

MINTZ LEVIN

Paul J. Hayes | 617 348 4944 | pjhayes@mintz.com

One Financial Center
Boston, MA 02111
617-542-6000
617-542-2241 fax
www.mintz.com

September 30, 2010

Diane Hill, Clerk of Courts
York County Superior Court
45 Kennebunk Road
P.O. Box 160
Alfred, ME 04002-0160

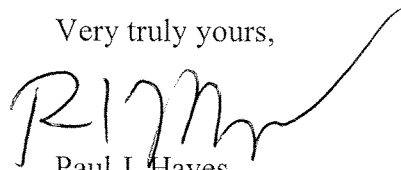
Re: *Robert F. Almeder and Virginia S. Almeder, et. al. v. Town of Kennebunkport*

Dear Ms. Hill

Enclosed please find the following:

- A. Third Party Defendant's Answer to Plaintiffs Complaint and Defendant's Counterclaims; and
- B. Acknowledgment of Receipt of Summons, Complaint, Answers, Defenses and Counterclaims.

Very truly yours,



Paul J. Hayes

cc: Sidney St. F. Thaxter, Esq.
Amy Tchao, Esq.

STATE OF MAINE
YORK, ss.

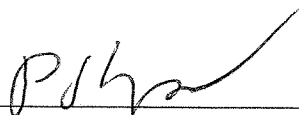
SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-09-111

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

ACKNOWLEDGMENT OF RECEIPT OF
SUMMONS, COMPLAINT, ANSWERS,
DEFENSES AND COUNTERCLAIMS

I acknowledge receipt of the Notice of Acknowledgment for Service by Mail, and the Complaint and Amended Complaint of Plaintiffs Robert F. Almeder, et al., and Answer, Defenses and Counterclaims of Defendant Town of Kennebunkport, and accept service of the same. I hereby waive any defects in service of process which may exist by reason of my acceptance of service in this manner.

DATED: Sgt 30, 2010

By (sign): 

Print Name: Paul Hanger

Address: 69 Ballardvale Rd
And. MA

Phone: 978475-9820

**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,)
)
Defendant)

THIRD PARTY DEFENDANT’S
ANSWER TO PLAINTIFFS
COMPLAINT AND DEFENDANT’S
COUNTERCLAIMS

Paul J. Hayes and Sharon K. Hayes (“Hayes”), third party defendants in the above action, answer Plaintiff’s complaint and Defendant’s counterclaims as follows:

ANSWER TO PLAINTIFF’S COMPLAINT

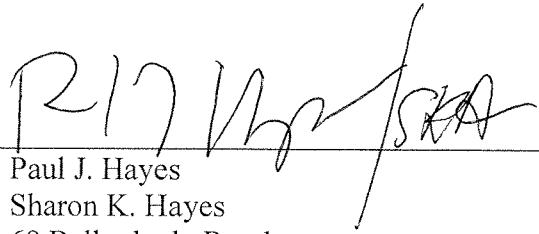
1. Paul J. Hayes and Sharon K. Hayes (“Hayes”) as trustees are owners of real property situated at 151 Kings Highway, Kennebunkport, County of York, State of Maine by deed recorded in the York Registry of Deeds.
2. Hayes owns beachfront property at Goose Rocks Beach and their deed and that of their predecessor in title runs to at least the “low water mark” of the Atlantic Ocean.
3. Hayes and their predecessor in title have been in possession of their property at Goose Rocks Beach for more than four years.
4. Hayes admits, adopts and realleges herein the allegations set forth in paragraphs 1, 2, 3, 4, 5-28, 30-55 of Plaintiff’s complaint.
5. Paragraph 29 of Plaintiff’s complaint is incomprehensible and accordingly cannot be either admitted or denied as written.

ANSWER TO DEFENDANT'S COUNTERCLAIMS

6. Hayes admits the allegations set forth in paragraph 1 of Defendant's counterclaim.
7. Hayes denies the allegations in the paragraphs 2-48 of Defendant's counterclaim.

Dated: September 30, 2010

By:



Paul J. Hayes
Sharon K. Hayes
69 Ballardvale Road
Andover, MA 01810