

STATE OF MAINE
YORK, ss.

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


ROBERT F. and VIRGINIA S.)
ALMEDER, et al.,)
)
Plaintiffs)
)
v.)
)
TOWN OF KENNEBUNKPORT,)
TMF DEFENDANTS, STATE OF)
MAINE, et al.,)
)
Defendants)

CONDITIONAL STIPULATION

The Town of Kennebunkport (the "Town") hereby offers the following stipulation, conditioned upon: (1) final judgment being entered on the prescriptive easement and custom claims alleged in Counts IV and VI of the Town's counterclaim and entry by the Court of an order pursuant to M.R. Civ. P. 54(b)(1) directing final judgment on those claims; and (2) this Court's October 16, 2012 Partial Judgment being affirmed on appeal:

The Town stipulates and agrees that all of the Town's remaining claims be dismissed with prejudice and that the Plaintiffs have title extending to the low water mark of property described in deeds attached to the Complaint, Amended Complaint and Joinders filed by the Plaintiffs in this matter.

Dated: November 8, 2012



Melissa A. Hewey, Bar No. 3587
Amy K. Tchao, Bar No. 7768
Brian D. Willing, Bar No. 9112
Attorneys for the Defendant Town of
Kennebunkport

Drummond Woodsum & MacMahon
84 Marginal Way, Suite 600
Portland, Maine 04101
(207) 772-1941