copy of
14 it. He doesn't --

15 MR. DUCHETTE: Okay. I'm just making sure.

16 A. That's correct.

17 BY MR. DUCHETTE:

18 Q. Okay. Who is the attorney that provided you that legal
19 opinion?

20 A. Thomas Spencer.

21 Q. And he's -- is he a Maine attorney?

22 A. No, he's not.

23 Q. Is he a Massachusetts attorney?

24 A. Yes, he is.

25 Q. Okay.

1 MR. DUCHETTE: I have no further questions at
2 this time. I think others will.

3 MR. WILLING: I'll start or we can take a
4 break.

5 MR. THAXTER: No, no, I think we're fine.

6 EXAMINATION-BY ATTY. WILLING:

7 Q. Maybe a couple follow-up questions, if I could, on his.
8 Attorney Duchette asked you a number of questions about
9 your neighbors from the other side of Kings Highway and
10 what their rights were.

11 I think you indicated the Junkers are right
12 across the street from you?

13 A. That's correct.

14 Q. Okay. Were the Junkers living across the street from
15 you when you bought your property in 1981?

16 A. They've been there for as long as I can remember.
17 Whether they were there then or not, I can't tell you.

18 Q. Do you know how long the Junker family has been at
19 Goose Rocks Beach; do you have any idea?

20 A. No.

21 Q. So you don't know how long the Junker family has been
22 using Goose Rocks Beach in connection with that
23 property?

24 A. No, I don't.

25 Q. But your testimony here today is unless they come and

1 ask you permission, they can't go and put a towel out
2 on the beach in front of your house?

3 A. Well, they have -- that's my testimony and they've
4 always been very polite and come over and asked me
5 whenever they want to use it for any functions or
6 anything else.

7 Q. They've asked you every single time they've ever used
8 the beach as long as you've owned the property?

9 A. Sure.

10 Q. Every single time they've come and got your permission?

11 A. As far as I know when they want to -- yes, when they'd
12 want to use it for functions, he's had his boat over
13 there, he has always asked me and he's always been very
14 polite about where he locates his stuff and what he
15 does, yes, sir.

16 Q. Every time a member of the Junker family wants to go
17 swimming they've asked your explicit permission; that's
18 your testimony?

19 A. No, it is not.

20 Q. Okay. Well, you keep narrowing it down to the boat and
21 a function. I'm asking you every single time they've
22 ever used the beach they've gotten your permission?
23 That's my question.

24 MR. THAXTER: Is the question limited to the
25 beach in front of you?

1 MR. WILLING: Yes, yes, of course. Sorry.

2 A. Any time that they've ever used the beach in front of
3 my house when I have been up there they've asked me for
4 permission, yes.

5 BY MR. WILLING:

6 Q. Okay. I guess we'll find out if they agree with that.

7 A. Okay. That's fine.

8 Q. Do you consider yourself friends with the Junkers?

9 A. Yes.

10 Q. Do you consider this friendly, this action?

11 A. I don't understand your question.

12 Q. If you prevail on this action, you're saying the
13 Junkers can't use the beach without your permission,
14 right, in front of your house?

15 A. That's correct, and I've always let them use it.

16 Q. And they've been there as long as you know?

17 A. Right. Well, I mean, if I went over into Mr. Junker's
18 backyard today and had a cookout in his backyard
19 without asking his permission, would I be being a good
20 neighbor? Well, no, I asked -- you're asking me.

21 Q. As much as your question and Attorney Thaxter may
22 appreciate even your question, unfortunately, I'm not
23 being deposed today. You may want to depose me --

24 A. No, no.

25 Q. -- but it's my job to ask the questions.

1 A. No, no, no. That's fine. I answered the question.
2 Thank you.

3 MR. THAXTER: Slow up, though, because you guys
4 both are talking at the same time.

5 MR. WILLING: Right. Yeah, I had too much
6 coffee so I had to leave the deposition, just so you
7 know.

8 BY MR. WILLING:

9 Q. You -- and I honestly do not want to puts words in your
10 mouth, but when Attorney Duchette asked you a question
11 about when you bought the property and what your
12 understanding of the property line was, especially the
13 seaward one, you indicated, and I tried to write it
14 down accurately, that it was represented to us that we
15 own to the mean -- and then you stopped and you said
16 "low water mark."

17 And so my question to you is, was it
18 represented to you that you own to the mean high water
19 mark or was it represented to you that you own to the
20 low water mark? So you just started to use -- you
21 started at one phrase but then it was just an accident.
22 You weren't intending to say mean high water mark?

23 A. That's correct.

24 Q. Okay. I think you, in response to several questions
25 from Attorney Duchette, indicated that with the

1 exception of walking, you only use the beach in front
2 of your house; is that right?

3 A. That's correct.

4 Q. For 30 years you've never strayed an inch over the line
5 in either direction?

6 A. That's correct.

7 Q. That's your testimony, your kids have never strayed an
8 inch over the line in either direction?

9 A. That's correct.

10 Q. Never put a towel on the beach an inch over the line in
11 either direction?

12 A. No, there's no need to. I've got the beach right in
13 front of my house.

14 Q. Do you have like -- do you go out and blaze lines down
15 the beach to make sure that you don't put a towel out
16 of the line or --

17 A. No, but it's pretty evident where it is.

18 Q. Okay. And you're very conscious of it. Have you ever
19 instructed your kids don't go left or right?

20 A. No, there's no need to. They stayed there.

21 Q. So they don't wander down and see friends?

22 A. No.

23 Q. They don't go out and collect shells on the island,
24 Timber Island?

25 A. Yeah, we would always go over there. At low tide we'd

1 always walk out to the rocks. That was a thing when my
2 kids growing up we would do that any time we were up
3 there.

4 Q. And you had to walk down --

5 A. Straight out.

6 Q. -- to Timber Island, right?

7 A. Walk straight out.

8 MR. THAXTER: Wait until he finishes.

9 THE DEPONENT: Sorry.

10 BY MR. WILLING:

11 Q. You'd never go down to the island -- what's the name of
12 the island? Sorry.

13 MR. DRIVER: Timber Island.

14 MR. WILLING: Is that down the other end of the
15 beach?

16 A. Never been --

17 BY MR. WILLING:

18 Q. Your kids have never been there?

19 A. I don't -- I wasn't watching them all. Maybe they have
20 but to the best of my knowledge, no.

21 Q. You know, I'm asking --

22 A. I'm not trying to be adversarial. I don't --

23 Q. No, and I'm not either, but you are making some very
24 concrete statements in this deposition that you've
25 never done X, Y or Z, and I want to make sure that

1 we're clear about --

2 A. That's correct.

3 Q. -- what you're saying.

4 A. Okay. That's right.

5 Q. It is what it is, but I want to make sure.

6 So your kids have never thrown a frisbee and
7 been outside of the --

8 A. I don't know.

9 Q. It's possible?

10 A. It is possible, yes.

11 Q. How about flying a kite, is it ever possible they've
12 ever flown a kit and strayed from your property lines?

13 A. They did fly kites up there.

14 Q. And did they stay on just your property?

15 A. For the most part, yes.

16 Q. But maybe they went outside?

17 A. Maybe they did, yes.

18 Q. Did they get permission when they went outside from
19 your neighbors?

20 A. No, I'm sure they did not.

21 Q. You indicated that, and I know this is sort of half --
22 maybe half in jest, I'm not sure -- you've indicated
23 when you've walked up the beach the few times you've
24 done that, it was too early in the morning to talk to
25 your neighbors.

1 Is your testimony that the only times you ever
2 walked up and down the beach it was so early in the
3 morning that it wasn't possible to ask your neighbors
4 for permission?

5 A. I get up every morning at 4:00 A.M., I have for 50
6 years, and one of the things that I do do when I'm up
7 there occasionally in the morning is I will walk the
8 beach at 4:00 A.M.

9 Q. Okay.

10 A. I've watched the sun rise up there doing that.

11 Q. Right. But my question to you was, is it your
12 testimony that every single -- every single time in 30
13 years you've walked that beach it's been too early to
14 ask permission?

15 A. For the most part, yes.

16 Q. I'm not asking for the most part. Every single time
17 it's been too early to ask for permission?

18 A. No.

19 Q. Okay. And you didn't ask for permission the times
20 where it wasn't too early?

21 A. That's correct.

22 Q. Okay. Turn to Exhibit 1 if you would. That's -- or
23 actually it's 2. Well, either one. Let's go to 1.
24 That's the current deed, right?

25 Just to fend off at least a potential objection

1 from your attorney, he may object anyway, I understand
2 you're not an attorney, you know, okay? I understand
3 that. But this is -- I think you testified Exhibit 1
4 is your deed?

5 A. It appears to be.

6 Q. And I guess asking you as a nonattorney, where in here
7 do I see, if you can, that your boundary line is the
8 low water mark?

9 A. I don't -- I don't know.

10 Q. Your deed does refer to that 1921 subdivision plan from
11 Emmons' heirs, right?

12 A. The last sentence right here says drawn by Libby &
13 Jones in December 1921. Is that what you're saying?

14 Q. Yeah.

15 A. Yeah, it does say here.

16 Q. And the previous paragraph at the bottom also refers to
17 that 1921 subdivision plan, right?

18 A. Which -- whereabouts?

19 Q. You were reading I think that paragraph, the previous
20 paragraph.

21 A. Oh, up here? It goes back to that December 1921,
22 correct.

23 Q. And how about the prior deed, Exhibit 2, same thing?

24 A. This one here?

25 Q. Yeah.

1 A. Yup, it says same thing, 1921.

2 Q. Have you looked at the other deeds that predate this?

3 You know, in other words --

4 A. Rephrase.

5 Q. I think you indicated that, in response to Attorney
6 Duchette's questions, that you thought you bought the
7 property from Marjorie Campbell?

8 A. That's -- that's correct.

9 Q. You couldn't quite remember her name --

10 A. Yeah.

11 Q. -- but I think you got Marjorie anyway.

12 A. Yeah.

13 Q. And so -- and after that, after you indicated that, and
14 I think he brought forward Exhibit 2 to show you, and
15 that seemed to indicate that that had been the source
16 of your title, right?

17 A. Yeah. I believe that's the woman we bought it from.

18 Q. All I'm asking is have you ever had an opportunity to
19 look at, review, check out the deeds that come before
20 this, the deed to Marjorie Campbell and whatever
21 preceded her?

22 A. No. To the best of my knowledge, no.

23 Q. Are these the only two deeds that you have at least
24 personal knowledge of?

25 A. To the best of my knowledge, yes.

1 Q. There's been no deed since the 1983 one in which it
2 looks like Kennebunkport Industries conveyed the
3 property to you and your wife as trustees? That's
4 Exhibit 1.

5 A. Yeah.

6 Q. There's been nothing since then, has there?

7 A. To the best of my knowledge, no, sir.

8 Q. And both of those two deeds refer to the same 1921
9 subdivision plan, right?

10 A. It appears to, yes.

11 Q. Okay. You're not aware whether all the prior deeds
12 since 1921 in your particular chain of title also refer
13 to that same subdivision chain?

14 A. No.

15 Q. Okay. Can you just briefly explain to me what
16 Kennebunkport Industries is or was?

17 A. It was a Mass. corporation that we were doing real
18 estate development work out of and --

19 Q. Do you mean, by we, you and your wife or by we,
20 somebody else?

21 A. No, myself and my wife.

22 Q. Okay. Is Kennebunkport Industries, Inc. essentially
23 your -- I'm not -- a company you and your wife formed
24 that is essentially the predecessor to PMC Realty
25 Trust?

1 A. No. And I don't remember why we formed it. I do know
2 that after it was formed we did consolidation and put
3 everything under one entity and we just dissolved some
4 of the corporations.

5 Q. Okay. So going back to the early '80s at the time you
6 first acquired the Kennebunkport property, you had a
7 few different entities that held property?

8 A. That's correct.

9 Q. Okay. And they might have had different names?

10 A. That's correct.

11 Q. For instance, your company holding property in
12 Kennebunkport, Maine was Kennebunkport Industries?

13 A. That's correct.

14 Q. And you possibly had some other entities for other
15 properties in other states; is that right?

16 A. That's right.

17 Q. Okay. And then subsequently you formed PMC Realty
18 Trust and put all of your -- your properties into that
19 company?

20 A. That's correct.

21 Q. Okay. And you and your wife are trustees?

22 A. That's correct.

23 Q. Could you just tell me, to the extent you can, what the
24 other properties that you own that are contained within
25 PMC Realty Trust or just where they're located?

1 A. They're all over the place, Gloucester, Mass., Boston,
2 Mass., Cambridge, Mass., Essex, Mass., Danvers, Mass.,
3 Georgetown, Mass., Raleigh, Mass.

4 Q. And just -- are they all for your own personal use or
5 some of them rental properties? Could you -- just give
6 me an overview.

7 A. It's all -- it's all commercial properties.

8 Q. With the -- not the Kennebunkport one?

9 A. Correct, no. All of -- all of -- the bulk of all the
10 properties are commercial -- office, commercial,
11 warehouse, industrial, retail properties. The only
12 residential properties that are owned would be this and
13 our home in Topsfield.

14 Q. Okay. So to one degree or another, is it fair to say
15 the other properties, other than the Topsfield and
16 Kennebunkport property, are commercial rental
17 properties that you have office space where people pay
18 rent to GMC Realty Trust?

19 A. That's the goal of it, yes.

20 Q. Okay. I think you essentially answered this, but I
21 want to double-check. You don't own other property in
22 Goose Rocks, is that right, other than the 115 Kings
23 Highway?

24 A. Correct.

25 Q. You've never rented property in Goose Rocks Beach; is

1 that right, other -- right, or have you?

2 A. Rented this property or rented other property?

3 Q. No. Sorry. Have you ever personally for your own use
4 rented other property not at 115 Kings Highway?

5 A. The only -- no, I have not, no.

6 Q. Not when you potentially were looking to buy?

7 A. The only thing we did is we spent, when we were buying
8 that property, we rented a hotel room in Kennebunkport
9 in an inn for overnight. So that's the closest I've
10 come to renting anything.

11 Q. Tides Inn?

12 A. No, it was downtown.

13 Q. Have you ever rented your own property?

14 A. No.

15 Q. Not in 30 years?

16 A. No.

17 Q. Okay. Okay. I think we've covered where you've
18 used -- you've personally used the beach, and, you
19 know, and to what extent. I think you indicated that
20 other than kite-flying, you basically stayed within the
21 property lines?

22 A. I didn't do kite-flying.

23 Q. I know, your kids did it. But I want to ask you about
24 you and your family's use of the beach to the extent
25 you know.

1 You use it for swimming?

2 A. Yes.

3 Q. And that includes kids and grandkids?

4 A. Yes.

5 Q. Okay. Fishing?

6 A. No.

7 Q. Sun bathing?

8 A. Yes.

9 Q. I think you've indicated your kids did some
10 kite-flying?

11 A. Many years ago, yes.

12 Q. Grandkids?

13 A. No, they're not into kite-flying.

14 Q. Sandcastle building?

15 A. Yes.

16 Q. And I think you've indicated that you've at least from
17 time to time have done some walking on the beach?

18 A. Yes.

19 Q. And your kids have done some walking?

20 A. I think so, yes.

21 Q. How about grandkids, too young or do they go walking
22 out on the beach?

23 A. Yes, they've walked on the beach.

24 Q. Left -- have they gone outside of your property line?

25 A. I don't know.

1 Q. Okay. You've indicated, I believe, in response to
2 Attorney Duchette's questions, that you do not walk
3 your dog in the summer out of at least respect for the
4 Kennebunkport --

5 A. That's correct.

6 Q. -- regulations?

7 Do you walk the dog in the winter?

8 A. No, I walk him down the road.

9 Q. Okay. Anybody in your family go running on the beach?

10 A. No.

11 Q. How about games, any soccer games, kicking a soccer
12 ball around, softball, volleyball, anything like that?

13 A. Baseball, but we play it up on the yard, the hard
14 grass.

15 Q. Okay. How about horseshoes?

16 A. Horseshoes, up on the hard grass. I've got a horseshoe
17 pit up there.

18 Q. Got it. I think you've indicated at least the Junkers
19 have had cookouts by permission in front of your house?

20 A. That's correct.

21 Q. Have you ever had cookouts out there?

22 A. Not on the beach, no.

23 Q. Maybe bonfires, but you went and indicated that you got
24 permits, even though you didn't think you had to get a
25 permit?

1 A. That's correct.

2 Q. Anybody else have bonfires out there in front of your
3 house?

4 A. No.

5 Q. Other than the Junkers, any other neighbors in the area
6 that have used the beach and -- the beach in front of
7 your house or in the back of your house? I'm not sure
8 which it is.

9 A. It's the back of my house. If I take the front as
10 being the street, that's the back.

11 Q. Okay. I'll try to use that. So have any other
12 neighbors other than the Junkers to your knowledge used
13 the beach?

14 A. Yes.

15 Q. Could you name one?

16 A. Yeah. My next-door neighbor, Bob Almeder, has.

17 Q. Okay. How about folks that live -- that aren't
18 beachfront property owners?

19 A. Over the years there's been a few of them, yes.

20 Q. Do you know their names?

21 A. It escapes me right now, but there are people that have
22 asked me if they could use it, and I've told them yes,
23 they could, if they picked up and cleaned up after
24 themselves.

25 Q. What do they use it for?

1 A. To have a cookout.

2 Q. Cookout. How about sun-bathing, anything like that?

3 A. They might have been having a cookout with their top
4 off and getting some sun, I presume.

5 Q. So nobody has gone out there and --

6 A. We're pretty modest. We make sure people keep their
7 clothes on.

8 Q. Nobody has gone out there and just put a towel down and
9 laid out in the sun and read a book, that kind of
10 thing?

11 A. No.

12 Q. Really? In 30 years nobody?

13 A. Not that I'm aware of.

14 Q. Even ones without your permission?

15 A. Maybe if I wasn't there they could have.

16 Q. When you've asked people -- I mean, I think you've
17 indicated that you asked people to leave. What were
18 they doing?

19 A. They were sitting right in front of my house and --

20 Q. Doing what, just --

21 A. Just sitting there.

22 Q. In a beach chair or just sort of --

23 A. Beach chair on a blanket, towel.

24 Q. So people have without your permission --

25 A. Exactly.

1 Q. -- put a towel down --

2 A. Yeah.

3 Q. -- or a beach chair down in front of your house?

4 A. Yes.

5 Q. How often does that happen?

6 A. Maybe it will happen four or five, half a dozen times
7 during the course of a summer season.

8 Q. Are you there full-time in the summer?

9 A. No.

10 Q. When are you there?

11 A. As often as I can get up.

12 Q. Give me a general picture of when you come up.

13 A. Normally I'll finish work Saturday afternoon and try to
14 get up there by 5:00 and stay till Monday morning, get
15 up early and leave.

16 Q. And how about your wife?

17 A. My wife will try to get a few more days up. She'll
18 take her mother up there, and she could leave on a
19 Thursday or a Friday and then bring her home on Monday.

20 Q. Back when your kids were younger, was that the same
21 routine you had or did you have a different routine
22 when your kids were younger?

23 A. When my kids were younger my wife would take them up
24 there for more -- for longer periods of time, and I
25 would try to get up in the middle of the week, have

1 dinner with them, and then go home.

2 Q. When the other neighbors over the years have had
3 cookouts and such, your testimony is that they ask for
4 permission?

5 A. Yes.

6 Q. But you -- but I just want to be clear. But you're
7 not -- off the top of your head you can't remember
8 their names?

9 A. That's correct.

10 (Deposition Exhibit No. 9, Notice of
11 Deposition, marked for identification.)

12 BY MR. WILLING:

13 Q. If you could turn to -- well, let me ask you first do
14 you recognize Exhibit 9? Have you ever seen it? Maybe
15 your attorney just told you about the deposition. I'm
16 not trying to trick you.

17 MR. THAXTER: I understand.

18 A. Yes, I guess.

19 BY MR. WILLING:

20 Q. Yes, you think you have seen it?

21 A. Yes, I think I have seen it, yes.

22 Q. I just want to focus on basically the second page.
23 There's -- you were asked to bring some documents to
24 the deposition.

25 You are aware of that?

1 A. Uhm-uhm.

2 Q. And I think No. 3 of the numbers on this page indicate
3 that you bring all documents that you hadn't already
4 produced.

5 Do you see that?

6 A. Yes.

7 Q. Okay. You've also, are you aware, provided some
8 documents to the town. Are you aware of that?

9 A. Yes.

10 Q. I understand that it's a long case and lots of stuff
11 gets requested.

12 So I came -- I guess I came today, for example,
13 let me be even more specific, and I have some pictures
14 and I believe Attorney Duchette showed you a couple of
15 pictures and they were the same ones I have. Are those
16 the only photographs you have depicting the beach? And
17 I can show them to you if you want to see them.

18 A. No, I believe so.

19 Q. You don't have any other family photographs showing
20 family on the beach?

21 A. Not that -- not that I'm aware of.

22 Q. For 30 years no -- no family --

23 A. No.

24 Q. -- photographs on the beach?

25 A. There might be but I'm not aware of them.

1 Q. Okay. Have you looked for them?

2 A. My wife did, yeah.

3 Q. Okay. And that's -- those are the only things she came
4 up with?

5 A. I believe so.

6 Q. Okay. Were those photographs taken in conjunction with
7 some kind of permit?

8 A. That's correct.

9 Q. And you're not sure who took them?

10 A. It was the engineering firm that I hired to file the
11 paperwork that was required for that.

12 MR. WILLING: I'm going to mark -- here.

13 (Deposition Exhibit No. 10, Photograph, marked
14 for identification.)

15 (Deposition Exhibit No. 11, Photograph, marked
16 for identification.)

17 (Deposition Exhibit No. 12, Photograph, marked
18 for identification.)

19 BY MR. WILLING:

20 Q. If you could look at Exhibit No. 10, these are amongst
21 the photographs that I think you provided to both
22 Attorney Duchette and the town. All I want you to tell
23 me is, and maybe you can even mark with a pen, who owns
24 the two houses that are shown? Maybe there are three
25 houses shown. I can't tell.

1 A. This one on the right is our house.

2 Q. Can you maybe draw a line to that house and write
3 Coughlin or something like that or maybe even C.

4 Okay.

5 A. This is the Almeders' house right here.

6 Q. Are there any other houses shown in that?

7 A. No.

8 Q. Could you do the same thing with Exhibit 11 and 12,
9 just so when I look at these I have an understanding of
10 where people are.

11 So that 11 shows just the Coughlin and
12 Almeder --

13 A. Yeah.

14 Q. -- houses?

15 Okay.

16 A. This one shows the Mulvihills.

17 Q. So No. 12 shows the Mulvihill's house?

18 A. Yes.

19 Q. And is your house in there, too?

20 A. No.

21 Q. Okay. Where is the -- is the Mulvihill house north or
22 south of your house?

23 A. North.

24 Q. And how about north or south of the Almeder house?

25 A. The Mulvihill -- Almeders would be south of us.

1 Q. So Almeder is to your --

2 A. If we take the ocean being east, Almeders is south,
3 Mulvihills north, Kings Highway would be west.

4 Q. So is Mulvihill your next-door neighbor on the
5 northerly side?

6 A. That's correct.

7 Q. Okay. And Almeder is your next-door neighbor on the
8 southerly side?

9 A. That's correct.

10 Q. And Baylis, is he south of Almeder?

11 A. Yup.

12 Q. Okay. What was the purpose of the permits that you got
13 for which these -- maybe you can explain that. I
14 wasn't paying close enough attention, but if you don't
15 mind, so you had the pictures taken and --

16 A. On four different occasions since we've been up there
17 we've had severe northeast storms. What it's done it's
18 washed out a whole front of our beach. On two
19 occasions I was able to gain permission from the
20 Kennebunkport Conservation to do remedial work without
21 filing a full-blown permit process. On the other two
22 occasions the damage was so extensive that I had to
23 file full-blown permits, basically DEP, State of Maine,
24 Kennebunk Conservation Commission to do the
25 reconstructive work under a controlled plan.

1 MR. DUCHETTE: I'm going to show you a couple
2 permits to just make sure we're talking about the same
3 thing.

4 (Deposition Exhibit No. 13, Building Permit,
5 10/23/89, marked for identification.)

6 (Deposition Exhibit No. 14, Building Permit,
7 1/29/07, marked for identification.)

8 BY MR. WILLING:

9 Q. Mr. Coughlin, I'm showing you two building permits that
10 I think you produced to me as opposed to this coming
11 from the town.

12 One appears to be a 1989 permit and the other
13 one a 2007 permit.

14 A. That's correct.

15 Q. And do these -- are these the two incidents you're
16 referring to where you had -- you said you had to go
17 get a full-blown permit due to the northeasterly
18 storms?

19 A. No.

20 Q. This is different?

21 A. That's correct.

22 Q. Okay. So -- just so that we're clear, and I don't know
23 that I need to get into the details of this, but it
24 looks like the 1981 is a permit to add a dormer at your
25 property?

1 A. That's correct.

2 Q. And that's -- that, at least, isn't related to any
3 storm damage?

4 A. That's correct.

5 Q. And then the second permit appears to be in 2007. It's
6 some kind of renovation?

7 A. Yeah, that was the interior renovation.

8 Q. Okay. That's not related to a storm?

9 A. That's correct.

10 Q. But you're indicating that on a couple other occasions
11 you've had, as a result of storm damage -- on several
12 occasions do some work; is that correct?

13 A. That's correct.

14 Q. And on two of those occasions actually go and get
15 permits to do some repair work because of storms?

16 A. That's correct.

17 MR. WILLING: Well, I think I'm pretty much
18 done. I guess I would like an opportunity to consult
19 my notes. We can take a break or someone else can take
20 over.

21 MR. THAXTER: Why don't we take a break.

22 MR. WILLING: Sure.

23 (A short break was taken.)

24 EXAMINATION-BY ATTY. STERN:

25 Q. Mr. Coughlin, my name is Paul Stern and I'm with the

1 attorney general's office, and I have just a few
2 questions. How old are you?

3 A. 63.

4 Q. Do you own any other property in Maine?

5 A. No.

6 Q. Do any of your family members own property in Maine
7 besides yourself?

8 A. To the best of my knowledge, no.

9 Q. And all of the other property you mentioned, which I
10 believe was in Massachusetts, is any of it waterfront
11 property?

12 A. Yes.

13 Q. Can you describe that waterfront property to me?

14 A. We have property on -- on the harbor.

15 Q. Boston Harbor?

16 A. Gloucester Harbor.

17 Q. Okay.

18 A. Directly on the harbor. We built out over the harbor.
19 And we have riverfront property.

20 Q. And where is that?

21 A. Ipswich, Massachusetts and Topsfield, Massachusetts.

22 Oh, I built a pond in my backyard in Topsfield, too. I
23 have a pond right in my backyard.

24 Q. So working from the beginning again, in Gloucester on
25 the harbor, what kind of property is that? Is that

1 office --

2 A. Yes.

3 Q. -- residential?

4 A. It's a 45,000 square foot office building.

5 Q. The riverfront property in Ipswich?

6 A. Is professional office space.

7 Q. And I think you mentioned Topsfield?

8 A. Is office space.

9 Q. Okay. When you purchased the Goose Rocks property, did
10 you pay cash?

11 A. I'm just trying to remember. No, I had to borrow the
12 money to purchase Goose Rocks.

13 Q. So did you have a mortgage on that property?

14 A. Not on that property. I mortgaged another piece of
15 property at the time, now that I remember, to purchase
16 that property.

17 Q. So you mortgaged another piece of property to come up
18 with the cash to pay for the Goose Rocks property?

19 A. Yes.

20 Q. Was the Goose Rocks property subject to any mortgage
21 agreement?

22 A. No.

23 Q. Did you have a written title opinion done on the Goose
24 Rocks property?

25 A. Yes.

1 Q. And who was that done by?

2 A. Attorney Thomas Spencer.

3 Q. And you no longer have a copy of that?

4 A. No.

5 Q. And is Mr. Spencer still alive?

6 A. Yes, as far as I know.

7 Q. Is he still working for the Quinn Brothers Company?

8 A. No, he's retired.

9 Q. He's retired. Do you know where he lives?

10 A. The last I knew he lived in Melrose, Massachusetts.

11 Q. And as I recall, he's not a Maine attorney, he's a
12 Massachusetts attorney?

13 A. That's correct.

14 Q. Did you pay him for his title attorney work?

15 A. I'm sure I did.

16 Q. You -- you testified a couple of times that it was
17 represented to you that if you purchased the Goose
18 Rocks property, you would own down to the low water
19 mark, correct?

20 A. Yes.

21 Q. Who represented that to you?

22 A. The real estate agent that sold it to us.

23 Q. Do you remember his or her name?

24 A. Roy or Ray Chronkite. The name of his company was Wise
25 Realty and he was located, I believe -- well, I know --

1 I was up to his office, Biddeford Pool, in the
2 Biddeford Pool area.

3 Q. Did Ms. Marjorie Campbell represent to you what the
4 boundary of the property was down at the water?

5 A. I don't remember, to be honest with you.

6 Q. You mentioned the Junkers a couple of times. Those are
7 the people who lived across the street upland, correct?

8 MR. THAXTER: I think it's Junker.

9 A. Junker.

10 Q. How do you spell it?

11 A. I want to say it's -- somebody can correct me --
12 J-U-N-K-E-R maybe, something like that.

13 MR. WILLING: That's correct.

14 MR. DUCHETTE: That's correct.

15 BY MR. STERN:

16 Q. Did they ever walk across the beach in front of your
17 property?

18 A. Yes.

19 Q. When they did that did they ask your permission?

20 A. Not that I can remember.

21 Q. Have you ever seen anybody fishing in front of your
22 property?

23 A. No.

24 Q. Have you ever seen anybody shooting birds in front of
25 your property?

1 A. No, no.

2 Q. Too many people have in Maine in the last 30 years.

3 MR. THAXTER: I think it's actually legal in
4 most towns.

5 MR. STERN: Pretty much.

6 BY MR. STERN:

7 Q. Have you ever seen anyone landing boats or kayaks in
8 the intertidal zone in front of your property?

9 A. No.

10 Q. Have you ever seen these sort of activities anywhere up
11 and down Goose Rocks Beach?

12 A. I've seen people on the beach fishing. I have never
13 seen anybody hunting, and I've seen people taking boats
14 out on -- from the beach -- kayaks out from the beach
15 area.

16 Q. I just want to completely understand your answer to a
17 question. I believe the question was do you believe
18 that someone fishing on the intertidal zone at low
19 tide, of course, in front of your property is
20 trespassing? Is your answer yes or no?

21 A. If they legally have the right to do it, I guess
22 they -- they would not be trespassing.

23 Q. So it sounds like you're leaving it to the courts to
24 decide that.

25 A. That's correct.

1 Q. Okay. Have you ever fished at Goose Rocks Beach?

2 A. No.

3 Q. You've never objected to anyone walking across the
4 beach if they didn't have a dog, correct?

5 A. That's correct.

6 Q. And when you saw people walking across the beach in
7 front of your property, did you know whether they were
8 beachfront property owners or upland owners or people
9 from away?

10 A. Did not know.

11 MR. STERN: That's all I have. Thank you.

12 EXAMINATION-BY MR. DRIVER:

13 Q. Good morning, Mr. Coughlin. My name is Richard Driver.

14 A. Good morning.

15 Q. And I guess we met earlier. We went around and shook
16 hands with everyone?

17 A. Yes.

18 Q. That's the first time we met, isn't that correct?

19 A. To the best of my knowledge, yes.

20 Q. The term, recreation, or recreating has been used a
21 number of times this morning.

22 What's your understanding of that term?

23 A. I don't know.

24 Q. You don't have an opinion?

25 A. No.

1 Q. Does it include playing with a frisbee?

2 A. I'm sure it could be, yes.

3 Q. Does it include jogging?

4 A. I don't know. Is jogging a sports activity or is it
5 recreation? I -- and I'm not trying to be difficult,
6 if you could kind of tell me what you want me to say or
7 what you're looking for.

8 Q. I just want to know what your understanding of the
9 term, recreation, is.

10 A. My understanding of what the term, recreation, is, is
11 when somebody is allowed to do something they enjoy
12 doing.

13 Q. So that could include walking and jogging?

14 A. Yeah.

15 Q. Frisbee throwing?

16 A. Playing baseball, working, if you enjoy working. That
17 could be recreational.

18 Q. So have you ever met me walking on your beach?

19 A. Not to the best of my knowledge.

20 Q. Jogging on your beach?

21 A. Not to the best of my knowledge.

22 Q. Have you ever sent me any communication telling me that
23 I shouldn't come on the beach in front of your
24 property?

25 A. I even know who you are, sir, so I don't think I ever

1 sent you anything.

2 Q. So if you don't know who I am, you've never confronted
3 me on the beach in front of your property?

4 A. Not that I can remember, no.

5 Q. Mr. Almeder is your neighbor?

6 A. Yes.

7 Q. He walks and jogs the beach, doesn't he?

8 A. I don't know.

9 Q. You don't know whether Mr. Almeder walks or jogs the
10 beach?

11 A. No, I don't.

12 Q. You've never seen him on the beach?

13 A. I've seen him on the beach. I don't know if he walks
14 it or jogs it. I know he's had some heart problems. I
15 hope he isn't jogging, too.

16 Q. Have you seen him on property other than his own?

17 A. No. For the most part, he'll walk over to my yard.
18 I'll see him there and I see him in his yard.

19 Q. Well, will he walk from his yard to your yard to
20 Mulvihill and down --

21 A. I don't know, he could, but I don't really keep track
22 of him.

23 Q. Did he ever ask permission to walk on your property?

24 A. Yeah. He says, I want to come over and visit me. He
25 says that to me all the time.

1 Q. He said he's going to come over and visit you?

2 A. Yes.

3 Q. Did he ever ask you for permission to walk across your
4 property other than when he was visiting you?

5 A. He never has.

6 Q. Did you have any knowledge at the time you purchased
7 your property that beachfront property owners and back
8 property owners were walking, jogging and recreating on
9 the beach in front of your property prior to your
10 purchase?

11 A. Prior to my purchase?

12 Q. Yes.

13 A. Did I have any knowledge that other people were walking
14 across my property?

15 Q. Yeah.

16 A. No.

17 Q. Did you have any discussion with your -- with the
18 person who owned the property before you about who used
19 the beach?

20 A. No.

21 Q. I believe their name was Campbell?

22 A. That's correct.

23 Q. Did you have any discussion with Mrs. Campbell?

24 A. I never even met her.

25 Q. You never met her?

1 A. No.

2 Q. So the only person you had discussions with was the
3 realtor?

4 A. That's correct. I paraphrased that. Let me correct
5 that. I met her at the passing for 15 minutes. We had
6 the passing, and that was the extent of it.

7 MR. WILLING: Can I interrupt you? Does that
8 mean the closing?

9 MR. THAXTER: Yeah.

10 THE DEPONENT: The closing, passing.

11 MR. DRIVER: I assume that wasn't a funeral?

12 MR. THAXTER: Yeah.

13 BY MR. DRIVER:

14 Q. When you purchased the property did you get title
15 insurance?

16 A. No.

17 Q. You were shown some pictures, and one of the pictures
18 it said illegal seawall, and you said somebody told you
19 it was illegal.

20 Who told you the seawall was illegal?

21 A. I believe, and I think I'm correct, it was the DEP
22 agent from Augusta, Maine who came down in the first
23 wash-out and told me it was illegal.

24 Q. Do you have any idea who put that seawall in?

25 A. No, I don't.

1 Q. You indicated that on a number of occasions because of
2 northeast storms there was some erosion at the front of
3 the property.

4 What was the reason that you sought the
5 permits? What was it you wanted to do to the property?

6 A. I wanted to repair the damage from the storm.

7 Q. For what purpose?

8 A. For what purpose?

9 Q. Yeah.

10 A. To put it back in its original shape.

11 Q. Let me ask it differently. Were you doing this
12 essentially to protect your upland property?

13 A. Yes.

14 Q. You've indicated that the only illegal activities that
15 you've seen on the beach was somebody walking a dog
16 without a leash.

17 If I'm not correct on that, please elaborate.

18 A. That's -- yeah. Yes.

19 Q. And in response to an interrogatory, and I believe you
20 were asked to read it before, but it's No. 8, what was
21 your understanding of the use of Goose Rocks Beach by
22 other individuals of the beach in front of your
23 property when you acquired your home? And the answer
24 is, quote: Our understanding of the property we own
25 extends to the low water mark of the Atlantic Ocean,

1 and we have permitted neighbors and friends to walk in
2 front of the property in the intertidal zone, closed
3 quote.

4 Who were the neighbors and friends that you're
5 referring to?

6 A. The neighbors -- the neighbors and the friends that
7 we've developed along -- along the beach.

8 Q. So are the neighbors all beachfront property owners?

9 A. I don't know if they are or they're not.

10 Q. Well, have all of them asked your permission to walk in
11 front of your property?

12 A. No.

13 Q. Have you ever told them they couldn't walk in front of
14 your property?

15 A. No.

16 Q. Did anybody ever tell you that people have been walking
17 on that beach for recreation for a hundred years or
18 more?

19 A. No.

20 Q. And the last question, No. 9, in your interrogatories,
21 part of your answer says, quote: Walking the entire
22 beach is permitted by all the beachfront neighbors, and
23 the area is shared by all, closed quote.

24 What do you mean by that?

25 A. To the best of my knowledge, people walk the beach, and

1 I have never -- I am unaware of any beachfront owners
2 telling anybody they could not walk the beach. That's
3 what I was trying to express, I think my wife and I, in
4 the reply to that.

5 Q. Well, you used the word, permitting. Are you saying
6 that it was a tacit permission or it was explicit
7 permission?

8 A. I don't understand your question.

9 Q. Well, tell me what you meant by the word, permitted, in
10 that sentence. You say: The entire beach is permitted
11 by all the beachfront neighbors?

12 A. I probably shouldn't have answered -- myself and my
13 wife probably should not have answered it that way. To
14 the best of my knowledge, people walk the beach, and
15 I've never seen anybody object to people walking on
16 their property --

17 Q. Well, is it fair to say, Mr. Coughlin --

18 A. And -- go ahead.

19 Q. I'm sorry.

20 A. But no, that's fine.

21 Q. Is it fair to say, Mr. Coughlin, that the beachfront
22 property owners have never gotten together and said, we
23 are going to let people walk the beach but we're not
24 going to let them do anything else?

25 A. No. I couldn't answer that question. There's a

1 hundred plus people that own property there. I only
2 know a few of them up there. I can only speak for
3 myself.

4 Q. Okay. So you've never gotten together with the other
5 beachfront property owners and reached some agreement
6 as to --

7 A. That's correct.

8 Q. -- allowing --

9 A. I am not --

10 Q. Let me finish the question, please.

11 A. Yeah, go ahead.

12 Q. -- allowing beachfront property owners or others to use
13 the beach, there's never been any formal meeting where
14 you sat down and said, this is how we're going to treat
15 our beachfront neighbors and this is how we're going to
16 treat others?

17 A. That's correct.

18 Q. Can you identify any document, Mr. Coughlin, that would
19 have put me on notice that I was not permitted to
20 recreate on your property?

21 A. No.

22 MR. DRIVER: I don't have any further
23 questions. Thank you.

24 EXAMINATION-BY ATTY. LACHIATTO:

25 Q. Hi, Mr. Coughlin.

1 A. How are you?

2 Q. Good. I'll reiterate a couple of questions Mr. Driver
3 asked you. No. 1, have you ever sent me any formal or
4 given me an oral indication that I or my wife Judith
5 and our family members could not use the beach in front
6 of your property?

7 A. No.

8 Q. Okay. Have you given anyone formal, either oral or
9 written, notification that they could not traverse your
10 beach?

11 MR. THAXTER: Are you asking for both oral and
12 written in this question?

13 MR. LACHIATTO: Yes.

14 A. I orally have, yes.

15 BY MR. LACHIATTO:

16 Q. And those are people who were doing what on your beach?

17 A. They're on my property.

18 Q. And with your permission?

19 A. No.

20 Q. Okay. And that, you claim, occurs how many times a
21 year?

22 A. Four or five, six times a year.

23 Q. But when -- 30 years ago was it occurring four and five
24 times a year?

25 A. A few times. It might have been less then.

1 Q. Yeah. Okay. When you purchased the property some 30
2 years ago, are you aware of the uses of Goose Rocks
3 Beach, what people use the beachfront, one river to the
4 other?

5 A. Yes.

6 Q. And what -- what was that awareness?

7 A. Just what I physically observed.

8 Q. And what did you physically observe from one river to
9 the next at Goose Rocks Beach?

10 A. I didn't observe it from one river to the next, I just
11 observed it in my little corner of the world up there.

12 Q. And your little corner of the world runs from the
13 Babson to where?

14 A. I don't know where the Babson is.

15 Q. That's the river to the south of your property.

16 A. To the south, I can see that river, yes, from my
17 property, yes?

18 Q. And how far north?

19 A. Only to the bend.

20 Q. The bend being in front of whose dwelling, if you know?

21 A. The Gorneys I would say.

22 Q. Is that the brown house?

23 A. Yeah.

24 Q. Okay. Because they own another piece up the road,
25 right?

1 A. I don't know.

2 Q. Okay. So from Gorneys to the river, that's the
3 confines of your knowledge of the uses of the beach
4 some 30 years ago?

5 A. Yes.

6 Q. And what have you observed from the Gorney residence to
7 the Babson River for the last 30 years in terms of use
8 of the beach?

9 A. I've observed people walking in the front of it. I've
10 observed people swimming in the ocean. I've observed
11 people sitting out, I presume, reading, sleeping,
12 meditating or whatever people do when they sit out on
13 the beach. I've observed that. That's pretty much the
14 extent of it.

15 Q. And would you say that all of those people were owners
16 of beachfront property?

17 A. I have no idea.

18 Q. So they could be members of the general public that
19 didn't own beachfront --

20 A. Could be.

21 Q. -- correct?

22 A. Yes.

23 Q. Now, when you acquired the property back in 1981, you
24 had two children, two boys; is that right?

25 A. Yes.

1 Q. And they're presently 40 and 48; is that what you said?

2 A. 40 and 38.

3 Q. 40 and 38. So they were 10 and eight when you bought
4 the property?

5 A. Sounds about right, yeah.

6 Q. Right. And I want to refer you, if I may, to Exhibit
7 8. That's that drawing by someone who was fixing your
8 seawall; is that right?

9 A. That's correct.

10 Q. And as I look at it, correct me if I'm wrong, if you
11 add the two dimensions as far as the width of your
12 portion of lot 10 and lot 9, it approximates 181 feet?

13 A. Sounds about right, yup.

14 Q. Okay. So were you -- were your boys involved in
15 athletics?

16 A. Yes.

17 Q. What sports did they play?

18 A. They downhill skied.

19 Q. Play football?

20 A. Hockey.

21 Q. Football?

22 A. Lacrosse. One of them played football, yes.

23 Q. How about baseball?

24 A. Not really.

25 Q. They were pretty active boys?

1 A. Yeah, they're regular boys.

2 Q. Okay. And when -- back in 1981 when they were eight to
3 10, were they coming up for most of the summer during
4 those periods of time?

5 A. No.

6 Q. Did they ever come up for most of the summer?

7 A. No.

8 Q. So what was the extent of their summer visits with
9 your -- when the boys were from eight until they
10 graduated from high school?

11 A. Weekends.

12 Q. Just weekends?

13 A. Yup.

14 Q. They never got involved in Goose Rocks Beach Community
15 Center?

16 A. No.

17 Q. And when did they do most of their swimming?

18 A. When?

19 Q. Where in relation to your place?

20 A. They did very little. They'd go out in the ocean and
21 take a swim, but they did very little swimming up
22 there.

23 Q. Okay. So you're telling us, or maybe you're not
24 telling us, that these boys, from the time they were
25 eight and 10 until they were teenagers, confined

1 themselves to a 181-foot width of property for the
2 last, well, 30 years, other than walking the beach?

3 A. Well, first off, they don't come up anymore, No. 1.

4 Q. All right.

5 A. And they haven't been up there in years.

6 Q. All right. Let's go to age 18.

7 A. Yeah, they didn't even come up that long. When they
8 were younger they would come up with their mother and
9 I, and it was mostly for weekends. I mean, a big deal
10 for us is to leave work Saturday afternoon at 4:00,
11 come up there, have dinner, spend Sunday up there and
12 come home.

13 Q. But sometimes she'd stay until Monday?

14 A. Yeah, she would stay till Monday and Tuesday.

15 Q. And what you're saying to us is that the boys never
16 went beyond this 181-foot strip?

17 A. Yeah, they spent very little time up there. They had
18 bikes up there, they did a lot of bike riding, and then
19 the big thing when they used to come up there, my wife
20 would take them or we'd take them down to there was a
21 place called Watertown on Route 1.

22 Q. Funtown?

23 A. Funtown. That used to be the big deal. If they were
24 good, we'd come up to Maine and go down to Funtown for
25 the day.

1 Q. Did you ever go over to Timber Island with your
2 children when they were younger?

3 A. I don't know where Timber Island is.

4 Q. If you're looking north and you're driving up Kings
5 Highway and you get to the end of Kings Highway and
6 look to the right, there's an island there.

7 Do you recollect seeing that?

8 A. I think so, yeah.

9 Q. Okay. Did you ever walk out there with your kids?

10 A. No. We'd walked out to the rocks that are directly in
11 front of our house. We used to do that all the time.

12 Q. So that's considered the West Goose Rocks, correct?

13 A. I don't know what it's considered. It's directly in
14 front of my house. At low tide you can walk out there,
15 and there's a big series of rocks with ponds out there.

16 Q. All right. How about the grandkids, how often do they
17 come up?

18 A. A couple times during the summer for a weekend.

19 Q. That's it?

20 A. Yup.

21 Q. And how old are they?

22 A. 11 and nine, 11 and eight.

23 Q. And have you observed them going beyond the confines
24 that your -- what you claim you own, the 181 feet of
25 beach?

1 A. They -- they might have, but for the most part when
2 they come up, they bring their bikes, they ride in the
3 street. We have a kayak and they'll go out at medium
4 tide and kayak around.

5 Q. Okay. Now, you indicated that basically the only
6 objections you have or have seen or witnessed that
7 concern you are people walking their dogs for the most
8 part unleashed and on occasion leaving their droppings
9 on the beach, maybe not in front of your house or maybe
10 in front of your house and other places; is that
11 correct?

12 A. It's a concern I have, yes.

13 Q. Yeah. And a legitimate one, I might add.

14 Now, you claim you walk your dog -- you don't
15 walk your dog on the beach?

16 A. I don't walk my dog on the beach.

17 Q. What's your understanding of the dog ordinance?

18 A. The dog ordinance is, my understanding is, during
19 certain times of the year, the summertimes, that you
20 can't walk from some time in the morning until some
21 time afterwards. And I don't walk the dog on the
22 beach, I walk him down the road so it doesn't concern
23 me.

24 Q. Okay. So other than -- you've never called the police
25 in terms of any activity that you objected to in front

1 of your dwelling?

2 A. No.

3 Q. And, again, the only thing you do object to is the dog
4 situation; is that correct?

5 A. Yeah, I do object to that, yeah.

6 Q. Yes.

7 A. It's the law.

8 Q. All right.

9 A. If I have to obey it, everybody else should.

10 Q. I agree.

11 Now, why did you bring this lawsuit if your
12 only concern is a couple of dogs walking in front of
13 your beach? You brought the lawsuit, right?

14 A. Well --

15 Q. Did you bring the lawsuit?

16 A. Yes.

17 Q. Along with others?

18 A. Yes, I did.

19 Q. And your only complaint is what I just alluded to
20 previously?

21 A. No, that is -- that is one of the complaints I have. I
22 have complaints that people are out in my backyard --

23 Q. What do you call --

24 A. -- without my permission. I have a problem with that.
25 That's something --

1 Q. If you have a problem, you tell them to go and they go,
2 and some do and some don't; is that right?

3 A. I have never asked anybody to leave in the 30 years.
4 I've had people get adversarial with me, but I have
5 never asked anybody to leave that hasn't left.

6 Q. Okay.

7 A. I explain to them --

8 Q. So what you're saying is that the other objection you
9 have is people in front of your home, some you object
10 to and some you don't, and if you object to them being
11 there, you tell them to leave, and over the course of
12 the 30 years they've left, right?

13 A. That's correct.

14 Q. So you're bringing this lawsuit for what reason?

15 A. To protect my rights as a property owner. That's the
16 reason why I'm bringing the lawsuit.

17 Q. And --

18 A. I feel I have paid a huge premium for a piece of
19 property on the ocean. It's my property.

20 Q. Uhm-uhm.

21 A. It's my backyard. I pay a huge dollar up there in real
22 estate taxes as a result of where the property is
23 located to the Town of Kennebunkport, and I want to
24 have the right to say who can come in my backyard and
25 who can't. It's just that simple.

1 Q. When people come in your backyard and you tell them to
2 leave, they leave?

3 A. They leave or I tell them they can stay in my backyard.

4 Q. Okay. So why spend all the money to do the same things
5 you're doing now?

6 A. Because I feel somebody is trying to take that right
7 away from me.

8 Q. And where did you gather that opinion?

9 A. Where did I gather that opinion?

10 Q. Yeah. That somebody is trying -- before you brought
11 the lawsuit --

12 A. Yeah.

13 Q. -- where did you come up with the opinion that somebody
14 was trying to take your rights away?

15 A. It was very simple. People were telling me it wasn't
16 my property, and it is my property.

17 Q. Who was telling you that it wasn't your property?

18 A. Well, I think we've heard it brought up here throughout
19 the course of the morning.

20 Q. They weren't telling you that before you brought the
21 lawsuit.

22 A. Well, maybe there's no need of the lawsuit then.

23 Q. You got that right.

24 A. So if the Town of Kennebunkport tells me that's my
25 property and I can enforce anybody coming in and out of

1 there, that's fine, we'll wrap up the lawsuit now and
2 save everybody a lot of time and aggravation. I'm sure
3 we've all got better things to do this morning than
4 sitting here.

5 Q. But there wasn't any aggravation prior to the lawsuit?

6 A. I think in my mind --

7 Q. In your mind.

8 MR. THAXTER: Let him ask the question, please.

9 MR. LACHIATTO: Yeah. I want to make sure it's
10 his mind.

11 A. In my mind I am not convinced that the town realizes
12 that I own that property and I have a right to say what
13 happens on that property if I comply with all the
14 town's laws, which I'm more than willing to do, and
15 that's the problem that I have.

16 Q. But basically there wasn't a problem because you were
17 able to tell people where -- when they were in front of
18 your property if you didn't want them there, they could
19 leave and they would leave and you had an issue with
20 the dogs, and that was it?

21 MR. THAXTER: Isn't that -- that's your
22 opinion. Are you asking him whether he thought there
23 was a problem?

24 MR. LACHIATTO: You can read back the question.
25 You can read back the question, please.

1 MR. THAXTER: He already -- you already asked
2 him.

3 (The reporter read the requested testimony.)

4 A. Is that the question?

5 BY MR. LACHIATTO:

6 Q. Yeah. Yes.

7 A. Yes, I have an issue with that.

8 Q. You have an issue with what?

9 A. I don't think it should even become a question that
10 people can come in and on my property.

11 Q. And even though your deed doesn't indicate that you own
12 to the low water mark, you claim you do?

13 A. My understanding is that my deed does say that.

14 Q. Well, can you --

15 A. No, I can't but the legal --

16 Q. Well, let me finish the question.

17 A. Okay. Go ahead.

18 Q. Can you show me on the deed where it says you own to
19 the low --

20 A. No, I can't.

21 Q. And is there any language on the deed that indicates
22 you own to the low water mark, and that would be
23 Exhibit --

24 MR. LACHIATTO: You're not telling him what to
25 answer.

1 MR. THAXTER: Read it. It says what it says.

2 A. Well, I don't -- I don't have the technical ability and
3 knowledge to read this deed. I hired legal counsel and
4 I was informed that I did, and that's what I'm basing
5 my opinion on. Anymore than I do open heart surgery on
6 myself this morning, my areas of expertise are very,
7 very small, so I try to refine them to those areas.

8 BY MR. LACHIATTO:

9 Q. But there's no language in here --

10 A. I don't know if there is or there isn't.

11 Q. Well, read it.

12 A. I'm not capable.

13 Q. You can't tell me if the word, Atlantic Ocean, is in
14 there, the low water mark?

15 A. No, I can't.

16 Q. Okay. And the title search was done by Attorney
17 Spencer, and he is still living and is retired?

18 A. To the best of my knowledge, yes.

19 Q. Were there other members in his firm to your
20 knowledge --

21 A. No.

22 Q. -- when you had him do the title search?

23 A. No, not when he did that.

24 Q. How about subsequent to that?

25 A. No. Tom Spencer was a one-man show.

1 Q. Sole practitioner?

2 A. Yeah.

3 Q. And when did he retire?

4 A. Oh, I'd say about 15 years ago.

5 Q. So he's in what, his 80s?

6 A. Yeah, he's getting there; he's getting there.

7 Q. Now, when your children were here and you weren't here,
8 in other words, your wife and you -- your wife would
9 stay over an extra day or two with the kids?

10 A. That's right.

11 Q. You're not privy to where they traverse the beach?

12 A. That's correct, I wasn't there to see it.

13 Q. Did the kids -- did your wife ever tell you that, well,
14 the kids went over here and there and whatnot in terms
15 of use of the beach?

16 A. I can't recall it's been so long.

17 Q. Did they have -- did your two boys have any friends
18 here at the beach to your knowledge?

19 A. The only ones that I knew that they did know were the
20 Gorneys. They weren't up here that much.

21 Q. The Gorneys, that's the last -- the brown house with --

22 A. That's right.

23 Q. -- the shutters?

24 A. Yes.

25 Q. And they had two daughters and a son, correct?

1 A. Right. My boys were quite enthralled with their two
2 daughters because they were good-looking women, so they
3 spent a lot of time down there.

4 Q. All right. So that they probably -- it's fair to say
5 that they probably walked from your dwelling on the
6 beach to the Gorneys on the beach?

7 A. I would say they probably did.

8 Q. And they probably sat out with those two nice-looking
9 Gorney girls on the beach?

10 A. They sat in front of the Gorneys' beach with those two
11 girls.

12 MR. LACHIATTO: Thank you, sir.

13 THE DEPONENT: You're welcome.

14 MR. DRIVER: Don't close up.

15 MR. THAXTER: Oh, come on. Let's go. This is
16 getting silly.

17 MR. LACHIATTO: What's silly is the lawsuit.

18 MR. THAXTER: Yeah. Well, we'll see.

19 MR. DRIVER: Mr. Thaxter, I don't want to tell
20 you what's silly on your side so don't tell me what's
21 silly on my side, all right? I have a couple
22 questions.

23 MR. THAXTER: Okay. Let's keep it short
24 and keep it limited to the last --

25 MR. WILLING: Pete, there's no rules about

1 that. I'm sure he will be short, but you keep trying
2 to dictate what the rules of discovery are.

3 MR. DRIVER: I've got a few questions. We can
4 all --

5 MR. WILLING: Let's get Brennan on the phone or
6 at the next hearing. I want you to get him to tell us
7 that because that's a load of crap.

8 MR. THAXTER: Oh, bullshit.

9 MR. STERN: Mr. Driver ask your questions.

10 MR. DRIVER: I intend to.

11 EXAMINATION-BY MR. DRIVER:

12 Q. Mr. Coughlin, did I understand your testimony earlier
13 that there was no mortgage on your property, that you
14 mortgaged another piece of property in order to
15 essentially pay cash for the property located at Goose
16 Rocks Beach?

17 A. To the best of my knowledge and recollection, that's
18 the way I did it.

19 Q. Let me show you, and I don't have the number, maybe
20 this is it, Coughlin 1. I want to show you Coughlin 1.
21 Would you look at the last paragraph on the first page
22 and read that into the record, please?

23 A. This conveyance is made subject to the terms and
24 effects of a certain mortgage given -- this conveyance
25 is made subject to the terms and effects of a certain

1 mortgage given by the said Kennebunkport Industries,
2 Inc. to the said Marjorie K. Campbell by its mortgage
3 deed dated January -- June 22, 1981 and recorded in the
4 York County Registry of Deeds in Book 2808, page 90,
5 which the guarantee hereby assumes and agrees to pay in
6 their capacity as trustee of said PMC Realty Trust.

7 Q. Does that refresh your recollection?

8 A. Yeah, it does.

9 Q. It does?

10 A. Yeah.

11 Q. So there was a mortgage?

12 A. Yes. What I did -- I mortgaged another -- I had no
13 money to buy the place. I mortgaged one of my pieces
14 of property to come up with part of the money, and she
15 took back a second or she took back a mortgage. It
16 wasn't a second.

17 Q. So when you purchased the property you paid part cash
18 and part was paid with a mortgage to Mrs. Campbell?

19 A. She took back, now that I read that, yeah, I do
20 remember she took back money on that property, yes.

21 Q. And how much money did she take back on the mortgage?

22 A. I don't remember. I don't remember.

23 Q. Do you have a copy of the mortgage?

24 A. No. It's all been paid. It was paid years ago.

25 Q. Do you --

1 A. I think at the time, I'm trying to remember, I think we
2 paid like 250,000 bucks for the property, and I think
3 she took back a \$50,000 mortgage and I came up with
4 200,000.

5 Q. Was there a description of the property in the
6 mortgage?

7 A. No, I don't think so. I just signed personally for it.

8 Q. Was there a survey of the property at the time you
9 purchased?

10 A. Could have been, but I don't remember.

11 Q. You have no recollection of getting a survey of the
12 property when you purchased it?

13 A. Maybe we did. I don't remember. It was 30 years ago,
14 but I do remember she took back some money on that to
15 make it happen.

16 Q. Do you have any other records that you have not
17 produced regarding your purchase of this property?

18 A. No. Everything we had we sent.

19 MR. DRIVER: All right. Thank you.

20 THE DEPONENT: Okay.

21 MR. DUCHETTE: Hey, Pete?

22 MR. THAXTER: Yes.

23 MR. DUCHETTE: I suspect all of our depositions
24 are going to go like this, so to the extent --

25 MR. THAXTER: I'll research -- I'll get you the

1 memo on the rule. It's very clear. You get to take
2 depositions like in court. You get to ask your
3 questions and you come back and ask some redirect, but
4 you can't just -- it's not open-ended.

5 MR. WILLING: I've never heard anybody in
6 my -- you're the only person I've ever heard say that.
7 If I'm wrong I will back off, but I've never heard
8 anything like that.

9 MR. THAXTER: Brian, you and I haven't agreed
10 on very much.

11 MR. WILLING: No, we haven't.

12 MR. DUCHETTE: And I'm just asking because --
13 so that these can go a lot more smoothly.

14 MR. THAXTER: We haven't had too much trouble.

15 MR. DUCHETTE: No, but I notice that towards
16 the end of it you start to get a little bit impatient.
17 This one was a lot shorter than Mrs. Clark's, so --

18 MR. THAXTER: Well, you'll have a motion by the
19 end of next week probably that will take care of most
20 of this.

21 (The deposition concluded at 11:11 A.M.)

22 - - - - -

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, JOHN T. COUGHLIN, do hereby certify that the foregoing testimony taken on May 27, 2011, is true and accurate to the best of my knowledge and belief.

DATE

At _____ in said County of _____, this _____ day of _____, 2011, personally appeared JOHN T. COUGHLIN and he made oath to the truth of the foregoing answers by his subscribed.

Before me, _____, Notary Public.

My commission expires: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MAINE

I, Colleen A. DiPierro, RMR, CRR, a Notary Public in and for the State of Maine, do hereby certify that pursuant to notice there came before me on May 27, 2011 the following-named person to wit: JOHN T. COUGHLIN, was duly sworn to testify to the truth and nothing but the truth; that he was thereupon carefully examined upon his oath and his examination reduced to writing under my supervision; that this deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for, nor employed by any of the parties to the action in which this deposition is taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in this action.

IN WITNESS WHEREOF I have hereunto set my hand this ____ day of _____, 2011.

Colleen A. DiPierro, RMR, CRR

My Commission Expires
May 1, 2018

1
2 Colleen A. DiPierro
3 **DIPIERRO REPORTING, LLC**
4 220 Pine Street
5 South Portland, ME 04106
6 207-767-5330

7
8
9
10
11
12 June 13, 2011

13
14 Sidney St. F. Thaxter, Esq.
15 Curtis Thaxter Stevens Broder & Micoeau
16 One Canal Plaza, Suite 1000
17 P.O. Box 7320
18 Portland, ME 04112-7320

19
20 RE: Robert and Virginia Almeder v. Town of
21 Kennebunkport, et al.

22
23 Enclosed please find your copy of this deposition of
24 JOHN T. COUGHLIN taken in the above-mentioned action on
25 May 27, 2011. Also enclosed is the original signature
page and a sheet for corrections.

Please have JOHN T. COUGHLIN read your copy of the
deposition and sign the original signature page before
a Notary Public. If there are any corrections he
wishes to make, they should be made on the enclosed
correction sheet. Do not mark on the deposition.

Please return the signed original signature page and
correction sheet to Sidney St. F. Thaxter, Esq. within
30 days.

Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ERRATA SHEET OF: JOHN T. COUGHLIN

<u>Page #</u>	<u>Line #</u>	<u>Change From</u>	<u>Change To</u>
---------------	---------------	--------------------	------------------

JOHN T. COUGHLIN

\$	2	57 [3] - 2:13, 2:14, 2:14 5:00 [1] - 54:14	achieve [1] - 25:13 acquire [1] - 6:18 acquired [4] - 8:15, 47:6, 72:23, 78:23 Action [1] - 1:1 action [5] - 38:10, 38:12, 97:13, 97:16, 98:14 active [1] - 79:25 activities [4] - 26:12, 30:2, 66:10, 72:14 activity [7] - 20:1, 25:8, 26:21, 26:25, 30:5, 68:4, 83:25 add [3] - 60:24, 79:11, 83:13 address [2] - 4:13, 4:15 adversarial [2] - 41:22, 85:4 afternoon [2] - 54:13, 81:10 afterwards [1] - 83:21 age [1] - 81:6 agent [2] - 64:22, 71:22 ages [2] - 6:6, 6:12 aggravation [2] - 87:2, 87:5 ago [11] - 6:21, 10:1, 18:25, 26:20, 50:11, 76:23, 77:2, 78:4, 90:4, 93:24, 94:13 agree [3] - 27:21, 38:6, 84:10 agreed [3] - 3:2, 19:5, 95:9 agreement [2] - 63:21, 75:5 agrees [1] - 93:5 ahead [3] - 74:18, 75:11, 88:17 al [2] - 1:3, 98:12 ALEXANDER [1] - 1:21 alive [1] - 64:5 ALL [1] - 1:6 allowed [3] - 22:2, 23:3, 68:11 allowing [2] - 75:8, 75:12 alluded [1] - 84:19 Almeder [10] - 28:4, 52:16, 58:12, 58:24, 59:1, 59:7, 59:10, 69:5, 69:9, 98:12 ALMEDER [2] - 1:3, 1:3 Almeders [2] - 58:25, 59:2	Almeders' [1] - 58:5 amount [1] - 30:5 Andre [1] - 3:10 ANDRE [1] - 1:19 animals [1] - 27:8 answer [14] - 4:7, 14:8, 14:22, 15:13, 22:10, 22:21, 23:17, 28:2, 66:16, 66:20, 72:23, 73:21, 74:25, 88:25 answered [5] - 15:7, 39:1, 48:20, 74:12, 74:13 answers [1] - 96:15 Answers/Objections [2] - 2:10, 22:6 anyway [2] - 44:1, 45:11 APPEARANCES [1] - 1:18 appeared [1] - 96:14 appreciate [1] - 38:22 approximates [1] - 79:12 ARE [1] - 1:6 area [8] - 6:23, 20:13, 23:1, 23:8, 52:5, 65:2, 66:15, 73:23 areas [2] - 89:6, 89:7 ascertained [1] - 15:17 associate's [1] - 4:25 assume [1] - 71:11 assumes [1] - 93:5 assuming [1] - 28:2 assumption [1] - 14:19 athletics [1] - 79:15 Atlantic [2] - 72:25, 89:13 attention [2] - 22:10, 59:14 attorney [17] - 12:16, 12:23, 35:18, 35:21, 35:23, 38:21, 44:1, 44:2, 51:2, 55:15, 57:22, 62:1, 64:11, 64:12, 64:14, 97:11, 97:15 Attorney [7] - 36:8, 39:10, 39:25, 45:5, 56:14, 64:2, 89:16 ATTY [8] - 2:3, 2:3, 2:4, 2:5, 3:7, 36:6, 61:24, 75:24 Augusta [1] - 71:22 aware [9] - 14:1, 46:11, 53:13, 55:25, 56:7, 56:8, 56:21,
	6	6 [3] - 2:11, 31:7, 31:11 6/22/81 [2] - 2:8, 9:12 60 [2] - 2:15, 2:15 61 [1] - 2:4 63 [1] - 62:3 67 [1] - 2:4		
0	3	7 [3] - 2:12, 32:23, 33:1 7320 [1] - 98:9 75 [1] - 2:5	2 [6] - 2:8, 9:11, 9:15, 43:23, 44:23, 45:14 200,000 [1] - 94:4 2007 [2] - 60:13, 61:5 2011 [8] - 1:14, 1:16, 96:5, 96:14, 97:5, 97:18, 98:5, 98:14 2018 [1] - 97:25 207-767-5330 [2] - 1:25, 98:3 22 [2] - 2:10, 93:3 220 [2] - 1:24, 98:2 23 [1] - 9:19 250,000 [1] - 94:2 27 [4] - 1:16, 96:5, 97:4, 98:14 2808 [1] - 93:4 29 [1] - 16:9	
	7	8 [8] - 2:7, 2:12, 8:14, 16:9, 33:24, 34:2, 72:20, 79:7 80s [1] - 90:5 84 [1] - 1:15		
1	4	9 [14] - 2:8, 2:13, 6:13, 10:18, 11:1, 11:3, 11:6, 22:10, 22:17, 22:18, 55:10, 55:14, 73:20, 79:12 90 [1] - 93:4 92 [1] - 2:5 9:02 [1] - 1:16	3 [6] - 2:3, 2:9, 10:21, 11:4, 13:7, 56:2 30 [22] - 6:21, 10:1, 25:3, 25:4, 26:11, 26:20, 29:19, 40:4, 43:12, 49:15, 53:12, 56:22, 66:2, 76:23, 77:1, 78:4, 78:7, 81:2, 85:3, 85:12, 94:13, 98:20 31 [1] - 2:11 32 [1] - 2:12 33 [1] - 2:12 36 [1] - 2:3 38 [3] - 6:7, 79:2, 79:3	
1 [12] - 2:7, 8:10, 43:22, 43:23, 44:3, 46:4, 76:3, 81:3, 81:21, 92:20, 97:25 1-14 [1] - 2:16 1/29/07 [2] - 2:15, 60:7 10 [14] - 2:9, 2:13, 10:15, 11:1, 11:4, 11:5, 18:7, 18:25, 57:13, 57:20, 79:3, 79:12, 80:3, 80:25 10/23/89 [2] - 2:15, 60:5 100 [1] - 11:17 1000 [1] - 98:8 11 [7] - 2:14, 6:13, 57:15, 58:8, 58:11, 82:22 115 [4] - 6:15, 7:11, 48:22, 49:4 11:11 [1] - 95:21 12 [4] - 2:14, 57:17, 58:8, 58:17 12/21 [2] - 2:9, 10:22 13 [4] - 1:14, 2:15, 60:4, 98:5 14 [2] - 2:15, 60:6 15 [2] - 71:5, 90:4 16 [1] - 2:9 18 [1] - 81:6 181 [2] - 79:12, 82:24 181-foot [2] - 81:1, 81:16 1921 [7] - 44:10, 44:13, 44:17, 44:21, 45:1, 46:8, 46:12 1981 [8] - 6:22, 8:2, 9:19, 36:15, 60:24, 78:23, 80:2, 93:3 1983 [2] - 8:14, 46:1 1989 [1] - 60:12	5	A	4 [3] - 2:9, 16:1, 16:5 40 [5] - 6:7, 18:6, 79:1, 79:2, 79:3 42 [1] - 4:15 45,000 [1] - 63:4 48 [1] - 79:1 4:00 [3] - 43:5, 43:8, 81:10	A.M [4] - 1:16, 43:5, 43:8, 95:21 ability [2] - 4:21, 89:2 able [4] - 25:16, 27:22, 59:19, 87:17 above-mentioned [1] - 98:14 absolutely [1] - 14:20 abuse [1] - 27:1 access [4] - 22:23, 22:24, 28:10, 28:14 accident [1] - 39:21 accurate [1] - 96:6 accurately [1] - 39:14
	1 [12] - 2:7, 8:10, 43:22, 43:23, 44:3, 46:4, 76:3, 81:3, 81:21, 92:20, 97:25 1-14 [1] - 2:16 1/29/07 [2] - 2:15, 60:7 10 [14] - 2:9, 2:13, 10:15, 11:1, 11:4, 11:5, 18:7, 18:25, 57:13, 57:20, 79:3, 79:12, 80:3, 80:25 10/23/89 [2] - 2:15, 60:5 100 [1] - 11:17 1000 [1] - 98:8 11 [7] - 2:14, 6:13, 57:15, 58:8, 58:11, 82:22 115 [4] - 6:15, 7:11, 48:22, 49:4 11:11 [1] - 95:21 12 [4] - 2:14, 57:17, 58:8, 58:17 12/21 [2] - 2:9, 10:22 13 [4] - 1:14, 2:15, 60:4, 98:5 14 [2] - 2:15, 60:6 15 [2] - 71:5, 90:4 16 [1] - 2:9 18 [1] - 81:6 181 [2] - 79:12, 82:24 181-foot [2] - 81:1, 81:16 1921 [7] - 44:10, 44:13, 44:17, 44:21, 45:1, 46:8, 46:12 1981 [8] - 6:22, 8:2, 9:19, 36:15, 60:24, 78:23, 80:2, 93:3 1983 [2] - 8:14, 46:1 1989 [1] - 60:12	5 [3] - 2:10, 22:6, 22:9 5-foot [1] - 10:17 5/8/83 [2] - 2:7, 8:11 50 [1] - 43:5 55 [1] - 2:13		

<p>56:25, 77:2 awareness [1] - 77:6</p>	<p>43:13, 49:18, 49:24, 50:17, 50:22, 50:23, 51:9, 51:22, 52:6, 52:13, 53:22, 53:23, 54:3, 56:16, 56:20, 56:24, 59:18, 65:16, 66:12, 66:14, 67:4, 67:6, 68:18, 68:20, 68:23, 69:3, 69:7, 69:10, 69:12, 69:13, 70:9, 70:19, 72:15, 72:22, 73:7, 73:17, 73:22, 73:25, 74:2, 74:10, 74:14, 74:23, 75:13, 76:5, 76:10, 76:16, 78:3, 78:8, 78:13, 81:2, 82:25, 83:9, 83:15, 83:16, 83:22, 84:13, 90:11, 90:15, 90:18, 91:6, 91:9, 91:10</p>	<p>59:23, 60:17 boat [7] - 17:16, 17:19, 17:21, 19:5, 19:16, 37:12, 37:20 boats [2] - 66:7, 66:13 Bob [1] - 52:16 bonfire [1] - 27:23 bonfires [2] - 51:23, 52:2 book [3] - 26:13, 53:9, 93:4 borrow [1] - 63:11 Boston [2] - 48:1, 62:15 bother [1] - 27:12 bothers [1] - 27:9 bottom [1] - 44:16 bought [8] - 9:1, 25:19, 35:11, 36:15, 39:11, 45:6, 45:17, 79:3</p>	<p>bullshit [1] - 92:8 busier [2] - 26:20 business [1] - 4:2 businesses [1] - 5:19 buy [2] - 49:6, 93:13 buying [1] - 49:7 BY [34] - 3:7, 8:12, 9:14, 10:23, 14:7, 14:21, 16:4, 22:8, 31:9, 31:14, 31:19, 32:2, 32:25, 34:1, 35:17, 36:6, 38:5, 39:8, 41:10, 41:17, 55:12, 55:19, 57:19, 60:8, 61:24, 65:15, 66:6, 67:12, 71:13, 75:24, 76:15, 88:5, 89:8, 92:11</p>	<p>claiming [1] - 16:21 Clark's [1] - 95:17 clean [1] - 19:3 cleaned [1] - 52:23 clear [4] - 42:1, 55:6, 60:22, 95:1 close [2] - 59:14, 91:14 closed [2] - 73:2, 73:23 closest [1] - 49:9 closing [2] - 71:8, 71:10 clothes [1] - 53:7 coffee [1] - 39:6 collect [1] - 40:23 Colleen [5] - 1:13, 1:23, 97:2, 97:23, 98:1</p>
B			C	
<p>Babson [3] - 11:9, 77:14, 78:7 babson [1] - 77:13 backyard [16] - 16:19, 16:21, 25:19, 26:5, 26:6, 26:7, 27:18, 38:18, 62:22, 62:23, 84:22, 85:21, 85:24, 86:1, 86:3 bags [1] - 24:20 ball [1] - 51:12 bank [1] - 32:4 base [2] - 35:9, 35:10 baseball [3] - 51:13, 68:16, 79:23 basing [1] - 89:4 basis [1] - 25:11 bathing [2] - 50:7, 53:2 Baylis [1] - 59:10 Beach [30] - 3:12, 7:16, 8:5, 8:16, 20:17, 20:19, 20:22, 21:25, 22:19, 23:4, 24:24, 25:3, 25:8, 25:24, 28:21, 28:22, 29:25, 30:20, 30:23, 36:19, 36:22, 48:25, 66:11, 67:1, 72:21, 77:3, 77:9, 80:14, 92:16</p>	<p>beachfront [22] - 22:19, 22:22, 23:1, 23:7, 25:6, 28:3, 28:9, 28:20, 52:18, 67:8, 70:7, 73:8, 73:22, 74:1, 74:11, 74:21, 75:5, 75:12, 75:15, 77:3, 78:16, 78:19 become [1] - 88:9 beginning [1] - 62:24 behind [1] - 25:21 belief [1] - 96:6 below [2] - 13:11, 13:12 bend [2] - 77:19, 77:20 best [13] - 41:20, 45:22, 45:25, 46:7, 62:8, 67:19, 68:19, 68:21, 73:25, 74:14, 89:18, 92:17, 96:6 better [2] - 3:12, 87:3 between [1] - 3:2 beyond [2] - 81:16, 82:23 Biddeford [2] - 65:1, 65:2 big [4] - 81:9, 81:19, 81:23, 82:15 bike [1] - 81:18 bikes [2] - 81:18, 83:2 Bill [2] - 19:14, 19:19 birds [2] - 17:10, 65:24 bit [2] - 4:4, 95:16 Black [4] - 2:11, 2:12, 31:7, 32:23 blanket [1] - 53:23 blaze [1] - 40:14 blown [3] - 59:21,</p>	<p>boundary [3] - 34:24, 44:7, 65:4 Box [1] - 98:9 boys [9] - 78:24, 79:14, 79:25, 80:1, 80:9, 80:24, 81:15, 90:17, 91:1 break [4] - 36:4, 61:19, 61:21, 61:23 Brennan [1] - 92:5 BRIAN [1] - 1:20 Brian [1] - 95:9 bridge [3] - 14:23, 15:7, 15:12 briefly [1] - 46:15 bring [9] - 15:9, 27:18, 27:22, 54:19, 55:23, 56:3, 83:2, 84:11, 84:15 bringing [2] - 85:14, 85:16 Broder [1] - 98:8 brothers [4] - 5:6, 5:7, 5:8, 64:7 Brothers [1] - 5:10 brought [10] - 15:16, 16:6, 17:21, 25:12, 32:17, 45:14, 84:13, 86:10, 86:18, 86:20 brown [2] - 77:22, 90:21 bucks [1] - 94:2 building [3] - 50:14, 60:9, 63:4 Building [4] - 2:15, 2:15, 60:4, 60:6 buildings [1] - 5:13 built [2] - 62:18, 62:22 bulk [1] - 48:9</p>	<p>Cambridge [1] - 48:2 Campbell [12] - 2:8, 9:9, 9:10, 9:12, 9:16, 45:7, 45:20, 65:3, 70:21, 70:23, 93:2, 93:18 Canal [1] - 98:8 candid [1] - 27:13 candlewood [1] - 4:16 capable [1] - 89:12 capacity [1] - 93:6 care [1] - 95:19 carefully [1] - 97:7 case [3] - 3:23, 32:20, 56:10 cash [4] - 63:10, 63:18, 92:15, 93:17 Center [1] - 80:15 certain [4] - 10:14, 83:19, 92:24, 92:25 certify [3] - 96:4, 97:3, 97:11 chain [2] - 46:12, 46:13 chair [3] - 53:22, 53:23, 54:3 Change [2] - 99:2 change [1] - 26:17 check [2] - 45:19, 48:21 children [7] - 6:2, 21:2, 21:3, 29:7, 78:24, 82:2, 90:7 Chronkite [1] - 64:24 Civil [1] - 1:1 claim [8] - 16:8, 17:12, 18:21, 22:3, 76:20, 82:24, 83:14, 88:12</p>	<p>coming [4] - 18:1, 60:10, 80:3, 86:25 commencing [1] - 1:16 commercial [4] - 48:7, 48:10, 48:16 commission [1] - 96:20 Commission [2] - 59:24, 97:24 committed [1] - 16:15 committing [5] - 17:4, 17:9, 17:15, 17:23, 18:4 communicated [1] - 12:21 communication [1] - 68:22 Community [1] - 80:14 community [1] - 28:1 company [8] - 5:17, 9:4, 34:10, 46:23, 47:11, 47:19, 64:7, 64:24 complaint [3] - 18:6, 25:11, 84:19 Complaint [3] - 2:9, 16:1, 16:6 complaints [2] - 84:21, 84:22 completed [1] - 4:24 check [2] - 45:19, 66:16 completely [2] - 32:11, 66:16 comply [1] - 87:13 concerned [1] - 10:5 concern [4] - 83:7, 83:12, 83:22, 84:12 concluded [1] - 95:21 concrete [1] - 41:24 concurred [1] - 12:17 confined [1] - 80:25</p>

<p>confines [2] - 78:3, 82:23</p> <p>confronted [1] - 69:2</p> <p>conjunction [1] - 57:6</p> <p>connection [1] - 36:22</p> <p>conscious [1] - 40:18</p> <p>conservation [1] - 59:20</p> <p>Conservation [1] - 59:24</p> <p>consider [2] - 38:8, 38:10</p> <p>considered [2] - 82:12, 82:13</p> <p>consolidation [1] - 47:2</p> <p>construction [2] - 3:23, 21:21</p> <p>consult [1] - 61:18</p> <p>contained [1] - 47:24</p> <p>continuing [1] - 17:6</p> <p>contract [1] - 3:24</p> <p>controlled [1] - 59:25</p> <p>conveyance [2] - 92:23, 92:24</p> <p>conveyances [1] - 13:22</p> <p>conveyed [2] - 12:23, 46:2</p> <p>convinced [1] - 87:11</p> <p>cookout [6] - 19:11, 26:6, 38:18, 53:1, 53:2, 53:3</p> <p>cookouts [5] - 19:15, 19:20, 51:19, 51:21, 55:3</p> <p>copies [2] - 2:16, 31:12</p> <p>copy [5] - 35:13, 64:3, 93:23, 98:13, 98:16</p> <p>corner [2] - 77:11, 77:12</p> <p>corporate [2] - 12:16, 12:23</p> <p>corporation [3] - 5:8, 9:5, 46:17</p> <p>corporations [1] - 47:4</p> <p>correct [70] - 8:4, 9:8, 11:25, 13:17, 13:21, 20:14, 20:15, 20:23, 26:10, 32:5, 35:12, 35:16, 36:13, 38:15, 39:23, 40:3, 40:6, 40:9, 42:2, 43:21, 44:22, 45:8, 47:8, 47:10, 47:13, 47:20, 47:22, 48:9, 48:24, 51:5, 51:20, 52:1, 55:9, 57:8, 59:6,</p>	<p>59:9, 60:14, 60:21, 61:1, 61:4, 61:9, 61:12, 61:13, 61:16, 64:13, 64:19, 65:7, 65:11, 65:13, 65:14, 66:25, 67:4, 67:5, 67:18, 70:22, 71:4, 71:21, 72:17, 75:7, 75:17, 78:21, 79:9, 79:10, 82:12, 83:11, 84:4, 85:13, 90:12, 90:25</p> <p>correction [2] - 98:18, 98:19</p> <p>corrections [2] - 98:15, 98:17</p> <p>correctly [1] - 11:6</p> <p>Coughlin [14] - 4:15, 5:25, 58:3, 58:11, 60:9, 61:25, 67:13, 74:17, 74:21, 75:18, 75:25, 92:12, 92:20</p> <p>COUGHLIN [10] - 1:12, 2:2, 3:5, 96:4, 96:14, 97:6, 98:14, 98:16, 99:1, 99:24</p> <p>Coughlins [2] - 2:7, 8:10</p> <p>counsel [3] - 89:3, 97:12, 97:15</p> <p>country [2] - 30:11, 30:14</p> <p>County [2] - 93:4, 96:12</p> <p>couple [11] - 25:22, 36:7, 56:14, 60:1, 61:10, 64:16, 65:6, 76:2, 82:18, 84:12, 91:21</p> <p>course [8] - 18:19, 19:2, 25:25, 38:1, 54:7, 66:19, 85:11, 86:19</p> <p>COURT [1] - 1:1</p> <p>court [1] - 95:2</p> <p>courts [1] - 66:23</p> <p>covered [1] - 49:17</p> <p>crap [1] - 92:7</p> <p>cross [5] - 14:23, 15:7, 15:12, 30:11, 30:14</p> <p>cross-country [2] - 30:11, 30:14</p> <p>CRR [3] - 1:13, 97:2, 97:23</p> <p>current [1] - 43:24</p> <p>Curtis [1] - 98:8</p>	<p style="text-align: center;">D</p> <p>damage [4] - 59:22, 61:3, 61:11, 72:6</p> <p>Danvers [1] - 48:2</p> <p>date [3] - 8:14, 8:15, 9:18</p> <p>DATE [1] - 96:9</p> <p>dated [2] - 1:13, 93:3</p> <p>daughters [2] - 90:25, 91:2</p> <p>days [2] - 54:17, 98:20</p> <p>deal [2] - 81:9, 81:23</p> <p>December [2] - 44:13, 44:21</p> <p>decide [1] - 66:24</p> <p>decided [1] - 8:2</p> <p>Declaratory [2] - 2:9, 16:2</p> <p>deed [25] - 8:8, 8:13, 8:14, 9:16, 9:18, 10:3, 10:9, 10:13, 10:14, 10:25, 11:7, 13:17, 13:23, 43:24, 44:4, 44:10, 44:23, 45:20, 46:1, 88:11, 88:13, 88:18, 88:21, 89:3, 93:3</p> <p>Deed [4] - 2:7, 2:8, 8:10, 9:11</p> <p>Deeds [1] - 93:4</p> <p>deeds [6] - 8:18, 45:2, 45:19, 45:23, 46:8, 46:11</p> <p>Defendants [1] - 1:7</p> <p>defendants [1] - 18:7</p> <p>define [1] - 23:19</p> <p>definitely [2] - 19:22, 19:24</p> <p>degree [2] - 4:25, 48:14</p> <p>DEP [2] - 59:23, 71:21</p> <p>depicted [2] - 31:20, 35:2</p> <p>depicting [1] - 56:16</p> <p>depiction [1] - 34:23</p> <p>DEPONENT [4] - 41:9, 71:10, 91:13, 94:20</p> <p>Deponent [1] - 2:2</p> <p>depose [1] - 38:23</p> <p>deposed [3] - 3:15, 3:20, 38:23</p> <p>DEPOSITION [1] - 1:12</p> <p>Deposition [16] - 2:13, 8:10, 9:11, 10:21, 16:1, 22:6, 31:7, 32:23, 33:24, 55:10, 55:11, 57:13, 57:15,</p>	<p>57:17, 60:4, 60:6</p> <p>deposition [12] - 3:13, 15:10, 39:6, 41:24, 55:15, 55:24, 95:21, 97:9, 97:13, 98:13, 98:16, 98:18</p> <p>depositions [3] - 4:1, 94:23, 95:2</p> <p>describe [1] - 62:13</p> <p>description [2] - 10:4, 94:5</p> <p>Description [1] - 2:7</p> <p>details [1] - 60:23</p> <p>determination [1] - 14:17</p> <p>determined [1] - 14:15</p> <p>developed [1] - 73:7</p> <p>development [2] - 5:12, 46:18</p> <p>dictate [1] - 92:2</p> <p>different [6] - 26:4, 47:7, 47:9, 54:21, 59:16, 60:20</p> <p>differently [2] - 13:24, 72:11</p> <p>difficult [1] - 68:5</p> <p>dimensions [1] - 79:11</p> <p>dinner [2] - 55:1, 81:11</p> <p>DIPIERRO [1] - 98:2</p> <p>DiPierro [6] - 1:13, 1:23, 1:23, 97:2, 97:23, 98:1</p> <p>direction [3] - 40:5, 40:8, 40:11</p> <p>directly [5] - 19:14, 21:10, 62:18, 82:10, 82:13</p> <p>disagree [2] - 10:19, 10:24</p> <p>discover [1] - 7:19</p> <p>discovery [1] - 92:2</p> <p>discussion [2] - 70:17, 70:23</p> <p>discussions [1] - 71:2</p> <p>dissolved [1] - 47:3</p> <p>division [1] - 5:11</p> <p>Docket [1] - 1:2</p> <p>document [3] - 34:3, 34:6, 75:18</p> <p>documents [7] - 13:22, 31:16, 33:4, 34:4, 55:23, 56:3, 56:8</p> <p>dog [17] - 24:15, 24:21, 27:10, 27:17, 51:3, 51:7, 67:4, 72:15, 83:14, 83:15, 83:16, 83:17, 83:18,</p>	<p>83:21, 84:3</p> <p>dogs [7] - 24:14, 24:20, 27:6, 83:7, 84:12, 87:20</p> <p>dollar [1] - 85:21</p> <p>done [1] - 3:23, 12:19, 41:25, 42:24, 50:17, 50:19, 59:17, 61:18, 63:23, 64:1, 89:16</p> <p>door [3] - 52:16, 59:4, 59:7</p> <p>doors [1] - 19:18</p> <p>dormer [1] - 60:24</p> <p>double [1] - 48:21</p> <p>double-check [1] - 48:21</p> <p>down [33] - 12:15, 19:18, 20:19, 23:4, 23:14, 24:23, 26:15, 27:10, 28:14, 29:4, 30:14, 37:20, 39:14, 40:14, 40:21, 41:4, 41:11, 41:14, 43:2, 51:8, 53:8, 54:1, 54:3, 64:18, 65:4, 66:11, 69:20, 71:22, 75:14, 81:20, 81:24, 83:22, 91:3</p> <p>downhill [1] - 79:18</p> <p>downtown [1] - 49:12</p> <p>dozen [2] - 18:18, 54:6</p> <p>dozens [1] - 18:18</p> <p>draw [1] - 58:2</p> <p>Drawing [2] - 2:12, 33:24</p> <p>drawing [2] - 35:5, 79:7</p> <p>drawings [1] - 33:19</p> <p>drawn [1] - 44:12</p> <p>Drive [1] - 4:16</p> <p>DRIVER [14] - 1:21, 2:4, 2:5, 41:13, 67:12, 71:11, 71:13, 75:22, 91:14, 91:19, 92:3, 92:10, 92:11, 94:19</p> <p>driver [3] - 67:13, 76:2, 92:9</p> <p>driving [2] - 7:20, 82:4</p> <p>drop [1] - 27:14</p> <p>droppings [1] - 83:8</p> <p>Drummond [1] - 1:14</p> <p>dry [2] - 16:24, 17:2</p> <p>duchette [1] - 3:11</p> <p>DUCHETTE [32] - 1:19, 2:3, 3:7, 8:12, 9:14, 10:23, 14:7, 14:21, 15:9, 15:16, 15:24, 16:4, 22:5,</p>
---	---	--	--	---

<p>22:8, 31:9, 31:13, 31:14, 31:19, 31:25, 32:2, 32:22, 32:25, 34:1, 35:15, 35:17, 36:1, 60:1, 65:14, 94:21, 94:23, 95:12, 95:15</p> <p>Duchette [5] - 36:8, 39:10, 39:25, 56:14, 57:22</p> <p>Duchette's [2] - 45:6, 51:2</p> <p>due [1] - 60:17</p> <p>duly [2] - 3:5, 97:6</p> <p>dune [1] - 32:17</p> <p>dunegrass [1] - 32:11</p> <p>during [8] - 18:18, 29:25, 30:3, 34:10, 54:7, 80:3, 82:18, 83:18</p> <p>dwelling [3] - 77:20, 84:1, 91:5</p>	<p>engineering [5] - 12:14, 12:24, 33:18, 34:10, 57:10</p> <p>enjoy [2] - 68:11, 68:16</p> <p>entertain [1] - 15:3</p> <p>entertained [1] - 15:2</p> <p>enthralled [1] - 91:1</p> <p>entire [4] - 22:25, 23:7, 73:21, 74:10</p> <p>entities [2] - 47:7, 47:14</p> <p>entity [1] - 47:3</p> <p>erects [1] - 5:10</p> <p>eroded [1] - 32:4</p> <p>erosion [1] - 72:2</p> <p>ERRATA [1] - 99:1</p> <p>escapes [2] - 19:18, 52:21</p> <p>especially [1] - 39:12</p> <p>ESQ [4] - 1:19, 1:19, 1:20, 1:20</p> <p>Esq [2] - 98:7, 98:19</p> <p>essentially [5] - 46:22, 46:24, 48:20, 72:12, 92:15</p> <p>Essex [1] - 48:2</p> <p>estate [6] - 5:12, 6:15, 7:8, 46:18, 64:22, 85:22</p> <p>estimate [1] - 21:18</p> <p>et [2] - 1:3, 98:12</p> <p>evident [1] - 40:17</p> <p>exactly [2] - 21:12, 53:25</p> <p>EXAMINATION [6] - 3:7, 36:6, 61:24, 67:12, 75:24, 92:11</p> <p>Examination [1] - 2:2</p> <p>examination [1] - 97:8</p> <p>EXAMINATION-BY [6] - 3:7, 36:6, 61:24, 67:12, 75:24, 92:11</p> <p>examined [2] - 3:6, 97:8</p> <p>example [1] - 56:12</p> <p>exception [1] - 40:1</p> <p>excuse [1] - 10:11</p> <p>exhibit [1] - 8:9</p> <p>Exhibit [32] - 8:10, 9:11, 9:15, 10:21, 11:4, 13:7, 16:1, 16:5, 22:6, 22:9, 31:7, 31:10, 32:23, 33:1, 33:24, 34:2, 43:22, 44:3, 44:23, 45:14, 46:4, 55:10, 55:14, 57:13, 57:15, 57:17, 57:20, 58:8, 60:4, 60:6, 79:6,</p>	<p>88:23</p> <p>Exhibits [1] - 2:16</p> <p>EXHIBITS [1] - 2:6</p> <p>expertise [1] - 89:6</p> <p>expires [1] - 96:20</p> <p>Expires [1] - 97:24</p> <p>explain [3] - 46:15, 59:13, 85:7</p> <p>explicit [2] - 37:17, 74:6</p> <p>express [1] - 74:3</p> <p>extends [1] - 72:25</p> <p>extensive [1] - 59:22</p> <p>extent [8] - 21:10, 47:23, 49:19, 49:24, 71:6, 78:14, 80:8, 94:24</p> <p>extra [1] - 90:9</p>	<p>fished [1] - 67:1</p> <p>fishing [5] - 17:7, 50:5, 65:21, 66:12, 66:18</p> <p>five [3] - 54:6, 76:22, 76:23</p> <p>fixing [1] - 79:7</p> <p>flown [1] - 42:12</p> <p>fly [1] - 42:13</p> <p>flying [5] - 42:11, 49:20, 49:22, 50:10, 50:13</p> <p>focus [1] - 55:22</p> <p>folks [1] - 52:17</p> <p>follow [1] - 36:7</p> <p>follow-up [1] - 36:7</p> <p>following [1] - 97:5</p> <p>following-named [1] - 97:5</p> <p>follows [1] - 3:6</p> <p>foot [1] - 63:4</p> <p>footage [1] - 21:14</p> <p>football [3] - 79:19, 79:21, 79:22</p> <p>foregoing [2] - 96:5, 96:15</p> <p>forget [1] - 9:1</p> <p>formal [3] - 75:13, 76:3, 76:8</p> <p>formed [5] - 15:14, 46:23, 47:1, 47:2, 47:17</p> <p>forward [1] - 45:14</p> <p>four [6] - 32:18, 32:21, 54:6, 59:16, 76:22, 76:23</p> <p>Friday [1] - 54:19</p> <p>friendly [1] - 38:10</p> <p>friends [6] - 38:8, 40:21, 73:1, 73:4, 73:6, 90:17</p> <p>frisbee [3] - 42:6, 68:1, 68:15</p> <p>front [54] - 14:2, 14:10, 14:11, 20:1, 20:14, 21:4, 21:10, 22:19, 24:9, 24:11, 28:3, 29:16, 31:1, 32:6, 32:21, 37:2, 37:25, 38:2, 38:14, 40:1, 40:13, 51:19, 52:2, 52:6, 52:9, 53:19, 54:3, 59:18, 65:16, 65:21, 65:24, 66:8, 66:19, 67:7, 68:23, 69:3, 70:9, 72:2, 72:22, 73:2, 73:11, 73:13, 76:5, 77:20, 78:9, 82:11, 82:14, 83:9, 83:10, 83:25,</p>	<p>84:12, 85:9, 87:17, 91:10</p> <p>full [5] - 4:13, 54:8, 59:21, 59:23, 60:17</p> <p>full-blown [3] - 59:21, 59:23, 60:17</p> <p>full-time [1] - 54:8</p> <p>function [1] - 37:21</p> <p>functions [2] - 37:5, 37:12</p> <p>funeral [1] - 71:11</p> <p>funtown [2] - 81:22, 81:23</p> <p>Funtown [1] - 81:24</p>
<p>early [8] - 29:13, 42:24, 43:2, 43:13, 43:17, 43:20, 47:5, 54:15</p> <p>east [1] - 59:2</p> <p>easterly [1] - 11:23</p> <p>eat [1] - 26:16</p> <p>effects [2] - 92:24, 92:25</p> <p>eight [5] - 79:3, 80:2, 80:9, 80:25, 82:22</p> <p>either [6] - 40:5, 40:8, 40:11, 41:23, 43:23, 76:8</p> <p>elaborate [1] - 72:17</p> <p>Emmons [2] - 2:9, 10:21</p> <p>Emmons' [2] - 10:16, 44:11</p> <p>employed [4] - 5:3, 5:19, 97:12, 97:15</p> <p>employee [1] - 97:14</p> <p>Enclosed [1] - 98:13</p> <p>enclosed [2] - 98:14, 98:17</p> <p>end [7] - 11:20, 14:14, 34:12, 41:14, 82:5, 95:16, 95:19</p> <p>ended [1] - 95:4</p> <p>ends [1] - 11:22</p> <p>enforce [1] - 86:25</p> <p>engineer [2] - 12:24, 34:19</p> <p>engineer's [1] - 34:20</p>	<p>E</p>	<p>F</p> <p>fabricates [1] - 5:10</p> <p>fair [4] - 48:14, 74:17, 74:21, 91:4</p> <p>family [11] - 19:15, 19:20, 36:18, 36:21, 37:16, 51:9, 56:19, 56:20, 56:22, 62:6, 76:5</p> <p>family's [2] - 28:21, 49:24</p> <p>far [5] - 24:22, 37:11, 64:6, 77:18, 79:11</p> <p>feelings [1] - 14:24</p> <p>feet [2] - 79:12, 82:24</p> <p>fend [1] - 43:25</p> <p>few [13] - 19:10, 25:7, 25:8, 26:24, 27:4, 42:23, 47:7, 52:19, 54:17, 62:1, 75:2, 76:25, 92:3</p> <p>file [2] - 57:10, 59:23</p> <p>filing [1] - 59:21</p> <p>fill [1] - 32:16</p> <p>filled [2] - 32:11, 34:12</p> <p>financially [1] - 97:16</p> <p>fine [5] - 36:5, 38:7, 39:1, 74:20, 87:1</p> <p>finish [4] - 4:7, 54:13, 75:10, 88:16</p> <p>finishes [1] - 41:8</p> <p>firm [6] - 12:15, 12:24, 21:21, 33:18, 57:10, 89:19</p> <p>first [12] - 8:9, 22:12, 33:5, 33:20, 34:11, 35:11, 47:6, 55:13, 67:18, 71:22, 81:3, 92:21</p>	<p>G</p> <p>gain [1] - 59:19</p> <p>games [2] - 51:11</p> <p>gather [2] - 86:8, 86:9</p> <p>general [2] - 54:12, 78:18</p> <p>general's [1] - 62:1</p> <p>Georgetown [1] - 48:3</p> <p>girls [2] - 91:9, 91:11</p> <p>given [8] - 18:23, 19:21, 29:22, 76:4, 76:8, 92:24, 93:1, 97:10</p> <p>Gloucester [3] - 48:1, 62:16, 62:24</p> <p>GMC [1] - 48:18</p> <p>goal [2] - 25:12, 48:19</p> <p>good-looking [1] - 91:2</p> <p>Goose [39] - 3:11, 7:16, 7:19, 8:5, 8:16, 20:16, 20:19, 20:22, 21:25, 22:19, 23:4, 24:23, 25:3, 25:8, 25:23, 28:21, 29:25, 30:20, 30:23, 36:19, 36:22, 48:22, 48:25, 63:9, 63:12, 63:18, 63:20, 63:23, 64:17, 66:11, 67:1, 72:21, 77:2, 77:9, 80:14, 82:12, 92:15</p> <p>Gorney [2] - 78:6, 91:9</p> <p>Gorneys [5] - 77:21, 78:2, 90:20, 90:21, 91:6</p> <p>Gorneys' [1] - 91:10</p> <p>graduated [1] - 80:10</p> <p>grandchildren [2] - 6:8, 21:11</p> <p>grandkids [4] - 50:3, 50:12, 50:21, 82:16</p> <p>grandsons [1] - 27:24</p>	

<p>granted [1] - 26:1 grass [4] - 16:20, 32:17, 51:14, 51:16 ground [1] - 3:14 growing [1] - 41:2 guarantee [1] - 93:5 guess [12] - 8:8, 12:2, 21:20, 22:12, 23:19, 38:6, 44:6, 55:18, 56:12, 61:18, 66:21, 67:15 guys [1] - 39:3</p>	<p>honest [2] - 32:15, 65:5 honestly [1] - 39:9 hope [1] - 69:15 horseshoe [1] - 51:16 horseshoes [2] - 51:15, 51:16 hotel [1] - 49:8 house [30] - 14:10, 14:11, 31:20, 34:11, 37:2, 38:3, 38:14, 40:2, 40:13, 51:19, 52:3, 52:7, 52:9, 53:19, 54:3, 58:1, 58:2, 58:5, 58:17, 58:19, 58:21, 58:22, 58:24, 77:22, 82:11, 82:14, 83:9, 83:10, 90:21 houses [4] - 57:24, 57:25, 58:6, 58:14 huge [2] - 85:18, 85:21 hundred [2] - 73:17, 75:1 hunting [2] - 17:10, 66:13</p>	<p>includes [1] - 50:3 increased [2] - 25:9, 26:25 independent [1] - 26:8 INDEX [1] - 2:1 indicate [8] - 10:9, 13:8, 13:24, 21:23, 33:21, 45:15, 56:2, 88:11 indicated [24] - 8:14, 20:11, 20:13, 27:17, 27:19, 29:6, 33:17, 36:11, 39:13, 39:25, 42:21, 42:22, 45:5, 45:13, 49:19, 50:9, 50:16, 51:1, 51:18, 51:23, 53:17, 72:1, 72:14, 83:5 indicates [9] - 8:13, 10:13, 10:14, 10:25, 11:8, 13:2, 13:5, 18:7, 88:21 indicating [1] - 61:10 indication [4] - 13:1, 13:4, 13:5, 76:4 individuals [1] - 72:22 industrial [1] - 48:11 Industries [2] - 2:8, 9:12 industries [10] - 8:20, 9:3, 9:4, 9:6, 9:17, 46:2, 46:16, 46:22, 47:12, 93:1 informed [4] - 24:18, 33:16, 33:17, 89:4 inn [2] - 49:9, 49:11 instance [1] - 47:11 instead [1] - 4:8 instructed [1] - 40:19 instructions [1] - 4:6 insurance [1] - 71:15 intend [1] - 92:10 intending [1] - 39:22 interest [1] - 5:16 interested [1] - 97:16 interior [1] - 61:7 interpretation [4] - 12:3, 12:4, 12:8, 12:9 interrogatories [3] - 21:23, 22:11, 73:20 Interrogatories [2] - 2:11, 22:7 interrogatory [2] - 20:12, 72:19 interrupt [1] - 71:7 intertidal [3] - 66:8, 66:18, 73:2 introduced [1] - 3:10 involved [4] - 4:1,</p>	<p>5:11, 79:14, 80:14 Ipswich [2] - 62:21, 63:5 island [5] - 40:23, 41:11, 41:12, 41:13, 82:6 Island [4] - 40:24, 41:6, 82:1, 82:3 issue [3] - 87:19, 88:7, 88:8 issues [1] - 3:24</p>	<p>Kennebunk [3] - 8:20, 9:6, 59:24 Kennebunkport [21] - 6:15, 9:3, 9:4, 9:17, 15:17, 16:7, 46:2, 46:16, 46:22, 47:6, 47:12, 48:8, 48:16, 49:8, 51:4, 59:20, 85:23, 86:24, 93:1, 98:12 KENNEBUNKPORT [1] - 1:6 kicking [1] - 51:11 kids [16] - 40:7, 40:19, 41:2, 41:18, 42:6, 49:23, 50:3, 50:9, 50:19, 54:20, 54:22, 54:23, 82:9, 90:9, 90:13, 90:14 kind [6] - 20:8, 53:9, 57:7, 61:6, 62:25, 68:6 kings [1] - 82:4 Kings [9] - 6:15, 7:12, 11:10, 11:13, 36:9, 48:22, 49:4, 59:3, 82:5 kit [1] - 42:12 kite [5] - 42:11, 49:20, 49:22, 50:10, 50:13 kite-flying [4] - 49:20, 49:22, 50:10, 50:13 kites [1] - 42:13 knowledge [23] - 8:18, 8:19, 41:20, 45:22, 45:24, 45:25, 46:7, 52:12, 62:8, 67:19, 68:19, 68:21, 70:6, 70:13, 73:25, 74:14, 78:3, 89:3, 89:18, 89:20, 90:18, 92:17, 96:6</p>
<p style="text-align: center;">H</p>	<p style="text-align: center;">I</p>	<p style="text-align: center;">J</p>	<p>Jacob [1] - 6:11 January [1] - 93:3 jest [1] - 42:22 job [1] - 38:25 jogging [6] - 68:3, 68:4, 68:13, 68:20, 69:15, 70:8 jogs [3] - 69:7, 69:9, 69:14 JOHN [10] - 1:12, 2:2, 3:5, 96:4, 96:14, 97:5, 98:14, 98:16, 99:1, 99:24 John [2] - 4:15, 6:5 Jones [2] - 8:25, 44:13 Joseph [1] - 6:5 judgment [1] - 4:20 Judgment [2] - 2:9, 16:2 Judith [1] - 76:4 June [3] - 9:19, 93:3, 98:5 JUNKER [1] - 65:12 junker [1] - 19:14 Junker [5] - 36:18, 36:21, 37:16, 65:8, 65:9 Junker's [1] - 38:17 Junkers [9] - 25:23, 36:11, 36:14, 38:8, 38:13, 51:18, 52:5, 52:12, 65:6</p>	<p style="text-align: center;">L</p> <p>LACHIATTO [12] - 1:21, 2:5, 75:24, 76:13, 76:15, 87:9, 87:24, 88:5, 88:24, 89:8, 91:12, 91:17 lack [1] - 3:12 lacrosse [1] - 79:22 laid [1] - 53:9 Land [2] - 2:9, 10:22 land [2] - 10:15, 10:16 landing [1] - 66:7 language [2] - 88:21, 89:9 large [1] - 3:11</p>
<p>half [4] - 18:18, 42:21, 42:22, 54:6 hand [1] - 97:17 handling [1] - 20:10 hands [1] - 67:16 handwriting [1] - 33:11 happy [1] - 15:11 harbor [6] - 62:14, 62:15, 62:16, 62:18, 62:25 hard [2] - 51:13, 51:16 head [1] - 55:7 heard [4] - 86:18, 95:5, 95:6, 95:7 hearing [1] - 92:6 heart [2] - 69:14, 89:5 Heirs [2] - 2:9, 10:21 heirs [2] - 10:16, 44:11 held [3] - 6:24, 7:5, 47:7 hereby [4] - 3:2, 93:5, 96:4, 97:3 hereto [1] - 97:15 hereunto [1] - 97:17 hi [1] - 75:25 high [4] - 21:17, 39:18, 39:22, 80:10 highway [1] - 82:5 Highway [9] - 6:15, 7:12, 11:10, 11:14, 36:9, 48:23, 49:4, 59:3, 82:5 hired [3] - 34:10, 57:10, 89:3 history [1] - 25:5 hockey [1] - 79:20 holder [2] - 6:14, 7:1 holding [1] - 47:11 home [8] - 20:14, 31:22, 48:13, 54:19, 55:1, 72:23, 81:12, 85:9 homes [1] - 22:20</p>	<p>i.e [1] - 13:24 idea [6] - 21:15, 21:16, 25:7, 36:19, 71:24, 78:17 identification [14] - 8:11, 9:13, 10:22, 16:3, 22:7, 31:8, 32:24, 33:25, 55:11, 57:14, 57:16, 57:18, 60:5, 60:7 identify [1] - 75:18 illegal [9] - 33:7, 33:10, 33:15, 33:21, 71:18, 71:19, 71:20, 71:23, 72:14 impact [1] - 4:18 impacts [1] - 15:19 impaired [1] - 4:21 impatient [1] - 95:16 IN [1] - 97:17 inaccurate [1] - 23:9 Inc [9] - 2:8, 8:20, 9:3, 9:4, 9:6, 9:12, 9:17, 46:22, 93:2 inch [3] - 40:4, 40:8, 40:10 incidents [1] - 60:15 include [4] - 16:24, 68:1, 68:3, 68:13 included [1] - 2:16</p>	<p style="text-align: center;">K</p> <p>kayak [5] - 19:8, 19:17, 19:19, 83:3, 83:4 kayaks [2] - 66:7, 66:14 keep [7] - 25:20, 37:20, 53:6, 69:21, 91:23, 91:24, 92:1 Kennebunkport [2] - 2:8, 9:11</p>	<p style="text-align: center;">K</p>	

<p>last ^[15] - 3:21, 4:23, 25:8, 26:23, 26:24, 44:12, 64:10, 66:2, 73:20, 78:7, 81:2, 90:21, 91:24, 92:21</p> <p>law ^[8] - 1:14, 24:12, 24:14, 24:15, 24:18, 27:11, 27:12, 84:7</p> <p>laws ^[1] - 87:14</p> <p>lawsuit ^[11] - 84:11, 84:13, 84:15, 85:14, 85:16, 86:11, 86:21, 86:22, 87:1, 87:5, 91:17</p> <p>lay ^[1] - 26:13</p> <p>layout ^[2] - 34:9</p> <p>leash ^[2] - 24:12, 72:16</p> <p>leashes ^[1] - 27:7</p> <p>leasing ^[1] - 5:12</p> <p>least ^[8] - 10:24, 13:14, 43:25, 45:23, 50:16, 51:3, 51:18, 61:2</p> <p>leave ^[20] - 15:25, 18:16, 19:4, 19:7, 19:8, 19:25, 20:3, 39:6, 53:17, 54:15, 54:18, 81:10, 85:3, 85:5, 85:11, 86:2, 86:3, 87:19</p> <p>leaves ^[1] - 24:22</p> <p>leaving ^[2] - 66:23, 83:8</p> <p>left ^[7] - 19:16, 19:17, 19:19, 40:19, 50:24, 85:5, 85:12</p> <p>legal ^[6] - 35:10, 35:12, 35:18, 66:3, 88:15, 89:3</p> <p>legally ^[5] - 23:15, 23:21, 23:24, 24:6, 66:21</p> <p>legitimate ^[1] - 83:13</p> <p>less ^[1] - 76:25</p> <p>level ^[1] - 4:23</p> <p>liability ^[1] - 7:8</p> <p>Libby ^[1] - 44:12</p> <p>limited ^[3] - 7:8, 37:24, 91:24</p> <p>Line ^[1] - 99:2</p> <p>line ^[13] - 9:21, 11:20, 11:21, 12:2, 12:5, 39:12, 40:4, 40:8, 40:10, 40:16, 44:7, 50:24, 58:2</p> <p>lines ^[5] - 34:14, 34:24, 40:14, 42:12, 49:21</p> <p>litter ^[1] - 27:14</p>	<p>live ^[3] - 19:18, 28:1, 52:17</p> <p>lived ^[3] - 7:22, 64:10, 65:7</p> <p>lives ^[2] - 19:14, 64:9</p> <p>living ^[2] - 36:14, 89:17</p> <p>LLC ^[2] - 1:23, 98:2</p> <p>load ^[1] - 92:7</p> <p>located ^[5] - 6:15, 47:25, 64:25, 85:23, 92:15</p> <p>locates ^[1] - 37:14</p> <p>look ^[13] - 8:2, 11:18, 13:7, 13:14, 16:8, 18:6, 32:10, 45:19, 57:20, 58:9, 79:10, 82:6, 92:21</p> <p>looked ^[2] - 45:2, 57:1</p> <p>looking ^[10] - 8:13, 10:3, 13:14, 33:10, 49:6, 68:7, 82:4, 91:2, 91:8</p> <p>looks ^[7] - 13:9, 32:3, 32:8, 33:6, 46:2, 60:24</p> <p>loud ^[1] - 22:17</p> <p>low ^[22] - 12:7, 12:13, 12:17, 13:2, 13:20, 13:24, 21:17, 21:18, 33:6, 39:16, 39:20, 40:25, 44:8, 64:18, 66:18, 72:25, 82:14, 88:12, 88:19, 88:22, 89:14</p>	<p>12:7, 12:13, 12:17, 13:2, 13:20, 13:25, 22:5, 31:22, 32:22, 39:16, 39:19, 39:20, 39:22, 44:8, 57:12, 57:23, 64:19, 72:25, 88:12, 88:22, 89:14, 98:18</p> <p>marked ^[21] - 8:11, 9:12, 9:15, 10:22, 11:4, 11:11, 16:2, 22:7, 22:9, 31:8, 31:10, 32:24, 33:1, 33:25, 34:2, 55:11, 57:13, 57:15, 57:17, 60:5, 60:7</p> <p>marking ^[1] - 16:5</p> <p>married ^[1] - 5:21</p> <p>Mass ^[8] - 46:17, 48:1, 48:2, 48:3</p> <p>Massachusetts ^[10] - 4:16, 5:2, 5:8, 12:15, 35:23, 62:10, 62:21, 64:10, 64:12</p> <p>ME ^[3] - 1:24, 98:3, 98:9</p> <p>mean ^[14] - 12:13, 23:11, 23:20, 25:7, 25:15, 38:17, 39:15, 39:18, 39:22, 46:19, 53:16, 71:8, 73:24, 81:9</p> <p>means ^[1] - 17:17</p> <p>meant ^[2] - 12:1, 74:9</p> <p>measurements ^[1] - 34:17</p> <p>medications ^[1] - 4:17</p> <p>meditating ^[1] - 78:12</p> <p>medium ^[1] - 83:3</p> <p>meeting ^[1] - 75:13</p> <p>Melrose ^[1] - 64:10</p> <p>member ^[1] - 37:16</p> <p>members ^[4] - 62:6, 76:5, 78:18, 89:19</p> <p>memo ^[1] - 95:1</p> <p>mentioned ^[6] - 25:22, 27:4, 62:9, 63:7, 65:6, 98:14</p> <p>met ^[6] - 67:15, 67:18, 68:18, 70:24, 70:25, 71:5</p> <p>Micoleau ^[1] - 98:8</p> <p>middle ^[1] - 54:25</p> <p>might ^[9] - 4:17, 11:17, 14:15, 47:9, 53:3, 56:25, 76:25, 83:1, 83:13</p> <p>mind ^[5] - 59:15, 87:6, 87:7, 87:10, 87:11</p> <p>minute ^[1] - 10:17</p>	<p>minutes ^[1] - 71:5</p> <p>misuse ^[2] - 27:1, 27:7</p> <p>modest ^[1] - 53:6</p> <p>Monday ^[4] - 54:14, 54:19, 81:13, 81:14</p> <p>money ^[7] - 63:12, 86:4, 93:13, 93:14, 93:20, 93:21, 94:14</p> <p>morning ^[15] - 3:8, 3:9, 29:13, 42:24, 43:3, 43:5, 43:7, 54:14, 67:13, 67:14, 67:21, 83:20, 86:19, 87:3, 89:6</p> <p>mortgage ^[13] - 63:13, 63:20, 92:13, 92:24, 93:1, 93:2, 93:11, 93:15, 93:18, 93:21, 93:23, 94:3, 94:6</p> <p>mortgaged ^[5] - 63:14, 63:17, 92:14, 93:12, 93:13</p> <p>most ^[18] - 3:19, 4:1, 17:1, 19:22, 19:24, 20:25, 42:15, 43:15, 43:16, 66:4, 69:17, 80:3, 80:6, 80:17, 83:1, 83:7, 95:19</p> <p>mostly ^[1] - 81:9</p> <p>mother ^[2] - 54:18, 81:8</p> <p>motion ^[1] - 95:18</p> <p>mouth ^[1] - 39:10</p> <p>move ^[1] - 15:14</p> <p>MR ^[110] - 2:4, 2:5, 8:12, 9:14, 10:23, 14:4, 14:7, 14:19, 14:21, 15:6, 15:9, 15:12, 15:16, 15:21, 15:24, 16:4, 22:5, 22:8, 31:9, 31:12, 31:13, 31:14, 31:18, 31:19, 31:23, 31:25, 32:2, 32:22, 32:25, 34:1, 35:13, 35:15, 35:17, 36:1, 36:3, 36:5, 37:24, 38:1, 38:5, 39:3, 39:5, 39:8, 41:8, 41:10, 41:13, 41:14, 41:17, 55:12, 55:17, 55:19, 57:12, 57:19, 60:1, 60:8, 61:17, 61:21, 61:22, 65:8, 65:13, 65:14, 65:15, 66:3, 66:5, 66:6, 67:11, 67:12, 71:7, 71:9, 71:11, 71:12, 71:13, 75:22, 76:11, 76:13, 76:15, 87:8, 87:9,</p>	<p>87:21, 87:24, 88:1, 88:5, 88:24, 89:1, 89:8, 91:12, 91:14, 91:15, 91:17, 91:18, 91:19, 91:23, 91:25, 92:3, 92:5, 92:8, 92:9, 92:10, 92:11, 94:19, 94:21, 94:22, 94:23, 94:25, 95:5, 95:9, 95:11, 95:12, 95:14, 95:15, 95:18</p> <p>Mulvihill ^[4] - 58:21, 58:25, 59:4, 69:20</p> <p>Mulvihill's ^[1] - 58:17</p> <p>Mulvihills ^[2] - 58:16, 59:3</p>
N				
<p>name ^[16] - 3:10, 4:13, 4:15, 5:23, 6:24, 7:1, 8:25, 19:18, 41:11, 45:9, 52:15, 61:25, 64:23, 64:24, 67:13, 70:21</p> <p>named ^[1] - 97:5</p> <p>names ^[6] - 6:4, 6:10, 20:2, 47:9, 52:20, 55:8</p> <p>narrowing ^[1] - 37:20</p> <p>navigating ^[1] - 17:16</p> <p>near ^[2] - 28:11, 28:14</p> <p>need ^[7] - 15:5, 20:10, 28:8, 40:12, 40:20, 60:23, 86:22</p> <p>needs ^[1] - 28:7</p> <p>neighbor ^[9] - 19:2, 19:4, 19:7, 26:2, 38:20, 52:16, 59:4, 59:7, 69:5</p> <p>neighbors ^[19] - 19:10, 23:1, 23:8, 24:25, 36:9, 42:19, 42:25, 43:3, 52:5, 52:12, 55:2, 73:1, 73:4, 73:6, 73:8, 73:22, 74:11, 75:15</p> <p>never ^[38] - 15:19, 20:16, 20:21, 21:6, 24:10, 28:13, 29:11, 29:20, 30:12, 33:23, 40:4, 40:7, 40:10, 41:11, 41:16, 41:18, 41:25, 42:6, 48:25, 66:12, 67:3, 69:2, 69:12, 70:5, 70:24, 70:25, 74:1, 74:15, 74:22, 75:4, 75:13, 80:14, 81:15, 83:24, 85:3, 85:5, 95:5,</p>				

<p>95:7 next [8] - 15:14, 52:16, 59:4, 59:7, 77:9, 77:10, 92:6, 95:19 next-door [3] - 52:16, 59:4, 59:7 nice [1] - 91:8 nice-looking [1] - 91:8 nine [1] - 82:22 no-trespassing [1] - 20:4 nobody [4] - 25:18, 53:5, 53:8, 53:12 nonattorney [1] - 44:6 normally [1] - 54:13 north [6] - 58:21, 58:23, 58:24, 59:3, 77:18, 82:4 northeast [2] - 59:17, 72:2 Northeaster [1] - 32:19 northeasterly [1] - 60:17 northerly [1] - 59:5 Notary [4] - 3:5, 96:17, 97:2, 98:17 notation [3] - 33:4, 33:7, 33:9 notations [1] - 33:5 notes [1] - 61:19 nothing [5] - 13:3, 13:6, 30:7, 46:6, 97:7 Notice [2] - 2:13, 55:10 notice [4] - 1:13, 75:19, 95:15, 97:4 noticed [2] - 11:10, 30:12 notification [1] - 76:9 Number [1] - 2:7 number [5] - 3:11, 36:8, 67:21, 72:1, 92:19 numbers [2] - 34:17, 56:2 numerous [3] - 3:18, 16:14, 18:24</p>	<p>objected [2] - 67:3, 83:25 objection [4] - 24:7, 30:25, 43:25, 85:8 objections [8] - 18:9, 18:10, 30:13, 30:22, 31:3, 34:20, 34:21, 83:6 observe [2] - 77:8, 77:10 observed [9] - 28:13, 77:7, 77:11, 78:6, 78:9, 78:10, 78:13, 82:23 occasion [1] - 83:8 occasionally [4] - 20:20, 29:5, 30:9, 43:7 occasions [10] - 17:1, 18:24, 32:19, 59:16, 59:19, 59:22, 61:10, 61:12, 61:14, 72:1 occur [1] - 30:3 occurring [1] - 76:23 occurs [1] - 76:20 ocean [5] - 11:24, 59:2, 78:10, 80:20, 85:19 Ocean [2] - 72:25, 89:13 OF [5] - 1:1, 1:6, 1:12, 97:1, 99:1 office [8] - 48:10, 48:17, 62:1, 63:1, 63:4, 63:6, 63:8, 65:1 offices [1] - 1:14 often [3] - 54:5, 54:11, 82:16 old [2] - 62:2, 82:21 once [1] - 18:3 One [1] - 98:8 one [32] - 12:11, 14:24, 19:6, 24:25, 31:24, 31:25, 33:5, 33:9, 39:13, 39:21, 43:6, 43:23, 44:24, 46:1, 47:3, 48:8, 48:14, 52:15, 58:1, 58:16, 60:12, 60:13, 71:17, 77:3, 77:8, 77:10, 79:22, 83:13, 84:21, 89:25, 93:13, 95:17 one-man [1] - 89:25 ones [3] - 53:14, 56:15, 90:19 open [2] - 89:5, 95:4 open-ended [1] - 95:4 opinion [12] - 15:14,</p>	<p>35:9, 35:10, 35:12, 35:19, 63:23, 67:24, 86:8, 86:9, 86:13, 87:22, 89:5 opportunity [2] - 45:18, 61:18 opposed [1] - 60:10 oral [3] - 76:4, 76:8, 76:11 orally [1] - 76:14 order [1] - 92:14 ordinance [4] - 27:5, 27:20, 83:17, 83:18 original [5] - 2:16, 72:10, 98:14, 98:16, 98:19 outside [5] - 21:9, 42:7, 42:16, 42:18, 50:24 overnight [1] - 49:9 overview [1] - 48:6 own [41] - 7:9, 7:10, 10:14, 10:25, 11:8, 13:15, 13:19, 13:24, 14:2, 14:5, 14:10, 14:11, 14:13, 14:15, 18:2, 21:14, 22:23, 24:15, 25:16, 35:2, 39:15, 39:18, 39:19, 47:24, 48:4, 48:21, 49:3, 49:13, 62:4, 62:6, 64:18, 69:16, 72:24, 75:1, 77:24, 78:19, 82:24, 87:12, 88:11, 88:18, 88:22 owned [9] - 7:4, 9:5, 12:13, 12:17, 12:21, 37:8, 48:12, 70:18 owner [1] - 85:15 owners [20] - 3:12, 8:23, 25:6, 25:21, 28:3, 28:20, 30:19, 30:22, 30:25, 52:18, 67:8, 70:7, 70:8, 73:8, 74:1, 74:22, 75:5, 75:12, 78:15 owners' [1] - 22:19 ownership [1] - 5:16 owns [2] - 15:21, 57:23</p>	<p>98:19 paid [6] - 85:18, 93:17, 93:18, 93:24, 94:2 paperwork [2] - 33:18, 57:11 paragraph [6] - 16:9, 18:6, 44:16, 44:19, 44:20, 92:21 paraphrased [1] - 71:4 parcel [2] - 10:15, 10:18 pardon [1] - 27:20 part [13] - 17:1, 20:25, 34:13, 42:15, 43:15, 43:16, 69:17, 73:21, 83:1, 83:8, 93:14, 93:17, 93:18 particular [5] - 9:5, 11:12, 12:14, 15:19, 46:12 parties [3] - 3:2, 97:12, 97:15 passing [3] - 71:5, 71:6, 71:10 past [2] - 7:17, 29:7 PAUL [1] - 1:20 Paul [1] - 61:25 pay [7] - 48:17, 63:10, 63:18, 64:14, 85:21, 92:15, 93:5 paying [1] - 59:14 pen [2] - 11:3, 57:23 people [69] - 15:17, 16:7, 16:10, 16:14, 17:3, 18:14, 19:13, 19:23, 22:2, 23:3, 23:13, 23:23, 24:3, 24:5, 24:7, 24:9, 24:13, 24:18, 25:7, 25:9, 26:12, 26:13, 26:14, 26:15, 26:17, 27:4, 27:8, 27:13, 27:14, 28:13, 30:9, 30:13, 48:17, 52:21, 53:6, 53:16, 53:17, 53:24, 58:10, 65:7, 66:2, 66:12, 66:13, 67:6, 67:8, 70:13, 73:16, 73:25, 74:14, 74:15, 74:23, 75:1, 76:16, 77:3, 78:9, 78:10, 78:11, 78:12, 78:15, 83:7, 84:22, 85:4, 85:9, 86:1, 86:15, 87:17, 88:10 people's [2] - 18:11, 23:24 percent [1] - 11:17 period [1] - 7:21 periods [2] - 54:24,</p>	<p>80:4 permission [40] - 18:22, 18:23, 19:21, 25:25, 26:3, 28:7, 28:8, 28:19, 28:23, 29:8, 29:15, 29:20, 29:22, 31:5, 37:1, 37:10, 37:17, 37:22, 38:4, 38:13, 38:19, 42:18, 43:4, 43:14, 43:17, 43:19, 51:19, 53:14, 53:24, 55:4, 59:19, 65:19, 69:23, 70:3, 73:10, 74:6, 74:7, 76:18, 84:24 permit [9] - 27:25, 51:25, 57:7, 59:21, 60:12, 60:13, 60:17, 60:24, 61:5 Permit [4] - 2:15, 2:15, 60:4, 60:6 permits [8] - 33:23, 51:24, 59:12, 59:23, 60:2, 60:9, 61:15, 72:5 permitted [10] - 21:25, 22:23, 23:1, 23:7, 23:19, 73:1, 73:22, 74:9, 74:10, 75:19 permitting [2] - 34:13, 74:5 person [4] - 70:18, 71:2, 95:6, 97:5 personal [2] - 45:24, 48:4 personally [4] - 49:3, 49:18, 94:7, 96:14 PERSONS [1] - 1:6 pete [1] - 91:25 Pete [1] - 94:21 phone [1] - 92:5 Photograph [10] - 2:11, 2:12, 2:13, 2:14, 2:14, 31:8, 32:24, 57:13, 57:15, 57:17 photographs [5] - 56:16, 56:19, 56:24, 57:6, 57:21 phrase [1] - 39:21 physically [2] - 77:7, 77:8 pick [3] - 19:3, 24:21, 27:15 picked [1] - 52:23 picking [1] - 27:8 picnics [1] - 26:15 picture [10] - 31:10, 31:11, 31:20, 31:24, 32:3, 32:13, 32:22,</p>
O		P		
<p>oath [2] - 96:15, 97:8 obey [1] - 84:9 obeying [1] - 27:12 object [9] - 14:4, 14:19, 34:25, 44:1, 74:15, 84:3, 84:5, 85:9, 85:10</p>	<p>objected [2] - 67:3, 83:25 objection [4] - 24:7, 30:25, 43:25, 85:8 objections [8] - 18:9, 18:10, 30:13, 30:22, 31:3, 34:20, 34:21, 83:6 observe [2] - 77:8, 77:10 observed [9] - 28:13, 77:7, 77:11, 78:6, 78:9, 78:10, 78:13, 82:23 occasion [1] - 83:8 occasionally [4] - 20:20, 29:5, 30:9, 43:7 occasions [10] - 17:1, 18:24, 32:19, 59:16, 59:19, 59:22, 61:10, 61:12, 61:14, 72:1 occur [1] - 30:3 occurring [1] - 76:23 occurs [1] - 76:20 ocean [5] - 11:24, 59:2, 78:10, 80:20, 85:19 Ocean [2] - 72:25, 89:13 OF [5] - 1:1, 1:6, 1:12, 97:1, 99:1 office [8] - 48:10, 48:17, 62:1, 63:1, 63:4, 63:6, 63:8, 65:1 offices [1] - 1:14 often [3] - 54:5, 54:11, 82:16 old [2] - 62:2, 82:21 once [1] - 18:3 One [1] - 98:8 one [32] - 12:11, 14:24, 19:6, 24:25, 31:24, 31:25, 33:5, 33:9, 39:13, 39:21, 43:6, 43:23, 44:24, 46:1, 47:3, 48:8, 48:14, 52:15, 58:1, 58:16, 60:12, 60:13, 71:17, 77:3, 77:8, 77:10, 79:22, 83:13, 84:21, 89:25, 93:13, 95:17 one-man [1] - 89:25 ones [3] - 53:14, 56:15, 90:19 open [2] - 89:5, 95:4 open-ended [1] - 95:4 opinion [12] - 15:14,</p>	<p>P.O [1] - 98:9 Page [3] - 2:2, 2:7, 99:2 page [9] - 16:9, 18:7, 55:22, 56:2, 92:21, 93:4, 98:15, 98:16,</p>	<p>98:19 paid [6] - 85:18, 93:17, 93:18, 93:24, 94:2 paperwork [2] - 33:18, 57:11 paragraph [6] - 16:9, 18:6, 44:16, 44:19, 44:20, 92:21 paraphrased [1] - 71:4 parcel [2] - 10:15, 10:18 pardon [1] - 27:20 part [13] - 17:1, 20:25, 34:13, 42:15, 43:15, 43:16, 69:17, 73:21, 83:1, 83:8, 93:14, 93:17, 93:18 particular [5] - 9:5, 11:12, 12:14, 15:19, 46:12 parties [3] - 3:2, 97:12, 97:15 passing [3] - 71:5, 71:6, 71:10 past [2] - 7:17, 29:7 PAUL [1] - 1:20 Paul [1] - 61:25 pay [7] - 48:17, 63:10, 63:18, 64:14, 85:21, 92:15, 93:5 paying [1] - 59:14 pen [2] - 11:3, 57:23 people [69] - 15:17, 16:7, 16:10, 16:14, 17:3, 18:14, 19:13, 19:23, 22:2, 23:3, 23:13, 23:23, 24:3, 24:5, 24:7, 24:9, 24:13, 24:18, 25:7, 25:9, 26:12, 26:13, 26:14, 26:15, 26:17, 27:4, 27:8, 27:13, 27:14, 28:13, 30:9, 30:13, 48:17, 52:21, 53:6, 53:16, 53:17, 53:24, 58:10, 65:7, 66:2, 66:12, 66:13, 67:6, 67:8, 70:13, 73:16, 73:25, 74:14, 74:15, 74:23, 75:1, 76:16, 77:3, 78:9, 78:10, 78:11, 78:12, 78:15, 83:7, 84:22, 85:4, 85:9, 86:1, 86:15, 87:17, 88:10 people's [2] - 18:11, 23:24 percent [1] - 11:17 period [1] - 7:21 periods [2] - 54:24,</p>	<p>80:4 permission [40] - 18:22, 18:23, 19:21, 25:25, 26:3, 28:7, 28:8, 28:19, 28:23, 29:8, 29:15, 29:20, 29:22, 31:5, 37:1, 37:10, 37:17, 37:22, 38:4, 38:13, 38:19, 42:18, 43:4, 43:14, 43:17, 43:19, 51:19, 53:14, 53:24, 55:4, 59:19, 65:19, 69:23, 70:3, 73:10, 74:6, 74:7, 76:18, 84:24 permit [9] - 27:25, 51:25, 57:7, 59:21, 60:12, 60:13, 60:17, 60:24, 61:5 Permit [4] - 2:15, 2:15, 60:4, 60:6 permits [8] - 33:23, 51:24, 59:12, 59:23, 60:2, 60:9, 61:15, 72:5 permitted [10] - 21:25, 22:23, 23:1, 23:7, 23:19, 73:1, 73:22, 74:9, 74:10, 75:19 permitting [2] - 34:13, 74:5 person [4] - 70:18, 71:2, 95:6, 97:5 personal [2] - 45:24, 48:4 personally [4] - 49:3, 49:18, 94:7, 96:14 PERSONS [1] - 1:6 pete [1] - 91:25 Pete [1] - 94:21 phone [1] - 92:5 Photograph [10] - 2:11, 2:12, 2:13, 2:14, 2:14, 31:8, 32:24, 57:13, 57:15, 57:17 photographs [5] - 56:16, 56:19, 56:24, 57:6, 57:21 phrase [1] - 39:21 physically [2] - 77:7, 77:8 pick [3] - 19:3, 24:21, 27:15 picked [1] - 52:23 picking [1] - 27:8 picnics [1] - 26:15 picture [10] - 31:10, 31:11, 31:20, 31:24, 32:3, 32:13, 32:22,</p>

<p>33:2, 33:9, 54:12 pictures [8] - 31:17, 32:13, 33:13, 56:13, 56:15, 59:15, 71:17 piece [5] - 63:14, 63:17, 77:24, 85:18, 92:14 pieces [2] - 7:9, 93:13 Pine [2] - 1:24, 98:2 pit [1] - 51:17 place [6] - 11:21, 24:16, 48:1, 80:19, 81:21, 93:13 placed [2] - 11:10, 20:4 places [1] - 83:10 Plaintiffs [1] - 1:4 plaintiffs' [2] - 18:9, 31:15 Plan [4] - 2:9, 2:12, 10:21, 33:24 plan [15] - 10:16, 10:18, 11:12, 11:16, 11:18, 13:1, 13:5, 13:14, 13:23, 34:5, 34:9, 44:10, 44:17, 46:9, 59:25 planning [1] - 7:8 planted [2] - 32:12, 32:17 plastic [1] - 24:20 play [3] - 51:13, 79:17, 79:19 played [1] - 79:22 playing [2] - 68:1, 68:16 Plaza [1] - 98:8 pleasantries [1] - 4:5 plus [1] - 75:1 PMC [5] - 7:2, 46:24, 47:17, 47:25, 93:6 point [5] - 10:13, 11:19, 12:14, 18:4, 22:10 points [2] - 28:10, 28:14 police [2] - 20:8, 83:24 polite [2] - 37:4, 37:14 pond [2] - 62:22, 62:23 ponds [1] - 82:15 Pool [2] - 65:1, 65:2 portion [14] - 10:15, 11:1, 16:17, 16:20, 16:22, 16:23, 17:12, 17:17, 17:22, 18:3, 18:21, 22:2, 79:12 portions [4] - 20:6, 20:16, 20:21, 21:8 Portland [4] - 1:15, 1:24, 98:3, 98:9</p>	<p>position [3] - 5:14, 15:23, 19:6 possibility [1] - 14:14 possible [4] - 42:9, 42:10, 42:11, 43:3 possibly [1] - 47:14 posted [4] - 3:25, 27:5, 27:11, 27:20 potential [2] - 8:3, 43:25 potentially [1] - 49:6 practitioner [1] - 90:1 preceded [1] - 45:21 predate [1] - 45:2 predecessor [1] - 46:24 predominantly [1] - 7:12 premium [1] - 85:18 prepare [1] - 33:18 prepared [1] - 20:11 presently [1] - 79:1 presume [3] - 8:17, 53:4, 78:11 pretty [6] - 40:17, 53:6, 61:17, 66:5, 78:13, 79:25 prevail [1] - 38:12 previous [2] - 44:16, 44:19 previously [1] - 84:20 prime [1] - 4:15 Priscilla [1] - 5:24 private [1] - 22:23 privately [1] - 22:23 privy [1] - 90:11 pro [2] - 1:21, 1:21 problem [6] - 20:9, 84:24, 85:1, 87:15, 87:16, 87:23 problems [1] - 69:14 process [2] - 34:13, 59:21 produced [4] - 34:3, 56:4, 60:10, 94:17 product [1] - 24:21 production [3] - 31:16, 33:3, 34:4 professional [1] - 63:6 project [2] - 5:12, 5:15 properly [2] - 9:20, 11:20 properties [10] - 47:15, 47:18, 47:24, 48:5, 48:7, 48:10, 48:11, 48:12, 48:15, 48:17 property [182] - 6:18, 7:5, 7:9, 7:10, 7:15, 8:3, 8:15, 8:21, 8:23,</p>	<p>9:2, 9:7, 9:24, 10:4, 10:5, 11:21, 12:2, 12:5, 12:11, 12:12, 14:2, 14:10, 16:11, 16:13, 16:16, 16:17, 17:5, 17:8, 17:13, 17:18, 17:22, 18:5, 18:8, 18:14, 18:15, 18:20, 18:21, 19:5, 19:8, 19:19, 20:3, 20:6, 22:3, 22:22, 22:24, 23:22, 23:24, 24:1, 24:5, 24:8, 24:9, 24:11, 25:1, 25:2, 25:14, 25:16, 25:22, 27:21, 28:4, 28:5, 28:9, 28:11, 28:14, 29:16, 29:24, 31:1, 31:4, 34:15, 34:24, 35:11, 36:15, 36:23, 37:8, 39:11, 39:12, 42:12, 42:14, 45:7, 46:3, 47:6, 47:7, 47:11, 48:16, 48:21, 48:25, 49:2, 49:4, 49:8, 49:13, 49:21, 50:24, 52:18, 60:25, 62:4, 62:6, 62:9, 62:11, 62:13, 62:14, 62:19, 62:25, 63:5, 63:9, 63:13, 63:14, 63:15, 63:16, 63:17, 63:18, 63:20, 63:24, 64:18, 65:4, 65:17, 65:22, 65:25, 66:8, 66:19, 67:7, 67:8, 68:24, 69:3, 69:16, 69:23, 70:4, 70:7, 70:8, 70:9, 70:14, 70:18, 71:14, 72:3, 72:5, 72:12, 72:23, 72:24, 73:2, 73:8, 73:11, 73:14, 74:16, 74:22, 75:1, 75:5, 75:12, 75:20, 76:6, 76:17, 77:1, 77:15, 77:17, 78:16, 78:23, 79:4, 81:1, 85:15, 85:19, 85:22, 86:16, 86:17, 86:25, 87:12, 87:13, 87:18, 88:10, 92:13, 92:14, 92:15, 93:14, 93:17, 93:20, 94:2, 94:5, 94:8, 94:12, 94:17 protect [3] - 25:14, 72:12, 85:15 provided [5] - 31:15, 33:3, 35:18, 56:7, 57:21 Public [4] - 3:6, 96:17,</p>	<p>97:3, 98:17 public [2] - 22:24, 78:18 pull [1] - 27:25 pulled [2] - 33:23, 34:18 purchase [5] - 63:12, 63:15, 70:10, 70:11, 94:17 purchased [17] - 6:19, 7:15, 8:21, 8:24, 9:7, 9:9, 9:23, 12:11, 12:12, 63:9, 64:17, 70:6, 71:14, 77:1, 93:17, 94:9, 94:12 purpose [3] - 59:12, 72:7, 72:8 pursuant [2] - 1:13, 97:4 put [13] - 7:10, 33:22, 34:11, 37:1, 40:10, 40:15, 47:2, 47:18, 53:8, 54:1, 71:24, 72:10, 75:19 puts [1] - 39:9</p> <p style="text-align: center;">Q</p> <p>questions [17] - 4:11, 8:7, 20:12, 36:1, 36:7, 36:8, 38:25, 39:24, 45:6, 51:2, 62:2, 75:23, 76:2, 91:22, 92:3, 92:9, 95:3 Quiet [2] - 2:10, 16:2 Quinn [5] - 5:6, 5:7, 5:8, 5:10, 64:7 quite [2] - 45:9, 91:1 quote [4] - 72:24, 73:3, 73:21, 73:23</p> <p style="text-align: center;">R</p> <p>Raleigh [1] - 48:3 ray [1] - 64:24 re [1] - 14:9 RE [1] - 98:12 RE-09-111 [1] - 1:2 reached [1] - 75:5 read [14] - 22:17, 22:21, 26:13, 53:9, 72:20, 87:24, 87:25, 88:3, 89:1, 89:3, 89:11, 92:22, 93:19, 98:16 reading [4] - 9:20, 11:5, 44:19, 78:11 real [5] - 5:11, 6:14,</p>	<p>46:17, 64:22, 85:21 realizes [1] - 87:11 really [6] - 10:11, 30:7, 30:21, 53:12, 69:21, 79:24 realtor [1] - 71:3 Realty [5] - 7:2, 46:24, 48:18, 64:25, 93:6 realty [3] - 7:4, 47:17, 47:25 reason [6] - 4:20, 4:21, 7:7, 72:4, 85:14, 85:16 reasons [1] - 12:11 rebuild [1] - 34:11 received [1] - 35:10 recent [2] - 3:19, 26:21 recognize [1] - 55:14 recollect [1] - 82:7 recollection [3] - 92:17, 93:7, 94:11 reconstruct [1] - 33:19 reconstructive [1] - 59:25 record [4] - 4:14, 6:14, 92:22, 97:10 recorded [2] - 9:19, 93:3 records [2] - 12:18, 94:16 recreate [2] - 28:3, 75:20 recreating [2] - 67:20, 70:8 recreation [5] - 67:20, 68:5, 68:9, 68:10, 73:17 recreational [1] - 68:17 redirect [1] - 95:3 reduced [1] - 97:8 refer [4] - 44:10, 46:8, 46:12, 79:6 reference [2] - 10:8, 13:8 referenced [1] - 10:16 references [1] - 10:4 referred [1] - 11:9 referring [3] - 16:18, 60:16, 73:5 refers [1] - 44:16 refine [1] - 89:7 refresh [1] - 93:7 regarding [2] - 4:5, 94:17 Registry [1] - 93:4 regular [1] - 80:1 regulations [2] - 28:1, 51:6 reiterate [1] - 76:2</p>
--	---	--	--	---

<p>related [5] - 4:2, 8:8, 12:18, 61:2, 61:8</p> <p>relation [1] - 80:19</p> <p>relative [1] - 97:14</p> <p>remedial [1] - 59:20</p> <p>remember [17] - 36:16, 45:9, 47:1, 55:7, 63:11, 63:15, 64:23, 65:5, 65:20, 69:4, 93:20, 93:22, 94:1, 94:10, 94:13, 94:14</p> <p>renovation [2] - 61:6, 61:7</p> <p>rent [1] - 48:18</p> <p>rental [2] - 48:5, 48:16</p> <p>rented [6] - 48:25, 49:2, 49:4, 49:8, 49:13</p> <p>renting [1] - 49:10</p> <p>repair [2] - 61:15, 72:6</p> <p>rephrase [2] - 15:25, 45:4</p> <p>replace [1] - 32:21</p> <p>reply [1] - 74:4</p> <p>reporter [1] - 88:3</p> <p>Reporting [1] - 1:23</p> <p>REPORTING [1] - 98:2</p> <p>represent [4] - 3:11, 11:7, 31:11, 65:3</p> <p>represented [6] - 12:12, 39:14, 39:18, 39:19, 64:17, 64:21</p> <p>request [3] - 31:16, 33:3, 34:4</p> <p>requested [2] - 56:11, 88:3</p> <p>required [1] - 57:11</p> <p>research [6] - 12:16, 12:18, 12:24, 12:25, 94:25</p> <p>reside [1] - 7:11</p> <p>residence [1] - 78:6</p> <p>residential [2] - 48:12, 63:3</p> <p>respect [6] - 10:25, 24:1, 28:20, 30:20, 34:14, 51:3</p> <p>response [7] - 31:15, 33:3, 34:3, 39:24, 45:5, 51:1, 72:19</p> <p>responses [1] - 20:12</p> <p>result [2] - 61:11, 85:22</p> <p>retail [1] - 48:11</p> <p>retire [1] - 90:3</p> <p>retired [3] - 64:8, 64:9, 89:17</p> <p>return [1] - 98:19</p> <p>review [1] - 45:19</p> <p>Richard [1] - 67:13</p>	<p>riCHARD [1] - 1:21</p> <p>ride [1] - 83:2</p> <p>riding [1] - 81:18</p> <p>right-of-way [1] - 28:17</p> <p>rights [8] - 22:18, 25:14, 26:8, 28:10, 30:19, 36:10, 85:15, 86:14</p> <p>rights-of-ways [1] - 28:10</p> <p>rise [1] - 43:10</p> <p>river [7] - 77:3, 77:8, 77:10, 77:15, 77:16, 78:2, 78:7</p> <p>River [1] - 11:9</p> <p>riverfront [2] - 62:19, 63:5</p> <p>RMR [3] - 1:13, 97:2, 97:23</p> <p>Road [1] - 11:9</p> <p>road [5] - 11:11, 27:10, 51:8, 77:24, 83:22</p> <p>Robert [1] - 98:12</p> <p>ROBERT [1] - 1:3</p> <p>rocks [4] - 21:9, 41:1, 82:10, 82:15</p> <p>Rocks [39] - 3:11, 7:16, 7:19, 8:5, 8:16, 20:16, 20:19, 20:22, 21:25, 22:19, 23:4, 24:24, 25:3, 25:8, 25:24, 28:21, 28:22, 29:25, 30:20, 30:23, 36:19, 36:22, 48:22, 48:25, 63:9, 63:12, 63:18, 63:20, 63:24, 64:18, 66:11, 67:1, 72:21, 77:2, 77:9, 80:14, 82:12, 92:16</p> <p>room [1] - 49:8</p> <p>roughly [1] - 21:14</p> <p>Route [1] - 81:21</p> <p>routine [2] - 54:21</p> <p>Roy [1] - 64:24</p> <p>rule [1] - 95:1</p> <p>rules [4] - 3:14, 28:1, 91:25, 92:2</p> <p>running [2] - 9:16, 51:9</p> <p>runs [2] - 11:14, 77:12</p>	<p>sandcastle [1] - 50:14</p> <p>sandwiches [1] - 26:15</p> <p>sat [3] - 75:14, 91:8, 91:10</p> <p>Saturday [2] - 54:13, 81:10</p> <p>save [1] - 87:2</p> <p>saw [1] - 67:6</p> <p>school [1] - 80:10</p> <p>schooling [1] - 4:23</p> <p>se [2] - 1:21, 1:21</p> <p>sea [1] - 33:7</p> <p>search [2] - 89:16, 89:22</p> <p>season [1] - 54:7</p> <p>seasons [1] - 19:17</p> <p>seawall [8] - 33:10, 33:15, 33:21, 33:22, 71:18, 71:20, 71:24, 79:8</p> <p>seaward [1] - 39:13</p> <p>second [4] - 55:22, 61:5, 93:15, 93:16</p> <p>section [1] - 21:4</p> <p>see [16] - 13:3, 13:6, 18:14, 27:7, 27:8, 27:12, 30:9, 40:21, 44:7, 56:5, 56:17, 69:18, 77:16, 90:12, 91:18</p> <p>seeing [1] - 82:7</p> <p>seller [1] - 8:21</p> <p>sent [4] - 68:22, 69:1, 76:3, 94:18</p> <p>sentence [2] - 44:12, 74:10</p> <p>series [1] - 82:15</p> <p>service [1] - 19:1</p> <p>set [1] - 97:17</p> <p>several [3] - 22:24, 39:24, 61:11</p> <p>severe [1] - 59:17</p> <p>shape [1] - 72:10</p> <p>shared [3] - 23:2, 23:8, 73:23</p> <p>sheet [3] - 98:15, 98:18, 98:19</p> <p>SHEET [1] - 99:1</p> <p>shells [1] - 40:23</p> <p>shook [1] - 67:15</p> <p>shooting [1] - 65:24</p> <p>short [3] - 61:23, 91:23, 92:1</p> <p>shorter [1] - 95:17</p> <p>show [12] - 9:15, 10:17, 22:9, 33:1, 34:2, 45:14, 56:17, 60:1, 88:18, 89:25, 92:19, 92:20</p>	<p>showed [1] - 56:14</p> <p>showing [3] - 31:10, 56:19, 60:9</p> <p>shown [4] - 57:24, 57:25, 58:6, 71:17</p> <p>shows [3] - 58:11, 58:16, 58:17</p> <p>shutters [1] - 90:23</p> <p>side [8] - 11:8, 11:11, 19:6, 36:9, 59:5, 59:8, 91:20, 91:21</p> <p>SIDNEY [1] - 1:19</p> <p>Sidney [2] - 98:7, 98:19</p> <p>sign [1] - 98:16</p> <p>signature [6] - 3:3, 22:15, 22:16, 98:14, 98:16, 98:19</p> <p>signed [2] - 94:7, 98:19</p> <p>signs [2] - 20:4, 24:16</p> <p>silly [4] - 91:16, 91:17, 91:20, 91:21</p> <p>simple [3] - 27:23, 85:25, 86:15</p> <p>single [6] - 37:7, 37:10, 37:21, 43:12, 43:16</p> <p>sit [1] - 78:12</p> <p>sitting [4] - 53:19, 53:21, 78:11, 87:4</p> <p>situate [1] - 34:11</p> <p>situated [1] - 10:18</p> <p>situation [1] - 84:4</p> <p>six [1] - 76:22</p> <p>skied [1] - 79:18</p> <p>skiing [2] - 30:11, 30:14</p> <p>skip [1] - 4:5</p> <p>sleeping [1] - 78:11</p> <p>slow [1] - 39:3</p> <p>small [1] - 89:7</p> <p>smoothly [1] - 95:13</p> <p>so-called [1] - 11:9</p> <p>soccer [2] - 51:11</p> <p>softball [1] - 51:12</p> <p>sold [1] - 64:22</p> <p>sole [1] - 90:1</p> <p>someone [3] - 61:19, 66:18, 79:7</p> <p>sometime [1] - 8:2</p> <p>sometimes [2] - 11:9, 81:13</p> <p>somewheres [1] - 6:23</p> <p>son [1] - 90:25</p> <p>sorry [7] - 13:9, 33:8, 38:1, 41:9, 41:12, 49:3, 74:19</p> <p>sort [6] - 4:2, 26:16, 34:5, 42:21, 53:22,</p>	<p>66:10</p> <p>sought [1] - 72:4</p> <p>sounds [3] - 66:23, 79:5, 79:13</p> <p>source [1] - 45:15</p> <p>south [7] - 58:22, 58:24, 58:25, 59:2, 59:10, 77:15, 77:16</p> <p>South [2] - 1:24, 98:3</p> <p>southeasterly [1] - 11:8</p> <p>southerly [3] - 11:11, 11:23, 59:8</p> <p>southerlymost [1] - 11:19</p> <p>space [3] - 48:17, 63:6, 63:8</p> <p>speaking [1] - 29:10</p> <p>specific [4] - 7:7, 8:7, 20:2, 56:13</p> <p>speculate [1] - 14:6</p> <p>speculating [1] - 26:24</p> <p>speed [1] - 3:23</p> <p>spell [1] - 65:10</p> <p>Spencer [5] - 35:20, 64:2, 64:5, 89:17, 89:25</p> <p>spend [2] - 81:11, 86:4</p> <p>spent [3] - 49:7, 81:17, 91:3</p> <p>sports [2] - 68:4, 79:17</p> <p>spouse [2] - 20:24, 29:6</p> <p>spouse's [1] - 5:23</p> <p>square [2] - 21:14, 63:4</p> <p>ss [1] - 1:1</p> <p>St [2] - 98:7, 98:19</p> <p>ST [1] - 1:19</p> <p>start [4] - 4:11, 10:3, 36:3, 95:16</p> <p>started [2] - 39:20, 39:21</p> <p>STATE [2] - 1:1, 97:1</p> <p>state [1] - 4:13</p> <p>State [5] - 7:22, 7:24, 8:3, 59:23, 97:3</p> <p>statement [2] - 23:6, 23:9</p> <p>statements [1] - 41:24</p> <p>states [1] - 47:15</p> <p>stay [6] - 42:14, 54:14, 81:13, 81:14, 86:3, 90:9</p> <p>stayed [2] - 40:20, 49:20</p> <p>steel [2] - 3:24, 5:10</p> <p>stenographer [1] -</p>
	S			
	<p>sailboat [1] - 19:5</p> <p>sand [9] - 16:21, 16:23, 16:25, 17:2, 17:3, 17:12, 17:17, 17:21, 18:3</p>			

<p>4:10 STERN [8] - 1:20, 2:4, 61:24, 65:15, 66:5, 66:6, 67:11, 92:9 Stern [1] - 61:25 Stevens [1] - 98:8 still [9] - 14:8, 14:12, 14:17, 14:18, 14:22, 32:8, 64:5, 64:7, 89:17 stipulated [1] - 31:23 STIPULATIONS [1] - 3:1 stop [1] - 19:25 stopped [2] - 28:16, 39:15 storm [5] - 33:20, 61:3, 61:8, 61:11, 72:6 storms [5] - 32:19, 59:17, 60:18, 61:15, 72:2 straight [2] - 41:5, 41:7 strayed [3] - 40:4, 40:7, 42:12 Street [2] - 1:24, 98:2 street [7] - 19:14, 28:16, 36:12, 36:14, 52:10, 65:7, 83:3 strip [2] - 10:18, 81:16 strong [1] - 14:14 structural [1] - 5:10 stuff [2] - 37:14, 56:10 subdivision [4] - 44:10, 44:17, 46:9, 46:13 subject [3] - 63:20, 92:23, 92:25 submitted [1] - 20:13 subscribed [1] - 96:16 subsequent [1] - 89:24 subsequently [1] - 47:17 suit [1] - 15:16 Suite [1] - 98:8 summer [8] - 18:19, 51:3, 54:7, 54:8, 80:3, 80:6, 80:8, 82:18 summertime [1] - 24:13 summertimes [1] - 83:19 sun [5] - 43:10, 50:7, 53:2, 53:4, 53:9 sun-bathing [1] - 53:2 sunbathe [1] - 26:14 Sunday [1] - 81:11</p>	<p>sunset [1] - 19:1 SUPERIOR [1] - 1:1 supervision [1] - 97:9 supposed [1] - 24:13 surgery [1] - 89:5 survey [2] - 94:8, 94:11 suspect [1] - 94:23 swam [1] - 21:4 swim [2] - 26:13, 80:21 swimming [5] - 37:17, 50:1, 78:10, 80:17, 80:21 sworn [2] - 3:5, 97:6</p>	<p>38:3, 38:16, 42:11, 50:23, 85:12 Thomas [3] - 6:11, 35:20, 64:2 three [3] - 19:16, 26:23, 57:24 throughout [1] - 86:18 throwing [1] - 68:15 thrown [1] - 42:6 Thursday [1] - 54:19 tide [6] - 21:17, 21:18, 40:25, 66:19, 82:14, 83:4 tides [1] - 49:11 Timber [4] - 40:24, 41:6, 82:1, 82:3 timber [1] - 41:13 title [11] - 4:13, 6:14, 6:18, 7:1, 45:16, 46:12, 63:23, 64:14, 71:14, 89:16, 89:22 Title [2] - 2:10, 16:2 today [12] - 4:18, 4:21, 13:19, 23:23, 26:7, 29:3, 32:8, 32:10, 36:25, 38:18, 38:23, 56:12 together [4] - 34:11, 34:18, 74:22, 75:4 Tom [1] - 89:25 took [8] - 33:13, 57:9, 93:15, 93:19, 93:20, 94:3, 94:14 top [2] - 53:3, 55:7 Topsail [6] - 4:16, 48:13, 48:15, 62:21, 62:22, 63:7 towards [2] - 11:23, 95:15 towel [6] - 37:1, 40:10, 40:15, 53:8, 53:23, 54:1 town [6] - 27:5, 56:8, 57:22, 60:11, 86:24, 87:11 TOWN [1] - 1:6 Town [4] - 15:17, 16:6, 85:23, 98:12 town's [2] - 24:15, 87:14 towns [1] - 66:4 track [1] - 69:21 translate [1] - 4:9 traverse [2] - 76:9, 90:11 treat [2] - 75:14, 75:16 trespass [7] - 16:15, 17:4, 17:6, 17:9, 17:15, 17:23, 18:4 trespassed [2] -</p>	<p>16:10, 16:13 trespassing [5] - 17:8, 17:20, 20:4, 66:20, 66:22 trick [1] - 55:16 tried [1] - 39:13 trouble [1] - 95:14 true [2] - 96:5, 97:10 Trust [5] - 7:2, 46:25, 47:25, 48:18, 93:6 trust [5] - 7:4, 7:6, 7:9, 7:10, 47:18 trustee [1] - 93:6 trustees [2] - 46:3, 47:21 truth [3] - 96:15, 97:6, 97:7 try [7] - 26:1, 28:15, 52:11, 54:13, 54:17, 54:25, 89:7 trying [14] - 23:17, 25:13, 25:14, 27:25, 41:22, 55:16, 63:11, 68:5, 74:3, 86:6, 86:10, 86:14, 92:1, 94:1 Tuesday [1] - 81:14 tune [1] - 33:6 turn [2] - 43:22, 55:13 two [26] - 6:3, 6:9, 10:4, 10:6, 10:9, 19:16, 19:18, 26:23, 33:4, 45:23, 46:8, 57:24, 59:18, 59:21, 60:9, 60:15, 61:14, 78:24, 79:11, 90:9, 90:17, 90:25, 91:1, 91:8, 91:10 types [2] - 26:11, 30:2</p>	<p>untrue [1] - 14:20 up [79] - 17:21, 18:3, 19:3, 20:4, 20:19, 20:25, 21:3, 23:4, 23:14, 24:13, 24:21, 24:23, 27:5, 27:8, 27:16, 29:4, 29:14, 29:24, 30:14, 32:18, 36:7, 38:3, 39:3, 41:2, 42:13, 42:23, 43:2, 43:5, 43:6, 43:10, 44:21, 51:13, 51:16, 51:17, 52:23, 54:11, 54:12, 54:14, 54:15, 54:17, 54:18, 54:23, 54:25, 57:4, 59:16, 63:17, 65:1, 66:10, 75:2, 77:11, 77:24, 80:3, 80:6, 80:21, 81:3, 81:5, 81:7, 81:8, 81:11, 81:17, 81:18, 81:19, 81:24, 82:4, 82:17, 83:2, 85:21, 86:13, 86:18, 87:1, 90:20, 91:14, 93:14, 94:3 upland [3] - 65:7, 67:8, 72:12 uses [3] - 18:8, 77:2, 78:3</p>
<p style="text-align: center;">T</p>	<p>tacit [1] - 74:6 taxes [1] - 85:22 technical [1] - 89:2 teenagers [1] - 80:25 term [5] - 3:12, 67:20, 67:22, 68:9, 68:10 terms [6] - 9:23, 78:7, 83:25, 90:14, 92:23, 92:25 testified [4] - 3:6, 29:3, 44:3, 64:16 testify [2] - 4:21, 97:6 testimony [13] - 4:18, 13:19, 36:25, 37:3, 37:18, 40:7, 43:1, 43:12, 55:3, 88:3, 92:12, 96:5, 97:10 THAXTER [34] - 1:19, 14:4, 14:19, 15:6, 15:12, 15:21, 31:12, 31:18, 31:23, 35:13, 36:5, 37:24, 39:3, 41:8, 55:17, 61:21, 65:8, 66:3, 71:9, 71:12, 76:11, 87:8, 87:21, 88:1, 89:1, 91:15, 91:18, 91:23, 92:8, 94:22, 94:25, 95:9, 95:14, 95:18 Thaxter [5] - 38:21, 91:19, 98:7, 98:8, 98:19 THE [4] - 41:9, 71:10, 91:13, 94:20 themselves [2] - 52:24, 81:1 thereupon [1] - 97:7 they've [16] - 19:19, 19:20, 36:16, 37:3, 37:7, 37:10, 37:17, 37:21, 37:22, 38:2,</p>	<p>38:3, 38:16, 42:11, 50:23, 85:12 Thomas [3] - 6:11, 35:20, 64:2 three [3] - 19:16, 26:23, 57:24 throughout [1] - 86:18 throwing [1] - 68:15 thrown [1] - 42:6 Thursday [1] - 54:19 tide [6] - 21:17, 21:18, 40:25, 66:19, 82:14, 83:4 tides [1] - 49:11 Timber [4] - 40:24, 41:6, 82:1, 82:3 timber [1] - 41:13 title [11] - 4:13, 6:14, 6:18, 7:1, 45:16, 46:12, 63:23, 64:14, 71:14, 89:16, 89:22 Title [2] - 2:10, 16:2 today [12] - 4:18, 4:21, 13:19, 23:23, 26:7, 29:3, 32:8, 32:10, 36:25, 38:18, 38:23, 56:12 together [4] - 34:11, 34:18, 74:22, 75:4 Tom [1] - 89:25 took [8] - 33:13, 57:9, 93:15, 93:19, 93:20, 94:3, 94:14 top [2] - 53:3, 55:7 Topsail [6] - 4:16, 48:13, 48:15, 62:21, 62:22, 63:7 towards [2] - 11:23, 95:15 towel [6] - 37:1, 40:10, 40:15, 53:8, 53:23, 54:1 town [6] - 27:5, 56:8, 57:22, 60:11, 86:24, 87:11 TOWN [1] - 1:6 Town [4] - 15:17, 16:6, 85:23, 98:12 town's [2] - 24:15, 87:14 towns [1] - 66:4 track [1] - 69:21 translate [1] - 4:9 traverse [2] - 76:9, 90:11 treat [2] - 75:14, 75:16 trespass [7] - 16:15, 17:4, 17:6, 17:9, 17:15, 17:23, 18:4 trespassed [2] -</p>	<p>16:10, 16:13 trespassing [5] - 17:8, 17:20, 20:4, 66:20, 66:22 trick [1] - 55:16 tried [1] - 39:13 trouble [1] - 95:14 true [2] - 96:5, 97:10 Trust [5] - 7:2, 46:25, 47:25, 48:18, 93:6 trust [5] - 7:4, 7:6, 7:9, 7:10, 47:18 trustee [1] - 93:6 trustees [2] - 46:3, 47:21 truth [3] - 96:15, 97:6, 97:7 try [7] - 26:1, 28:15, 52:11, 54:13, 54:17, 54:25, 89:7 trying [14] - 23:17, 25:13, 25:14, 27:25, 41:22, 55:16, 63:11, 68:5, 74:3, 86:6, 86:10, 86:14, 92:1, 94:1 Tuesday [1] - 81:14 tune [1] - 33:6 turn [2] - 43:22, 55:13 two [26] - 6:3, 6:9, 10:4, 10:6, 10:9, 19:16, 19:18, 26:23, 33:4, 45:23, 46:8, 57:24, 59:18, 59:21, 60:9, 60:15, 61:14, 78:24, 79:11, 90:9, 90:17, 90:25, 91:1, 91:8, 91:10 types [2] - 26:11, 30:2</p>	<p>untrue [1] - 14:20 up [79] - 17:21, 18:3, 19:3, 20:4, 20:19, 20:25, 21:3, 23:4, 23:14, 24:13, 24:21, 24:23, 27:5, 27:8, 27:16, 29:4, 29:14, 29:24, 30:14, 32:18, 36:7, 38:3, 39:3, 41:2, 42:13, 42:23, 43:2, 43:5, 43:6, 43:10, 44:21, 51:13, 51:16, 51:17, 52:23, 54:11, 54:12, 54:14, 54:15, 54:17, 54:18, 54:23, 54:25, 57:4, 59:16, 63:17, 65:1, 66:10, 75:2, 77:11, 77:24, 80:3, 80:6, 80:21, 81:3, 81:5, 81:7, 81:8, 81:11, 81:17, 81:18, 81:19, 81:24, 82:4, 82:17, 83:2, 85:21, 86:13, 86:18, 87:1, 90:20, 91:14, 93:14, 94:3 upland [3] - 65:7, 67:8, 72:12 uses [3] - 18:8, 77:2, 78:3</p>
<p style="text-align: center;">V</p>	<p>vacation [1] - 8:3 vacationed [1] - 7:24 varies [1] - 21:17 various [4] - 13:11, 13:12, 18:10, 34:14 violate [1] - 27:22 violated [1] - 27:7 Virginia [1] - 98:12 VIRGINIA [1] - 1:3 visit [2] - 69:24, 70:1 visited [1] - 7:16 visiting [1] - 70:4 visits [1] - 80:8 volleyball [1] - 51:12</p>	<p>vacation [1] - 8:3 vacationed [1] - 7:24 varies [1] - 21:17 various [4] - 13:11, 13:12, 18:10, 34:14 violate [1] - 27:22 violated [1] - 27:7 Virginia [1] - 98:12 VIRGINIA [1] - 1:3 visit [2] - 69:24, 70:1 visited [1] - 7:16 visiting [1] - 70:4 visits [1] - 80:8 volleyball [1] - 51:12</p>	<p style="text-align: center;">U</p>	<p style="text-align: center;">V</p>
<p style="text-align: center;">U</p>	<p>wait [2] - 4:6, 41:8 waived [1] - 3:3 wake [1] - 29:14 walk [38] - 22:2, 23:4, 23:13, 24:3, 24:15, 24:23, 27:9, 27:10, 28:15, 28:24, 29:2, 41:1, 41:4, 41:7, 43:7, 51:2, 51:7,</p>	<p>uhm-uhm [4] - 4:9, 24:2, 56:1, 85:20 ultimate [2] - 14:16, 25:12 UNASCERTAINED [1] - 1:7 unascertained [1] - 16:7 unaware [1] - 74:1 under [3] - 47:3, 59:25, 97:9 unfortunately [1] - 38:22 University [1] - 5:2 unlawful [1] - 18:8 unleashed [1] - 83:8 unless [1] - 36:25</p>	<p>uhm-uhm [4] - 4:9, 24:2, 56:1, 85:20 ultimate [2] - 14:16, 25:12 UNASCERTAINED [1] - 1:7 unascertained [1] - 16:7 unaware [1] - 74:1 under [3] - 47:3, 59:25, 97:9 unfortunately [1] - 38:22 University [1] - 5:2 unlawful [1] - 18:8 unleashed [1] - 83:8 unless [1] - 36:25</p>	<p style="text-align: center;">W</p>

<p>51:8, 65:16, 69:17, 69:19, 69:23, 70:3, 73:1, 73:10, 73:13, 73:25, 74:2, 74:14, 74:23, 82:9, 82:14, 83:14, 83:15, 83:16, 83:20, 83:21, 83:22</p> <p>walked [8] - 20:19, 29:4, 42:23, 43:2, 43:13, 50:23, 82:10, 91:5</p> <p>walking [36] - 20:22, 21:9, 21:25, 22:25, 23:6, 23:23, 24:5, 24:7, 24:9, 24:11, 24:20, 25:1, 27:6, 28:13, 29:16, 30:8, 30:9, 30:13, 40:1, 50:17, 50:19, 50:21, 67:3, 67:6, 68:13, 68:18, 70:8, 70:13, 72:15, 73:16, 73:21, 74:15, 78:9, 81:2, 83:7, 84:12</p> <p>walks [3] - 69:7, 69:9, 69:13</p> <p>wander [1] - 40:21</p> <p>wants [1] - 37:16</p> <p>warehouse [1] - 48:11</p> <p>wash [1] - 71:23</p> <p>wash-out [1] - 71:23</p> <p>washed [2] - 32:20, 59:18</p> <p>watched [1] - 43:10</p> <p>watching [1] - 41:19</p> <p>water [21] - 12:7, 12:13, 12:17, 13:2, 13:20, 13:25, 17:19, 18:1, 18:2, 39:16, 39:18, 39:20, 39:22, 44:8, 64:18, 65:4, 72:25, 88:12, 88:22, 89:14</p> <p>waterfront [2] - 62:10, 62:13</p> <p>watertown [1] - 81:21</p> <p>ways [2] - 22:24, 28:10</p> <p>wedding [1] - 18:24</p> <p>week [2] - 54:25, 95:19</p> <p>weekend [1] - 82:18</p> <p>weekends [3] - 80:11, 80:12, 81:9</p> <p>welcome [1] - 91:13</p> <p>west [2] - 59:3, 82:12</p> <p>wet [6] - 16:24, 17:3, 17:12, 17:17, 17:21, 18:3</p> <p>whatnot [1] - 90:14</p> <p>whereabouts [1] - 44:18</p>	<p>WHEREOF [1] - 97:17</p> <p>White [4] - 2:11, 2:12, 31:7, 32:23</p> <p>WHO [1] - 1:6</p> <p>whole [1] - 59:18</p> <p>width [2] - 79:11, 81:1</p> <p>wife [19] - 7:4, 7:13, 7:14, 46:3, 46:19, 46:21, 46:23, 47:21, 54:16, 54:17, 54:23, 57:2, 74:3, 74:13, 76:4, 81:19, 90:8, 90:13</p> <p>willing [1] - 87:14</p> <p>WILLING [24] - 1:20, 2:3, 36:3, 36:6, 38:1, 38:5, 39:5, 39:8, 41:10, 41:14, 41:17, 55:12, 55:19, 57:12, 57:19, 60:8, 61:17, 61:22, 65:13, 71:7, 91:25, 92:5, 95:5, 95:11</p> <p>winter [1] - 51:7</p> <p>wintertime [3] - 29:25, 30:3, 30:15</p> <p>Wise [1] - 64:24</p> <p>wishes [1] - 98:17</p> <p>wit [1] - 97:5</p> <p>witness [1] - 97:10</p> <p>WITNESS [1] - 97:17</p> <p>witnessed [1] - 83:6</p> <p>woman [2] - 8:25, 45:17</p> <p>women [1] - 91:2</p> <p>Woodsum [1] - 1:14</p> <p>word [3] - 74:5, 74:9, 89:13</p> <p>words [3] - 39:9, 45:3, 90:8</p> <p>world [2] - 77:11, 77:12</p> <p>wrap [1] - 87:1</p> <p>write [2] - 39:13, 58:2</p> <p>writing [1] - 97:9</p> <p>written [4] - 35:13, 63:23, 76:9, 76:12</p>	<p>76:22, 76:24, 83:19</p> <p>years [39] - 6:21, 10:1, 18:25, 19:9, 21:3, 24:12, 25:4, 25:9, 26:11, 26:17, 26:20, 26:22, 26:23, 26:24, 29:19, 40:4, 43:6, 43:13, 49:15, 50:11, 52:19, 53:12, 55:2, 56:22, 66:2, 73:17, 76:23, 77:2, 78:4, 78:7, 81:2, 81:5, 85:3, 85:12, 90:4, 93:24, 94:13</p> <p>York [1] - 93:4</p> <p>YORK [1] - 1:1</p> <p>young [1] - 50:21</p> <p>younger [5] - 54:20, 54:22, 54:23, 81:8, 82:2</p> <p>yourself [3] - 19:3, 38:8, 62:7</p> <p>yup [5] - 45:1, 59:11, 79:13, 80:13, 82:20</p>
Z		
<p>zone [3] - 66:8, 66:18, 73:2</p>	X	
<p>Xs [1] - 11:11</p>	Y	
<p>yard [7] - 28:15, 28:17, 51:13, 69:17, 69:18, 69:19</p> <p>year [5] - 3:21, 76:21,</p>		