

STATE OF MAINE  
YORK, ss.

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

ROBERT F. ALMEDER and VIRGINIA S.  
ALMEDER, et al.,

Plaintiff,

v.

TOWN OF KENNEBUNKPORT, et al.,

Defendant.

**STIPULATED JUDGMENT**

Defendant Town of Kennebunkport, and certain TMF Defendants and beachfront property owners at Goose Rocks Beach in Kennebunkport, Maine, including defendants, plaintiffs and parties-in-interest in the above-captioned action as described below, hereby stipulate and consent to entry of judgment in the above captioned action as follows:

1. This stipulation is entered into by and among the following parties:

- a. individual beachfront owners (including any Plaintiff) who sign the Beach Use Agreement attached hereto as **Exhibit A**, being the owners listed in Schedule A of said Agreement (“Beachfront Owners”);
- b. the Town of Kennebunkport (the “Town”); and
- c. the owners of properties located in the vicinity of, but not on the beach commonly known as Goose Rocks Beach (the “Beach”) who claim or claimed rights in and to the use of the portions of the Beach extending seaward from the seawall or vegetation/landscape to the low water mark of the Atlantic Ocean (“Beach Premises”) in *Almeder v. Town of Kennebunkport*, Docket No. RE-09-111, being the owners listed in Schedule B of the Beach Use Agreement attached hereto (the “Back Lot Owners”).

2. The parties hereby stipulate as follows:

- a. In consideration of the Beach Use Agreement attached as **Exhibit A**, the stipulating Beachfront Owners are awarded title to all or any portion of the Beach Premises described in their deeds;

- b. the Town and Back Lot Owners hereby dismiss any prescriptive easement claims that may have been asserted against the stipulating Beachfront Owners and/or to the portion of the Beach Premises described in the deeds of stipulating Beachfront Owners; and
  - c. In consideration of the dropping of claims, the Beachfront Owners hereby grant to the public and the Back Lot Owners certain rights of use as provided in the agreed-upon Beach Use Agreement attached as **Exhibit A**, subject to certain regulations and restrictions adopted in a Beach Use Ordinance.
3. This stipulated judgment shall be binding on the parties to the stipulated judgment only, along with their agents, servants, employees, heirs, successors and assigns, but shall not be binding as to any non-stipulating parties in the above-captioned action.
4. This stipulated judgment does not affect any claims or defenses that could have been asserted between the Town and the Back Lot Owners, or claims and defenses that have been asserted by any beachfront owner (other than the stipulating Beachfront Owners) in the above-captioned action.
5. The Clerk of Courts is hereby directed to incorporate this Stipulated Judgment on the docket by reference pursuant to Rule 79 of the Maine Rules of Civil Procedure.

[End of Stipulated Judgment. Signature pages follow.]