

April 26, 2011

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:

**Joinder of Mark E. Celi and William E. Brennan, Jr., as Co-Trustees of  
The Celi Kennebunkport Real Estate Trust No. 1, 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/jvw

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.

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Page 2

Alan Shepard, Esq.  
Robert E. Danielson, Esq.  
Charles L. Nickerson, Esq.  
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 M. and Lois W. Baylis, Trustees, *pro se*  
Allison W. Phinney, Jr., *pro se*  
Barbara Russell, *pro se*  
William Joel, II, *pro se*  
Michael L. and Donna G. Kelly, *pro se*  
Peter Wasserman, Trustee, *pro se*  
Jennifer Wasserman, Trustee, c/o Richard Wasserman, *pro se*  
Robert F. Almeder  
Jack Fleming  
Barbara Rencurrel

STATE OF MAINE  
YORK, ss.

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

<b>ROBERT F. ALMEDER et al.,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>JOINDER OF MARK E. CELI AND</b>
	)	<b>WILLIAM E. BRENNAN, JR., CO-</b>
<b>v.</b>	)	<b>TRUSTEES OF THE CELI</b>
	)	<b>KENNEBUNKPORT REAL ESTATE</b>
<b>TOWN OF KENNEBUNKPORT and</b>	)	<b>TRUST NO. 1, AS PLAINTIFF AND</b>
<b>ALL PERSONS WHO ARE</b>	)	<b>ANSWER TO DEFENDANTS'</b>
<b>UNASCERTAINED,</b>	)	<b>COUNTERCLAIMS</b>
	)	
<b>Defendants.</b>	)	

**JOINDER AS PLAINTIFF**

Mark E. Celi and William E. Brennan, Jr., as Co-Trustees of The Celi Kennebunkport Real Estate Trust No. 1 ("Celi"), 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:

Celi is the fee simple owner of beach front real property situated at 123 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. 33-1-19, by virtue of a deed recorded in the York Registry of Deeds, Book 11798, Page 290. A true copy of the referenced deed is attached hereto as Exhibit A. A true copy of the appointment of the co-trustees recorded in the York Registry of Deeds at Book 16084, Page 202, is attached as Exhibit B.

**ANSWER TO DEFENDANTS' COUNTERCLAIMS**

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

Dated: April 26, 2011



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

Attorneys for plaintiff  
Mark E. Celi and William E. Brennan, Jr.,  
as Co-Trustees of The Celi Kennebunkport  
Real Estate Trust No. 1

BK 11798P6290

WARRANTY DEED

043691

Lorraine C. Celi, of Acton, County of Middlesex and Commonwealth of Massachusetts, for consideration paid, grants to M. Joseph Celi and Lorraine C. Celi, as Trustees of The Celi Kennebunkport Real Estate Trust No. 1, whose mailing address is 3 Old Oregon Trail, Acton, MA, with warranty covenants. the following real estate:

A certain lot or parcel of land with the buildings thereon, situated in Kennebunkport in the County of York and State of Maine and being located on the Southerly side of King's Highway, so-called, and being a portion of Lot No. 7 on a plan of lots of Beachwood recorded in York Registry of Deeds in Plan Book 8, Page 73, bounded and described as follows:

Beginning at a point on the Kings Highway which point is the Northeasterly corner of the land herein conveyed; thence Southeasterly along Lot No. 6 as shown on said Plan to the beach; thence Southwesterly along said beach One Hundred Nine and Eight Tenths (109.8) feet to Lot No. 8 as shown on said plan; thence Northwesterly One Hundred One and Sixty Hundredths (101.60) feet more or less, to the Southwesterly corner of a parcel of land conveyed by Jacobson to one Cataldo; thence Northeasterly by said Cataldo land Sixty-three (63) feet to a point; thence Northwesterly by said Cataldo land Sixty-six (66) feet to a point in the Southerly sideline of the Kings Highway; thence Easterly by said highway Thirteen and Forty-seven (13.47) feet to the point of beginning.

Together with whatever title grantor may now possess in and to the beach and tidal flats between the sidelines of said lot extended to low water mark of the Atlantic Ocean.

Said premises are conveyed subject to a pedestrian right-of-way Five (5) feet in width adjacent to the Southwesterly boundary of the above-described premises and running from said Cataldo lot to the beach, which right-of-way is created for the benefit of said Cataldo lot and shall run with the land.

Said premises are also conveyed subject to whatever rights (if any) remain in existence under the right-of-way described in deed from Maud L. Clark to Isreal Jacobson dated July 1, 1946 and recorded in York County Registry of Deeds in Book 1078, Page 583. Nothing in this instrument shall be construed as reviving or continuing any rights under said right-of-way if in fact they are not terminated by the terms hereof.

Being the same premises conveyed to the grantor by deed of M. Joseph Celi dated September 28, 1984 and recorded in the York County Registry of Deed Book 3389, Page 189.

This conveyance is made subject to any mortgage of record.

Witness my hand and seal this 14<sup>th</sup> day of JUNE 2002.

[Signature]  
Witness

[Signature]  
Lorraine C. Celi

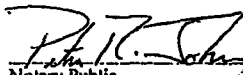
NO R.E. TRANSFER TAX PAID

BK 11798PG291

Commonwealth of Massachusetts  
County of Middlesex, ss

TUNE  
May 14, 2002

Personally appeared before me the above named Lorraine C. Celi and  
acknowledged the foregoing instrument to be her free act and deed.



Notary Public

Print name: Peter R Johnson

SEAL

PETER R. JOHNSON  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
MY COMMISSION EXPIRES  
OCTOBER 10, 2008

RECEIVED YORK S.S.  
2002 JUL 18 AM 11: 20

*2290 → Jensen + Baird*

**FIRST AMENDMENT  
OF  
THE CELI KENNEBUNKPORT REAL ESTATE TRUST NO. 1**

The undersigned, Lorraine C. Celi, as the current Trustee of The Celi Kennebunkport Real Estate Trust No. 1, dated June 18, 2002, and Mark E. Celi and William E. Brennan, Jr. as the successor trustees currently serving under The Lorraine C. Celi 1988 Trust, dated June 17, 1988, and Mark E. Celi and William E. Brennan, Jr. as the successor trustees currently serving under The M. Joseph Celi 1988 Trust, dated June 17, 1988, being the trustee of and the holders of one hundred (100%) percent of the beneficial interests of The Celi Kennebunkport Real Estate Trust No. 1, respectively (as required by paragraph 6 of the trust), do hereby amend The Celi Kennebunkport Real Estate Trust No. 1 as follows:

FIRST: By changing the trustees of the trust as follows:

Effective immediately, LORRAINE C. CELI shall no longer be a trustee hereunder, and thereafter MARK E. CELI, of Concord, Massachusetts, and WILLIAM E. BRENNAN, JR. of Milford, Massachusetts, shall act as co-trustees of this trust.

SECOND: By revoking Paragraph 5 of the trust in its entirety and replacing it with the following new paragraph 5.

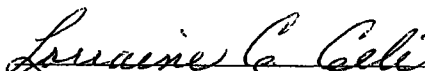
“5. Any Trustee hereunder may resign by written instrument signed and acknowledged by such Trustee and as to an interest in real estate only, when such instrument has been recorded in said place of recording. If MARK E. CELI shall cease to act as co-Trustee for any reason, COURTNEY CELI HAAN of Fountain Hills, Arizona shall act as co-Trustee in his place. If COURTNEY CELI HAAN shall cease to act as co-Trustee for any reason, then CHRISTOPHER J. CELI of Kennebunkport, Maine and

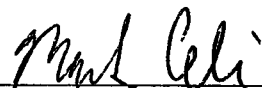
**EXHIBIT B**

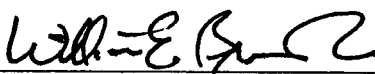
PETER J. CELI of Portland, Oregon, shall serve as co-Trustees in her place. No successor co-Trustee need be appointed if WILLIAM E. BRENNAN, JR. shall cease to act as co-Trustee for any reason. Succeeding or additional Trustees may be appointed or any Trustee removed by an instrument or instruments in writing signed by all of the Beneficiaries and acknowledged by one or more of them, provided in each case that such instrument or instruments or a certificate by any Trustee naming the Trustee or Trustees appointed, as to an interest in real estate only, shall be so recorded. Upon the appointment of any succeeding Trustee, the title to the trust estate shall thereupon and without the necessity of any conveyance be vested in said succeeding Trustee jointly with the remaining Trustee or Trustees, if any. Any succeeding Trustee shall have all the rights, powers, authority and privileges as if named as an original Trustee hereunder. No Trustee shall be required to furnish bond.

THIRD: In all other respects, the provisions of the trust instrument dated June 18, 2002 are ratified and affirmed.

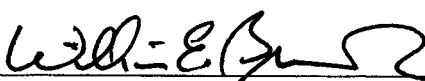
EXECUTED UNDER SEAL this 30<sup>th</sup> day of April, 2008.

  
\_\_\_\_\_  
Lorraine C. Celi, Trustee of The Celi  
Kennebunkport Real Estate Trust No. 1

  
\_\_\_\_\_  
Mark E. Celi, co-Trustee of The Lorraine  
C. Celi 1988 Trust

  
\_\_\_\_\_  
William E. Brennan, Jr., co-Trustee of The  
Lorraine C. Celi 1988 Trust

  
\_\_\_\_\_  
Mark E. Celi, co-Trustee of The M.  
Joseph Celi 1988 Trust

  
\_\_\_\_\_  
William E. Brennan, Jr., co-Trustee of  
The M. Joseph Celi 1988 Trust


I, MARK E. CELI, do hereby accept appointment as co-Trustee of The Celi Kennebunkport

**EXHIBIT B**

Real Estate Trust No. 1.

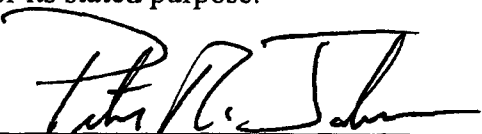
  
\_\_\_\_\_  
Mark E. Celi

I, WILLIAM E. BRENNAN, JR., do hereby accept appointment as co-Trustee of The Celi Kennebunkport Real Estate Trust No. 1.

  
\_\_\_\_\_  
William E. Brennan, Jr.


COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY

On this 30<sup>th</sup> day of MAR 20, 2008, before me, the undersigned notary public, personally appeared LORRAINE C. CELI, who is personally known to me - or 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 document, and acknowledged to me that she signed it voluntarily for its stated purpose.

  
\_\_\_\_\_

Notary Public

My commission expires:

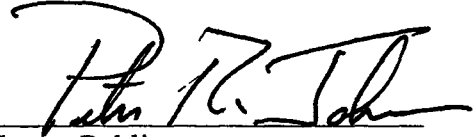
 PETER R. JOHNSON  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 10, 2008

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY

On this 30<sup>th</sup> day of April, 2008, before me, the undersigned notary public, personally appeared WILLIAM E. BRENNAN, JR., who is personally know to me - or 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 document, and

**EXHIBIT B**

acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public

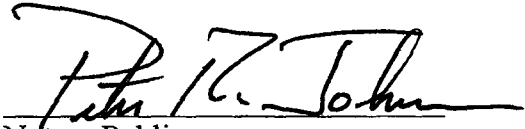
My commission expires:



PETER R. JOHNSON  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 10, 2008

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX COUNTY

On this 30<sup>th</sup> day of April, 2008, before me, the undersigned notary public, personally appeared MARK E. CELI, who is personally know to me – or 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 document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public

My commission expires:



PETER R. JOHNSON  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 10, 2008

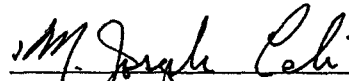
**EXHIBIT B**

**THE CELI KENNEBUNKPORT REAL ESTATE TRUST NO. 1**  
**SCHEDULE OF BENEFICIAL INTERESTS III**

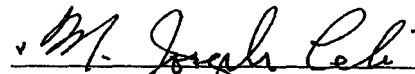
Lorraine C. Celi, Trustee 50%  
Under The Lorraine C. Celi 1988 Trust dated  
June 17, 1988, as the same may from time to  
time be amended, as tenants in common

M. Joseph Celi, Trustee 50%  
Under The M. Joseph Celi 1988 Trust dated June  
17, 1988, as the same may from time to time be  
amended, as tenants in common

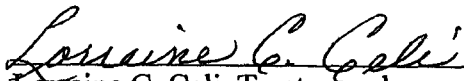
Executed as of the 21<sup>st</sup> day of MARCH, 2008.



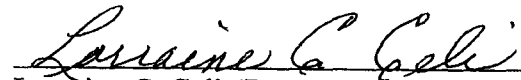
\_\_\_\_\_  
M. Joseph Celi, Trustee under  
The Celi Kennebunkport Real Estate  
Trust No. 1



\_\_\_\_\_  
M. Joseph Celi, Trustee under  
The M. Joseph Celi 1988 Trust



\_\_\_\_\_  
Lorraine C. Celi, Trustee under  
The Celi Kennebunkport Real Estate  
Trust No. 1



\_\_\_\_\_  
Lorraine C. Celi, Trustee under  
The Lorraine C. Celi 1988 Trust

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