

October 5, 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:

Notice of Filing Affidavit of Legal Publication: Portland Press Herald

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

Thank you for your assistance.

Sincerely,



Sidney St. F. Thaxter

SST/jvl

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.
Alexander M. Lachiatto and Judith A. Lachiatto, *pro se*
Margarete K.M. Driver and Richard Driver, *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.)


NOTICE OF FILING
AFFIDAVIT OF PUBLICATION:
PORTLAND PRESS HERALD

(Title to Real Estate Involved)

TO: CLERK OF COURT

PLEASE TAKE NOTICE that plaintiffs, pursuant to this Court's August 30, 2010 Order for Service of Process and Service by Publication ("August 30th Order"), files herewith an affidavit of legal publication. The Notice to Persons Who are Unascertained and to the General Public, 14 M.R.S. § 6653, was published pursuant to the August 30th Order and M. R. Civ. P. 4(g), once a week for three consecutive weeks, with the first publication having occurred within twenty days of the August 30th Order, in the Portland Press Herald on September 16, September 23, and September 30, 2010. The original executed affidavit of Joan M. Jensen, Classified Legal Clerk of the Portland Press Herald and Maine Sunday Telegram newspapers of Portland, Maine is attached hereto and incorporated herein.

Dated: October 5, 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
Attorney for plaintiffs

PUBLIC NOTICE

PUBLIC NOTICE

EXHIBIT A
NOTICE TO PERSONS WHO ARE UNASCERTAINED
AND TO THE GENERAL PUBLIC
14 M.R.S. § 6653

PURSUANT to 14 M.R.S. §§ 6653-6654, and by order of the York County Superior Court, PLEASE TAKE NOTE that on October 26, 2009, a complaint was filed in the Office of the Clerk of the York County Superior Court, Alfred, Maine, Docket No. ALFSC-RE-2009-00111, titled: Robert F. Almeder et al. v. Town of Kennebunkport.

The plaintiffs in this lawsuit are as follows: Robert F. Almeder and Virginia S. Almeder, Trustees of the Almeder Living Trust, 113 Kings Highway, York County Registry of Deeds ("YCROD") Book 15659, Page 864; Christopher Asplundh, 17 Sandpoint Road, YCROD Book 1979, Page 551; John T. Coughlin and Priscilla M. Coughlin, Trustees of P.M.C. Realty Trust, 115 Kings Highway, YCROD Book 3085, Page 5; Louise S. De Mallie, as Trustee of the Louise S. De Mallie Revocable Trust u/a dated November 12, 2002, 287 Kings Highway, YCROD Book 12173, Page 221 and Book 14675, Page 862; Willard Parker Dwellley, Jr. and W. Parker Dwellley, III and John H. Dwellley, Co-Trustees of the Joan H. Dwellley Testamentary Trust, 23 Sandpoint Road, YCROD Book 12248, Page 9 and Book 15577, Page 679; Janice M. Fleming, 227 Kings Highway, YCROD Book 13696, Page 59; John O. Gallant and Sharon A. Gallant, 219 Kings Highway, YCROD Book 8413, Page 198; Jule C. Gerrish, 173 Kings Highway, YCROD Book 1819, Page 32; Eugene R. Gray, Trustee of the Qualified Personal Residence Trust, 183 Kings Highway, YCROD Book 14656, Page 916; Edwina D. Hastings, Trustee of the Edwina D. Hastings Revocable Trust, 221 Kings Highway, YCROD Book 14999, Page 766; Leslie A. Josselyn-Rose, Trustee of the LAJR Trust, 251 Kings Highway, YCROD Book 15587, Page 491; Deborah J. Kinney, 223 Kings Highway, YCROD Book 9721, Page 278; Terrence G. O'Connor and Joan M. Leahey, 195 Kings Highway, YCROD Book 13253, Page 87; Paley Family Homes, LLC, 153 Kings Highway, YCROD Book 15495, Page 120; Charles L. Nickerson, Trustee of the Albert Palmer Trust, 217 Kings Highway, YCROD Book 4354, Page 48; Kristen B. Raines, 249 Kings Highway, YCROD Book 14147, Page 614; Linda M. Rice, 193 Kings Highway, YCROD Book 7955, Page 127; Michael J. Sandifer and Alice B. Sandifer, Co-Trustees of the Alice B. Sandifer Trust, 253 Kings Highway, YCROD Book 14627, Page 144; Eleanor A. Scribner and Robert H. Scribner, Trustees of the Eleanor A. Scribner Qualified Personal Residence Trust, 291 Kings Highway, YCROD Book 14225, Page 139; Carolyn K. Sherman, 109 Kings Highway, YCROD Book 9721, Page 281; Steven H. Wilson and Shawn B. McCarthy, Trustees of the Twombly Family Trust u/d/t dated January 24, 2002, as amended, 165 Kings Highway, YCROD Book 15516, Page 112; Liener Temerlin and Karla Sue Temerlin, Trustees of the Temerlin 1988 Family Trust, 29 Sandpoint Road, YCROD Book 15455, Page 875; Richard M. Vandervoorn, Lawrence W. Vandervoorn and Robert O. Clemens, Trustees of The Cornelius J. Vandervoorn Qualified Personal Residence Trust, 177 Kings Highway, YCROD Book 15718, Page 584; and Beth G. Zagoren, 215 Kings Highway, YCROD Book 5931, Pages 340.

The present defendants in this lawsuit are: the Town of Kennebunkport; the State of Maine; Alexander M. Lachiatto and Judith A. Lachiatto; John Michie Harris and Sharon Eon-Harris; Richard J. Driver and Margarete K.M. Driver; and all persons who are unascertained, not in being, unknown or out of the State, heirs or legal representatives of such unascertained persons, or such persons as shall become heirs, devisees or appointees of such unascertained persons who claim the right to use or title in plaintiffs' property other than persons claiming ownership or easement by, through, or under an instrument recorded in the York County Registry of Deeds.

The Town of Kennebunkport, the Lachiattos, the Drivers, and the HARRISES have asserted counterclaims claiming ownership of Goose Rocks Beach, the general public's right to the use of Goose Rocks Beach for any general recreation purpose, and individual private rights to the use of Goose Rocks Beach.

The plaintiffs' complaint seeks a declaratory judgment under 14 M.R.S. §§ 5951-5963 and to quiet title pursuant to 14 M.R.S. §§ 6651-6653 in order to remove any cloud of apprehension over plaintiffs' title to their respective properties, including intertidal and upland property situated at Goose Rocks Beach, Town of Kennebunkport, York County, State of Maine.

I, Joan M. Jensen, Classified Legal Clerk of the Portland Press Herald and Maine Sunday Telegram newspapers of Portland, Maine, do hereby certify that the attached advertisement appeared in the September 16, September 23 and September 30, 2010 editions of the Portland Press Herald.

Joan M. Jensen
Classified Legal Clerk

Subscribed and sworn to before me
this 1st day of October 2010

Lyann C. Raffa
Notary Public

My commission expires

LYNN C. RAFFA
Notary Public, Maine
My Commission Expires November 12, 2016

IMPORTANT WARNING

IF YOU WISH TO OPPOSE the claims of the plaintiffs, you or your attorney MUST PREPARE AND DELIVER A WRITTEN ANSWER to the complaint or counterclaim WITHIN 41 DAYS from the date of first publication. An answer must be delivered in person or by mail to Diane Hill, Clerk of Courts, York County Superior Court, 45 Kennebunk Road, P.O. Box 160, Alfred, Maine 04002-0160. On or before the day the answer is delivered to the Clerk of Courts, a copy of your answer must be mailed to the plaintiffs' attorney, Sidney St. F. Thaxter, Esq., Curtis Thaxter, LLC, One Canal Plaza, Suite 1000, P.O. Box 7320, Portland, Maine 04112-7320. IF YOU INTEND TO OPPOSE THIS LAWSUIT, YOU MUST ANSWER WITHIN THE REQUIRED TIME. FAILURE TO DO SO WILL RESULT IN THE FORFEITURE OF YOUR CLAIMS. Failure to answer will not affect the public's rights.