

STATE OF MAINE
YORK, ss.

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

ROBERT F. ALMEDER, et al.,
Plaintiffs

v.

ORDER

TOWN OF KENNEBUNKPORT,
et al.,
Defendants

Pending is the Town's Motion to Cure allegedly misleading statements circulated to non-party property owners immediately before they were to receive personal service and be joined as parties in this case. More precisely, the suggestion was made that the Town's counterclaim put at risk ownership of their entire property, including their homes.

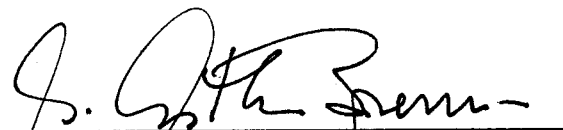
At a hearing on December 29, 2010 the Town, through counsel, unequivocally stated that it made no claim or counterclaim to any property at Goose Rocks Beach landward of the seawall or, where no seawall existed, the landscaped or naturally vegetated boundary between the dry sand beach and the upland property, provided that the Town or public may own, or have rights in, certain rights of way or paths to access the Beach, and the area adjacent thereto. The court requested that the parties attempt to agree on the language of an order confirming this stipulation. These efforts have been unsuccessful.

Therefore, this Order will confirm the stipulation made by the Town that it makes no claim to property at Goose Rocks Beach landward of the seawall as described

above and more particularly the Town makes no claims to the houses of beachfront property owners. The claims and counterclaims in this case relate only to those portions of Goose Rocks Beach seaward of the seawall.

To the extent this order responds to the Motion to Cure, the Motion is Granted; otherwise, the motion is Denied.

Dated: March 10, 2011



G. Arthur Brennan
Justice, Superior Court