

ROBERT M. BAYLIS
119 Rowayton Avenue
Rowayton, CT 06853, U.S.A.
Tel: (203) 852-8052
Fax: (203) 852-8057

November 1, 2010

Clerk, York County Superior Court
45 Kennebunk Road
P.O. Box 160
Alfred, ME 04002

To the Clerk of Superior Court:


We are sending this letter in response to, and as an answer to, the summons, Plaintiffs' Complaint and Amended Complaint, and Defendant Town of Kennebunkport's Counterclaim that we received in the matter of Robert F. Almeder et al v. Town of Kennebunkport (Civil Action Docket No. RE-09-11).

We own three properties at Goose Rocks Beach, each one running from the road all the way to the mean low water mark of the Atlantic Ocean: 101 Kings Highway (Map 33, Block 1, Lot 27); 103 Kings Highway (Map 33, Block 1, Lot 34); and 135 Kings Highway (Map 33, Block 1, Lot 12). In addition, the property at 101 Kings Highway runs to the mean low water mark of the Batson River. Copies of our deeds showing our ownership is attached. Although we did not want to become involved in this lawsuit, we also do not want to be plaintiffs, and therefore accept the Court's decision that we shall be made nominal defendants as parties-in-interest. However, this letter is to be accepted as an answer both to the Plaintiff's Complaint and Amended Complaint and to the Town's Counterclaim. To the extent that we do not address specific allegations in this letter, any such allegations are to be deemed denied by us.

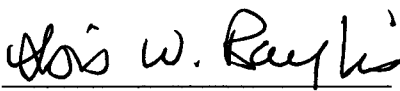
We do not oppose the Town and the public having limited recreational use rights over our beach. However, we adamantly oppose the Town's allegation that it owns our portions of Goose Rocks Beach. Our deeds convey each property from Kings Highway to the low water mark of the Atlantic Ocean (and, for 101 Kings Highway, also to the low water mark of the Batson River), and thus include the entire beach (both the upland and intertidal areas). Furthermore, there needs to be, and we request that this Court establish, a specific delineation of what area constitutes the "beach" that the public may use.

We are sending a copy of this letter to the attorneys for the Plaintiffs and Defendant Town. Please keep us advised of pleadings as they are filed in this matter.

Sincerely,



Robert M. Baylis, Trustee



Lois W. Baylis, Trustee

Encls:

cc: Plaintiff's Attorney
Town's Attorney

WARRANTY DEED

We, ROBERT M. BAYLIS and LOIS W. BAYLIS, of Darien, County of Fairfield, State of Connecticut, for consideration paid, grant to ROBERT M. BAYLIS and LOIS M. BAYLIS, Trustees or their successors in trust of the LOIS W. BAYLIS REVOCABLE TRUST UNDER AGREEMENT DATED APRIL 29, 2002, of Darien, County of Fairfield, State of Connecticut, whose mailing address is 116 Delafield Island Road, Darien, Connecticut 06820, with **WARRANTY COVENANTS**, one half interest in and to the following parcels of land located at Goose Rocks Beach, Town of Kennebunkport, County, Maine:

PARCEL ONE

A certain lot or parcel of land, with the buildings thereon, situated in Goose Rocks Beach, in the Town of Kennebunkport, County of York and State of Maine, on the southeasterly side of Batson River Road, so-called, and more particularly bounded and described as follows:

Beginning on said road at the northerly corner of land of Gorney or owner at an iron pipe driven into the ground; thence southeasterly by said Gorney land (which line forms an included angle of $83^{\circ} 07'$ with said road) one hundred seventy three and $24/100$ (173.24) feet to a drill hole in a granite stone forming part of the seawall on said property; thence continuing the same course by said Gorney land to low water mark of the Atlantic Ocean or so far as the grantor may own; thence generally northeasterly by said ocean fifty (50) feet more or less to land of Coppola; thence northwesterly by said Coppola land to another drill hole in a granite stone in said seawall (a tie line between said drill holes has a length of 50.0 feet); thence continuing northwesterly by said Coppola land one hundred seventy three and $24/100$ (73.24) feet to said road, at a point which lies approximately in the middle of the common driveway entrance serving this and said Coppola property and is marked by a PK nail driven into said driveway; thence southwesterly by said road (which forms an included angle of $96^{\circ} 53'$ with the last described line) 50.0 feet to the point of beginning.

Said property is conveyed together with and subject to whatever rights (if any) have arisen by user in the common entrance to said driveway.

Being a one half interest in the same premises conveyed in a warranty deed from Robert F. Sullivan to Robert M. Baylis dated February 18, 1983 and recorded in the York County Registry of Deeds in Book 3047, Page 147.

NO R.E. TRANSFER TAX PAID

PARCEL TWO

A certain lot or parcel of land, together with all buildings and improvements thereon, situated in Kennebunkport, in the County of York and State of Maine, in that part of Kennebunkport known as Goose Rocks Beach, bounded and described as follows:

BEGINNING at an iron rod driven into the ground at the point of intersection of the March 4, 1901 location of the Goose Rocks Road with the northeasterly sideline of land, now or formerly, of John J. McGrory;

THENCE RUNNING from said point of beginning North 58° 45' 00" East, (along the said southeasterly sideline of the 1901 location of the Goose Rocks Road as shown on a "Plan Showing Retracement of the Southwesterly End of Goose Rocks Road" made by Dow and Coulombe, Inc. October 24, 1974 and revised June 29, 1975 and June 26, 1981), a distance of 146.68 feet to an iron rod driven into the ground;

THENCE TURNING AND RUNNING South 42° 19' 30" East along land conveyed to Pamela A. Littell dated October 5, 1983 and duly recorded in the York County Registry of Deeds; 166.42 feet to an iron rod driven into the ground at or near the top of the bank;

THENCE CONTINUING South 42° 19' 30" East by said land conveyed to Littell to low water mark of the Atlantic Ocean or to however far the grantors herein have right and title;

THENCE TURNING AND RUNNING southwesterly by said Atlantic Ocean to said land, now or formerly, of John J. McGrory;

THENCE TURNING AND RUNNING North 37° 54' 30" West along said land, now or formerly of McGrory to an iron rod driven into the ground at or near the top of the bank, which iron rod is located South 55° 15' 10" West 158.75 feet from said first mentioned iron rod at the top of the bank;

THENCE CONTINUING North 37° 54' 30" West along said land, now or formerly, of McGrory 174.18 feet to the point of beginning. Containing 25,782 square feet, more or less, to the top of the bank.

The above bearings are magnetic and are referenced to the 1974 Meridian.

Being a one half interest in the same premises conveyed by warranty deed from Gregory F. Lewis and Joyce Lewis to Robert M. Baylis and Lois W. Baylis dated December 18, 1993 and recorded in the York County Registry of Deeds in Book 6869, Page 116.

PARCEL THREE

A certain lot or parcel of land with the buildings thereon, situated at Goose Rocks Beach, in the Town of Kennebunkport, County of York and State of Maine, and located at the southwesterly end of the Goose Rocks Road, also known as Batson's River Road or King's Highway; bounded and described as follows:

Beginning at an iron rod driven into the ground at the northerly corner of land described in the deed of the Inhabitants of the Town of Kennebunkport to John J. and Lorna T. McGrory dated May 31, 1978 and recorded in the York County Registry of Deeds in Book 2358, Page 349; said iron rod being located at the point of intersection of the northwesterly sideline of said Goose Rocks Road with the southwesterly sideline of land now or formerly of Richard C. and Earline S. Wright and being also located South $58^{\circ} 45' 00''$ West as measured along the said northwesterly sideline of said Goose Rocks Road, two hundred seventy eight and $67/100$ (278.67) feet from an iron pipe found driven into the ground at the point of intersection of the said northwesterly sideline of Goose Rocks Road with the southwesterly sideline of Lot #14 as shown on "Plan of Land of Emmons Heirs, Beachwood, Maine" by Libby & Johnson dated December 1921 and recorded in said Registry in Plan Book 8, Page 73;

thence from said point of beginning South $37^{\circ} 54' 30''$ East along said land, now or formerly of Wright, two hundred twenty four and $02/100$ (224.02) feet to an iron rod driven into the ground at or near the top of the bank of the Atlantic Ocean;

thence continuing South $37^{\circ} 54' 30''$ East by said land, now or formerly, of Wright, to the Atlantic Ocean (or to however far the grantor herein has right and title);

thence southwesterly by said Atlantic Ocean to its intersection with the Batson River (or to however far the grantor herein has right and title);

thence northerly, northeasterly and northwesterly by said Batson River to the said northwesterly line of said land conveyed by the Town of Kennebunkport to John J. and Lorna T. McGrory, being the former northwesterly sideline of the said Goose Rocks Road;

thence North $58^{\circ} 45'$ East along the said former northwesterly sideline of Goose Rocks Road to a drill hole set in a concrete monument on top of the bank;

thence continuing North $58^{\circ} 45' 00''$ East along the said former northwesterly sideline of said Goose Rocks Road, one hundred twenty seven and $43/100$ (127.43) feet to the point of beginning.

The bearings used in this description are magnetic and refer to the 1974 Magnetic Meridian.

This description is the result of a survey made by Dow & Coulombe, Inc., dated April 6, 1983. Reference is also made to a "Plan Showing Retracement of the Southwesterly End of

Goose Rocks Road - Goose Rocks Beach, Kennebunkport, Maine" by Dow & Coulombe, Inc. dated October 24, 1974, and revised June 26, 1975 and June 26, 1981.

This conveyance is made subject to whatever rights legally exist in a public water main owned by the Kennebunk, Kennebunkport and Wells Water District lying under the ocean beach forming part of the above described property.

Being a one half interest in the same premises conveyed by warranty deed from Carol J. Spector to Robert M. Baylis and Lois W. Baylis dated October 2, 2000 and recorded in the York County Registry of Deeds in Book 10245, Page 88.

WITNESS our hands and seals, this day of June, 2002.

Witness:

_____ Robert M. Baylis
 ROBERT M. BAYLIS

_____ Lois W. Baylis
 LOIS W. BAYLIS

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

June 27, 2002

Then personally appeared the above named Robert M. Baylis and Lois W. Baylis, and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Louis C. Froelich
 Notary Public Louis C. Froelich
 Attorney-at-Law
 LOUIS C. FROELICH
 NOTARY PUBLIC
 STATE OF CONNECTICUT
 COMMISSION EXPIRES 12/30/2002



William S. Kany, Esq.
Smith & Elliott, P.A.
199 Main Street-P.O. Box 1179
Saco, Maine 04072

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Know all Men by these Presents,

That I, Robert F. Sullivan of Goose Rocks Beach, Kennebunkport, York County

in consideration of One dollar and other valuable considerations

paid by Robert M. Baylis of Darien, Fairfield County, Connecticut

whose mailing address is 32 Sunwyck Road, Darien, Connecticut 06820

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Robert M. Baylis

his heirs and assigns forever.

A certain lot or parcel of land, with the buildings thereon, situated in Goose Rocks Beach, in the Town of Kennebunkport, County of York and State of Maine, on the Southeasterly side of the Batson River Road, so-called, and more particularly bounded and described as follows:

Beginning on said road at the northerly corner of land of Gorney or owner at an iron pipe driven into the ground; thence Southeasterly by said Gorney land (which line forms an included angle of 83°07' with said road) one hundred seventy three and 24/100 (173.24) feet to a drill hole in a granite stone forming part of the seawall on said property; thence continuing the same course by said Gorney land to low water mark of the Atlantic Ocean or so far as the grantor may own; thence generally Northeasterly by said ocean fifty (50) feet more or less to land of Coppola; thence northwesterly by said Coppola land to another drill hole in a granite stone in said seawall (a tie line between said drill holes has a length of 50.0 feet); thence continuing Northwesterly by said Coppola land one hundred seventy three and 24/100 (173.24) feet to said road, at a point which lies approximately in the middle of the common driveway entrance serving this and said Coppola property and is marked by a PK nail driven into said driveway; thence Southwesterly by said road (which forms an included angle of 96°53' with the last described line) 50.0 feet to the point of beginning.

Being the same premises devised to grantor by William E. Higgins (see York Registry of Probate file #81-169) and described in deed of distribution to grantor recorded in York Registry of Deeds in Book 2916, Page 178.

Said property is conveyed together with and subject to whatever rights (if any) have arisen by user in the common entrance to said driveway.

York, ss.
Received FEB 9 4 1983 at 2 h. 15 m. P M
and recorded from the original.

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Robert M. Baylis

his heirs and assigns, to his and their use and behoof forever.

And I do warrant with the said Grantee, his heirs and assigns,

that I am law fully seized in fee of the premises, that they are free of all encumbrances except as stated herein;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and

that I and my heirs shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Robert F. Sullivan

and Marguerite C. Sullivan

Wife of the said Robert F. Sullivan

joining in this deed as Grantor, and relinquishing and conveying all rights by descent and all other rights

in the above described premises, have hereunto set our hand and seal this

day of the month of February, A.D. 19 83

Signed, Sealed and Delivered in presence of

.....
.....
.....
.....

Robert F. Sullivan
ROBERT F. SULLIVAN
Marguerite C. Sullivan
MARGUERITE C. SULLIVAN



State of Maine, County of York ss. February 18, 19 83

Then personally appeared the above named Robert F. Sullivan

and acknowledged the foregoing instrument to be his free act and deed.

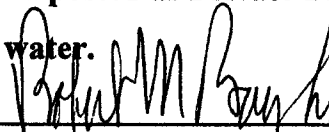
Before me,

.....*Martha Wells*.....
Justice of the Peace
Notary Public
Attorney at Law

York, ss.
Received FEB 24 1983 at 2:15 PM
and recorded from the original.

WALKER, GRANT & HULL
Attorneys at Law
200 Main Street
Bangor, Maine

This property at 101 Kings Highway, Goose Rocks, Maine, has been posted as Private Property down to the mean low water mark including the entire area of road between the house and the water.



Robert M. Baylis

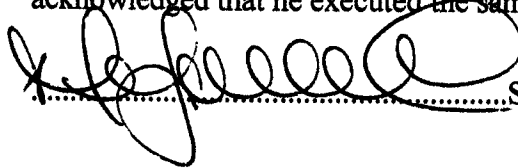
September 2, 2009

STATE OF CONNECTICUT

}
} ss.: Norwalk (Town/City)

COUNTY OF: Fairfield

On this the 2nd day of September, before me, Mari-Melissa Siciliano the undersigned, personally appeared Robert Baylis known to me (or satisfactory proven) to be the person whose name is subscribed to this instrument and acknowledged that he executed the same for the purposes herein contained. In witness whereof I hereunto set my hand.


.....Signature of Notary Public

MARI-MELISSA C. SICILIANO
.....NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 30, 2012.....Date Commission Expires





103 Kings Highway

