

November 3, 2010

Dianne Hill, Clerk
York County Courthouse
45 Kennebunk Road
P. O. Box 160
Alfred, Maine 04002-0160

RE: Robert F. Almeder, et al. v. Town of Kennebunkport, et al.
Docket No. RE-09-111

Dear Ms. Hill:

Enclosed for filing in the above referenced case, please find the following document titled:

**Goose Rocks Beach Holdings, LLC's
Joinder as Plaintiff and Answer to Defendants' Counterclaims**

A copy of the enclosed was served via U. S. Mail post-prepaid and addressed to counsel and *pro se* parties noted below.

Thank you for your assistance.

Sincerely,



Sidney St. F. Thaxter

SST/rar

Enclosure

Copy to (w/encl):

Amy K. Tchao, Esq./Brian Willing, Esq. ✓

Paul Stern, Deputy Attorney General

Neal L. Weinstein, Esq.

Gregg R. Frame, Esq.

André G. Duchette, Esq.

Christopher E. Pazar, Esq.

Nicholas S. Strater, Esq.

Alan Shepard, Esq.

Dianne Hill, Clerk
York County Courthouse
November 3, 2010
Page 2

Alexander M. Lachiatto and Judith A. Lachiatto, *pro se*
Margarete K.M. Driver and Richard Driver, *pro se*
Paul J. Hayes and Sharon K. Hayes, *pro se*
Alan J. Clark, Trustee of the Allan J. Clark Revocable Trust, *pro se*
Barbara Young, *pro se*
Thomas Ramsey, *pro se*
Kristen Mulvihill, *pro se*
Mary Jane and Jason Mulvihill, *pro se*
Kendall and Linda Burford, *pro se*
Robert F. Almeder
Jack Fleming
Barbara Rencurrel

STATE OF MAINE
YORK, ss.

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

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

JOINDER AS PLAINTIFF
AND ANSWER TO DEFENDANTS'
COUNTERCLAIMS OF GOOSE ROCKS
BEACH HOLDINGS, LLC

JOINDER AS PLAINTIFF

NOW COMES Goose Rocks Beach Holdings, LLC pursuant to this Court’s Order of August 30, 2010, hereby joins this action as a plaintiff and adopts and incorporates by reference, as though fully set forth herein, all the same allegations and claims asserted in the original plaintiffs’ Complaint and alleges as follows:

1. Goose Rocks Beach Holdings, LLC is the fee simple owner of beach front real property situated at Kings Highway, Kennebunkport, County of York, State of Maine and more particularly identified upon the Town of Kennebunkport’s Assessor Map as Map/Lot No. 33-1-10, Map/Lot No. 34-1-20, Map/Lot No. 34-1-22, by virtue of deeds recorded in the York Registry of Deeds at Book 15048, Page 714 and Book 15048, Page 722. True copies of the referenced deeds are attached hereto as Exhibits A and B, respectively.

ANSWER TO DEFENDANTS' COUNTERCLAIMS

Goose Rocks Beach Holdings, LLC joins, adopts, and incorporates by reference, as though fully set forth herein, the answers as pled by plaintiffs Robert Almeder, et al. to the counterclaims of all defendants in this action.

Dated: November 3, 2010



Sidney St. F. Thaxter, Bar No. 1301
David P. Silk, Bar No. 3136
Regan M. Haines, Bar No. 8301
CURTIS THAXTER LLC
One Canal Plaza / P.O. Box 7320
Portland, Maine 04112-7320
(207) 774-9000

Attorneys for plaintiff
Goose Rocks Beach Holdings, LLC

Doc# 2006071697
Bk 15048 Pg 0714 - 0721
Received York SS
12/28/2006 3:47PM
Debra L. Anderson
Register of Deeds

Warranty Deed
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS,

That we, Tracy A. Ramsey, Mark R. Sotir, Matthew J. Sotir and Luke T. Sotir, Trustees of **The Thomas and Beverly L. Sotir Irrevocable Trust**, pursuant to the Declaration of Trust dated December 14, 1992 and recorded in the York County Registry of Deeds in Book 6500, Page 118,

for consideration paid,

grant to **Goose Rocks Beach Holdings, LLC**, a Delaware limited liability company, with **WARRANTY COVENANTS**, the land in Kennebunkport, in the County of York and State of Maine, described as follows:

PARCEL 1

A certain lot or parcel of land, with the buildings thereon, situated at said Goose Rocks Beach, formerly called Beachwood, in the Town of Kennebunkport, County of York and State of Maine, situated on the southeasterly side of the road leading to Batson's River and on the westerly side of the road formerly known as the "Dyke Road" and being that portion of said "Dyke Road" leading from the main traveled highway to the sea and bounded and described as follows:

Beginning at the junction of said roads, thence running S 73° 22' W by said road leading to Batson's River eighty-nine and 32/100 (89.32) feet to an iron rod driven in the ground; thence S 5° 5' W one hundred nineteen and 85/100 (119.85) feet to land formerly of Alice Smith and an iron post; thence W 78° 1' E eight-five and 3/10 (85.3) feet to said "Dyke Road"; thence N 5° 45' E one hundred twenty-seven and 81/100 (127.81) feet to the place of beginning.

This conveyance is made subject to the following conditions and restrictions, vis:

That no building shall be erected upon the above-described parcel of land excepting a single family dwelling to cost at least Twenty Five Hundred (\$2,500.00) Dollars exclusive of any garage on the premises; also one garage of ample size for housing three automobiles and under no condition shall said dwelling house be erected for or used in any one of the following trades or businesses, vis: A hotel or boarding house, commercial garage or service station, casino, bowling alley, pool room or amusement park, dance hall, moving picture or other theatre or a public bath house and also subject to the following restrictions, vis: that no building shall be erected upon the above granted premises within twenty-five (25) feet of the side line of the road leading to Batson's River or within ten (10) feet of the side lines of said lot.

bos-fs1\206389v02

NO R.E. TRANSFER TAX PAID



Being the same premises conveyed by John A. Finlayson to John A. Finlayson and Ruth E. Finlayson as joint tenants by deed dated October 30, 1968 recorded in the York County Registry of Deeds in Book 1824, Page 721, and also being the same premises conveyed by John A. Finlayson and Ruth E. Finlayson to Thomas Sotir and Beverly Sotir by deed dated August 12, 1976 and recorded in York County Registry in Book 2143, Page 310.

PARCEL II

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

Beginning at an iron pipe driven into the ground on the southeasterly side of the road leading to Batsons River at a point distance eighty-nine and $32/100$ (89.32) feet on a course of S $73^{\circ} 22'$ W from the corner formed by the intersection of the southeasterly side of said road leading to Batsons River and the westerly side of the Dike Road, so-called; thence southerly by land now or formerly of one Mrs. B.A. Smith, one hundred sixty-nine and $81/100$ (169.81) feet to an iron pipe driven into the ground and land now or formerly of one Skyfields Realty; thence westerly by said Skyfield Realty Co. land and by a line which makes an included angle of $88^{\circ} 23'$ with the last described line eighty-five and $66/100$ (85.66) feet to a drill hole in concrete and to land now or formerly of one Caddigan; thence northerly by said Caddigan land and making an included angle of $90^{\circ} 47'$ with the last described line one hundred thirty-four and $19/100$ (134.19) feet to the southerly side of said Batson River Road; thence easterly by said Batson River Road and making an included angle of $112^{\circ} 33'$ with the last described line ninety (90) feet to the point of beginning.

Together with a right of way six (6) feet in width in each and every part over land of said Skyfields Realty Co. the easterly side of said right of way is to be a prolongation in a southerly direction of the first boundary line described above and said right of way is to extend from the lot herein described southerly to the Atlantic Ocean or so far as these grantors' rights extend.

Excepting and reserving therefrom a right of way which is to lie easterly, southeasterly and easterly of and adjoining the following three described lines.

Beginning at an iron pipe driven into the ground on the southerly side of said Batsons River Road, said pipe being forty (40) feet easterly from the northeasterly corner of land of said Caddigan or owner; thence southerly by a line which forms an angle of $62^{\circ} 36'$ in the southwesterly quadrant with said road sixty-seven and $99/100$ (67.99) feet to an iron pipe driven into the ground; thence southwesterly by a line which forms an angle of $145^{\circ} 09'$ in the northwesterly quadrant with the last described line forty-eight and $56/100$ (48.56) feet to an iron pipe driven into the ground in the easterly sideline of said Caddigan land; thence southerly by said Caddigan land and by a line which makes an angle of $140^{\circ} 18'$ in the southeasterly quadrant with the last described line forty-four and $41/100$ (44.41) feet to the southwesterly corner of the herein conveyed land. Said

right of way to be twelve (12) feet wide in each and every part along the first described line above and is eighteen (18) feet wide in each and every part along the last two described lines described above.

Also a right of way over a triangular shaped parcel of land lying easterly of and adjoining the southerly end of the above described right of way; said parcel being ten (10) feet in length along said right of way and ten (10) feet in length along said right of way and ten (10) feet in length along the above described land.

Being the same premises conveyed to the within Grantors, Paul O. Traugh and Marion I. Traugh, by deed of Marguerite E. Bond dated January 22, 1973, recorded in the York County Registry of Deeds in Book 1980, Page 623.

Also being the same premises conveyed by deed of Paul O. Traugh and Marion I. Traugh to Thomas Sotir and Beverly L. Sotir, dated October 26, 1973 and recorded in the York Registry of Deeds in Book 2016, Page 538.

PARCEL III

A certain lot or parcel of land, with the buildings thereon, situated in Kennebunkport, at Goose Rocks Beach, so-called, in the County of York and State of Maine, bounded and described as follows: Beginning on the southeasterly side of the Batson's River Road, so-called, at the westerly corner of land now or formerly of one Ramsdell, which point of beginning is marked by an iron; thence southwesterly by said Ramsdell land, which line forms an excluded angle with said road of 109° 18' one hundred ninety-four and 5/100 (194.5) feet, more or less, to a spike in a bulkhead; thence continuing the same course six and 30/100 (6.30) feet, more or less; thence westerly, approximately along a stone bulkhead as it existed in 1961, twenty-three and 68/100 (23.68) feet to land now or formerly of one Stackpole; thence northwesterly by said Stackpole land to said road; (said Stackpole's corner on said road being marked with an iron) the last described line forming an included angle of 92° 50' with said road; thence northeasterly by said road eighty and 7/10 (80.7) feet to the point of beginning.

Together with all Grantors' right, title and interest, if any, in and to that portion of the land lying between the above-described premises and low water mark of the Atlantic Ocean and between the beach land of Stackpole and Ramsdell.

Being a portion of the premises conveyed to Randolph W. Gerrish and Barbara H. Gerrish by deed of Daniel J. Caddigan, et al, dated October 30, 1957, recorded in York County Registry of Deeds in Book 1361, Page 232.

Also being the same premises conveyed to Thomas Sotir and Beverly L. Sotir by deed of Randolph W. Gerrish and Barbara H. Gerrish dated January 7, 1966 and recorded in the York Registry of Deeds in Book 1696, Page 343.

PARCEL IV

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

Beginning on the northeasterly side of a certain unnamed twenty (20) foot wide town way at the southerly corner of a strip of land sold by Randolph Gerrish and Barbara H. Gerrish to Martin Kingsbury, et al, by deed dated August 14, 1972, duly recorded in the York County Registry of Deeds; thence N 58° 20' E by said Kingsbury land one hundred (100) feet to land nor or formerly of Emerson; thence S 31° 40' E by said Emerson land one hundred (100) feet to other land now or formerly of Randolph Gerrish and Barbara H. Gerrish; thence S 58° 20' W by said land of Randolph Gerrish and Barbara H. Gerrish one hundred (100) feet to said road; thence N 31° 40' W by said road one hundred (100) feet to the point of beginning (iron pipes are set in the ground at all four corners of said lot).

Together with a right in common with Randolph Gerrish and Barbara H. Gerrish, their heirs and assigns, and all others having similar rights, for pedestrian passage only over the right of way extending from the Kings Highway or Town Road to the Atlantic Ocean, as shown on "Plan of Cottage Lots #2, Estate of George F. Piper, Beachwood, Kennebunkport" drawn by R. W. Libby on June 10, 1927, and recorded in the York County Registry of Deeds in Plan Book 10, Page 59.

Being a small portion of the property conveyed to Randolph Gerrish and Barbara H. Gerrish by deed of Ella E. Piper dated June 24, 1968, recorded in the York County Registry of Deeds in Book 1800, Page 245.

Also being the same premises conveyed to Thomas Sotir and Beverly L. Sotir by deed of Randolph Gerrish and Barbara H. Gerrish duly recorded in the York Registry of Deeds in Book 1970, Page 463.

PARCEL V

A certain lot or parcel of land, with the buildings thereon, situated in Kennebunkport, in the County of York and State of Maine, at Goose Rocks Beach, and being Lot No. 13 as shown on "Plan of Land of Ivory Emmons, Beachwood, Kennebunkport, Me." drawn Dec. 3, 1925, by R. W. Libby C. E. and recorded in York Registry of Deeds in Plan Book 10, Page 36. Said Lot 13 is more particularly bounded and described as follows:

Beginning on the southeasterly said of the Kings Highway at the northerly corner of Lot No. 14 on said plan; thence northeasterly by said highway fifty (50) feet to a twenty-five (25) foot wide reserved way shown on said plan; thence southeasterly by said reserved way one hundred forty-seven and 9/10 (147.9) feet to a point; thence southwesterly by the beach fifty (50) feet to said Lot No. 14; thence northwesterly by said Lot No. 14 one hundred forty-nine and 8/10 (149.8) feet to the point of beginning.

Together with all Frank J. Coppola and Pauline V. Coppola's right, title and interest in and to the land lying between the sideline of said lot extended southeasterly to low water mark of the Atlantic Ocean, or so far as Frank J. Coppola and Pauline V. Coppola may own.

Said premises are conveyed subject to the restriction that no buildings or enclosed porches or other appurtenances to buildings shall be erected on said premises closer to the Atlantic Ocean than the front wall of the buildings existing on said premises on July 1, 1972. This restriction shall run with the land.

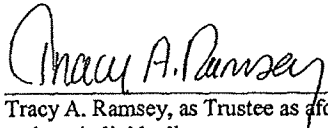
Being a portion of the same premises conveyed to Frank J. Coppola and Pauline V. Coppola by deed of Anastacia W. Kroeger dated September 24, 1963, recorded in said Registry in Book 1567, Page 286.


Also being the same premise conveyed to Thomas Sotir and Beverly Sotir by deed of Frank J Coppola and Pauline V. Coppola dated November 8, 1972 and recorded in the York Registry of Deeds in Book 1977, Page 669.

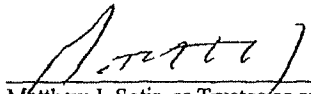
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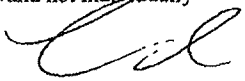
WITNESS our hands and seals this 15th day of December, 2006.

The Thomas and Beverly L. Sotir Irrevocable Trust

By: 
Tracy A. Ramsey, as Trustee as aforesaid
and not individually

By: 
Mark R. Sotir, as Trustee as aforesaid
and not individually

By: 
Matthew J. Sotir, as Trustee as aforesaid
and not individually

By: 
Luke T. Sotir, as Trustee as aforesaid
and not individually

State of Massachusetts

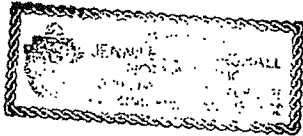
County of Middlesex

December 21, 2006

On the date set forth above, the above-named Tracy A. Ramsey personally appeared before me, proved to me through satisfactory evidence of identification, which was MA Driver's License, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Seal

Before me,



Jennifer Marshall
Notary Public
In the State of Massachusetts
Print name: Jennifer Marshall
My Commission Expires: 4/25/2008

State of ILLINOIS

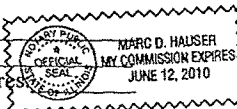
County of COOK

December 18, 2006

On the date set forth above, the above-named Mark R. Sotir personally appeared before me, proved to me through satisfactory evidence of identification, which was a Driver's License, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Before me,

Marc D. Hauser
Notary Public
In the State of _____
Print name: _____
My Commission Expires _____



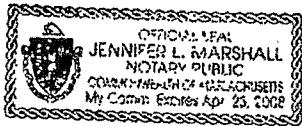
State of Massachusetts

County of Norfolk

December 21, 2006

On the date set forth above, the above-named Matthew J. Sotir personally appeared before me, proved to me through satisfactory evidence of identification, which was MA Driver's License, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Seal



Before me,

Jennifer L. Marshall
Notary Public
In the State of Massachusetts
Print name: Jennifer Marshall
My Commission Expires: 4/25/2008

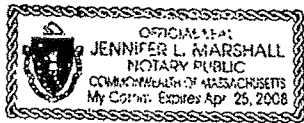
State of MA

County of Norfolk

December 21, 2006

On the date set forth above, the above-named Luke T. Sotir personally appeared before me, proved to me through satisfactory evidence of identification, which was MA Driver's Lic, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Seal



Before me,

Jennifer L. Marshall
Notary Public
In the State of Massachusetts
Print name: Jennifer Marshall
My Commission Expires: 4/25/08

END OF DOCUMENT

899 → GREENBERG TRIBUNIC
ONE INTERNATIONAL PL
3RD FLOOR
BOSTON MA 02110

Warranty Deed
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS,

That we, Tracy A. Ramsey, Mark R. Sotir, Matthew J. Sotir and Luke T. Sotir, Trustees of the Thomas and Beverly L. Sotir Irrevocable Trust, pursuant to Declaration of Trust dated December 14, 1992, duly recorded in the York County Registry of Deeds in Book 6500, Page 118,

for consideration paid,

grant to Goose Rocks Beach Holdings, LLC, a Delaware limited liability company

with WARRANTY COVENANTS, the land in Kennebunkport, in the County of York and State of Maine, described as follows:

A certain lot or parcel of land, with the buildings thereon, situated in that part of the town of Kennebunkport known as Goose Rocks, in the County of York and State of Maine, bounded and described as follows:

Beginning on the southeasterly side of the road leading to Batsons River at the northwesterly corner of land conveyed to Ralph E. Burnham and Corinne S. Burnham to Mrs. Harold Bond by deed duly recorded in York Registry of Deeds, said point beging S 73° 22' W one hundred seventy-nine and 32/100 (179.32) feet from an iron rod drive into the ground marking the intersection of said southeasterly side of the road leading to Batsons River and the westerly side of the Dike Road, so-called;

Thence S 73° 22' W by said road leading to Batsons River, seventy-five (75) feet or to land of one Ramsdell;

Thence S 6° 41' W by land of said Ramsdell two hundred twenty and 15/100 (220.15) feet to the sea wall;

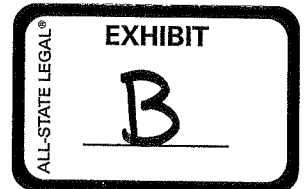
Thence N 80° 10' E along the sea wall, seventy-five (75) feet to land of one Wiewel;

Thence N 5° 56' E by said Wiewel and Bond land two hundred twenty-eight and 54/100 feet to the point of beginning;

Together with such interest as we may have in and to the beach or shore front of the above-described parcel of land.

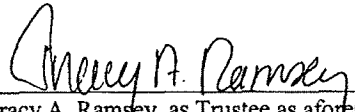
All bearing herein refer to the 1924 Magnetic Meridian.

NO R.E. TRANSFER TAX PAID




Being the same premises conveyed to the within Grantors by deed of Thomas Sotir and Beverly Sotir, dated December 14, 1992, recorded in said Registry in Book 7336, page 187.

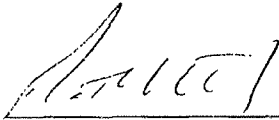
WITNESS our hands and seals this ^{December} ~~November~~ 18 day of ~~November~~, 2006.




Tracy A. Ramsey, as Trustee as aforesaid
and not individually



Mark R. Sotir, as Trustee as
aforesaid and not individually



Matthew J. Sotir, as Trustee as aforesaid
and not individually



Luke T. Sotir, as Trustee as aforesaid
and not individually

State of Massachusetts

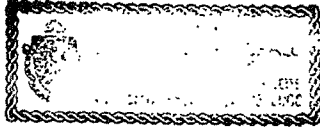
County of Middlesex

December 21, 2006

On the date set forth above, the above-named Tracy A. Ramsey personally appeared before me, proved to me through satisfactory evidence of identification, which was MA Driver License, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Seal

Before me,



Jennifer Marshall
Notary Public
In the State of Massachusetts
Print name: Jennifer Marshall
My Commission Expires: April 25, 2008

State of ILLINOIS

County of Cook

December 18, 2006

On the date set forth above, the above-named Mark R. Sotir personally appeared before me, proved to me through satisfactory evidence of identification, which was A DRIVER'S LICENSE, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Before me,

Marc D. Hauser
Notary Public
In the State of _____
Print name: _____
My Commission Expires: _____

State of Massachusetts

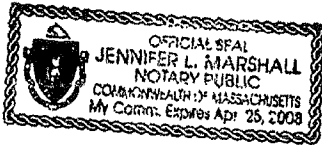
County of Norfolk

December 21, 2006

On the date set forth above, the above-named Matthew J. Sotir personally appeared before me, proved to me through satisfactory evidence of identification, which was MA. D.Lic, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Seal

Before me,



Jennifer L. Marshall
Notary Public
In the State of Massachusetts
Print name: Jennifer Marshall
My Commission Expires: 4/25/2008

State of Massachusetts

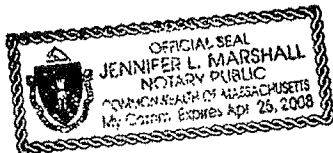
County of Norfolk

December 21, 2006

On the date set forth above, the above-named Luke T. Sotir personally appeared before me, proved to me through satisfactory evidence of identification, which was MA D.Lic, to be the person whose name is signed on the preceding or attached Warranty Deed, and acknowledged to me that he/she voluntarily signed the foregoing instrument, as Trustee, for its stated purpose.

Seal

Before me,



Jennifer L. Marshall
Notary Public
In the State of Massachusetts
Print name: Jennifer Marshall
My Commission Expires: 4/25/2008

END OF DOCUMENT

GREEN BERG TRADING
ONE INTERNATIONAL PL
370 FL MA 02110
BOSTON
479 7
C