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September 2, 2010

### Defending Your Property Rights

Dear Fellow Beachfront Property Owners:

The Superior Court recently ordered that **all** beachfront owners at Goose Rocks Beach **must** be parties to the ongoing lawsuit of Almeder, et al. v. Town of Kennebunkport, et al., which challenges the Town's claims of ownership and public rights in **all** properties on the beach. The Court wants to achieve a final resolution of the property rights issues for everyone, not just the current plaintiffs.

In a few days, you will be served with legal documents, including the Complaint, the Counterclaim of the Town, a summons and an Acknowledgement of Service form. You should return the "Acknowledgement of Service" form as soon as possible to indicate that you received the package, and then consult your attorney about what further actions to take to defend your interests. You will only have a short period of time to decide what to do.

The Town's claims against all of our properties, which they have been pursuing surreptitiously for some time, have now reached a critical point. Unfortunately, you can no longer remain a neutral party - you will either have to join the lawsuit or risk losing your property.

**Q.** Why is there now a requirement that you become part of the suit?

**A.** In the past, the Town has cleverly refused to acknowledge beachfront owners' property rights, but stopped short of **openly** claiming any public rights to your property. Our "Quiet Title" suit has forced their real agenda out into the open, **and they responded by claiming not just a public right to "use" your beach, but outright ownership of your property** on behalf of "the public".

In plain English, the Town's Counterclaim says to ALL beachfront owners: **"We own your entire property along with the beach in front of it."**

Their designs on your property are what started this lawsuit, and now every beachfront owner is being forced to defend their property or lose it.

By the way, **no one in our group of Plaintiffs is making any claim against your property. We are simply defending our own.**

**Q. What are your options?**

- Do nothing ("default") and **risk losing all rights to the beach and with them rights to your property, including the house that sits on it.**
- Have your attorney defend you against the Town's claims.
- Join our beachfront owners' group, which will save money, since we have assembled a large group to counter the Town's aggression.
- You can decide not to oppose the Town, and even claim a personal right to use other beachfront owners' property. If you believe you have a personal claim to use any other beachfront owner's property, you should contact your own attorney. The burden will be on you to prove your claim is valid.

To help you and your attorney decide what to do, we have enclosed most of the legal documents you will soon get from the Court (the Order, plus the original Complaint and the Town's Counterclaim). Please show these documents and the Court's Order to your attorney, and ask him or her to **pay special attention to Counterclaim #1, in which the Town asserts ownership of your entire property.** If you have Title Insurance, your insurer may want to assist you in defending against this claim. You should have your attorney contact the Title Insurer promptly.

**We hope you will join us in defending your rights as a property owner. Remember, if you join us it does NOT mean that you intend to exclude the public from the beach on your property. It only means that, as the property owner, YOU will decide who can use your property, NOT the Town.**

If you would like to, call one of the representatives at the numbers below and we will do our best to advise you of the appropriate options.

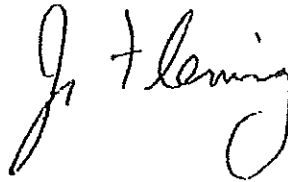
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Terry O'Connor at (908) 962-3316 or [toconnor@cedarcreeklp.com](mailto:toconnor@cedarcreeklp.com) } Beachfront Owners Group

Sidney (Pete) Thaxter (207) 774-9000 or [sthaxter@curtisthaxter.com](mailto:sthaxter@curtisthaxter.com) – our attorney

Sincerely,



Robert Almeder



Jack Fleming