

James D. Foley, P.L.C.

ATTORNEY AT LAW
27 MAIN STREET, 3RD Floor
P.O. BOX 986
BURLINGTON, VERMONT 05402-0986
Telephone (802) 862-6451
Fax (802) 863-2859

JAMES D. FOLEY

E-Mail: jim@foleylawvt.com

RECEIVED

April 6, 2015

APR 09 2015

MURPHY SULLIVAN KRONK

Liam Murphy, Esq.
Murphy Sullivan Kronk
P.O. Box 4485
Burlington, VT 05406

Re: Repa Road, Underhill

Dear Liam:

This letter is in response to yours, dated March 18, 2015. As you know, my client's father and the A. Johnson Company entered into a "Stipulation to Dismissal With Prejudice and Order" with the Towns of Underhill and Westford regarding the reclassification of Repa Road in Underhill and Goodrich Trail in Westford. The parties entered into the stipulation to ensure that the petitioners had access to their property as a result of the designation of Repa Road and Goodrich Trail as trails..." (paragraph 3 of the stipulation). We have no idea why the town now seems to be raising issues that were settled in 2002.

The stipulation was incorporated into a final order. If the town in any way is trying to alter or modify the terms of the stipulation, it will be precluded from doing so by Res Judicata which, as you know, bars parties from litigating claims which were the subject matter of a previous order. There is a final order and the town is precluded from raising claims that were the subject matter of the 2002 stipulation.

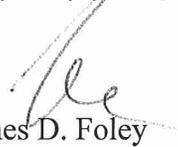
The stipulation in paragraph 5 allows the petitioner the right to use the reclassified town highways, now designated as trails, for access to their property. Nothing in the order limits such access to only timber or forestry uses.

My client has no other access to his property, except from Repa Road. His property does not front on any highway. He has an easement by necessity allowing him access to his property since the only access to his property is from Repa Road.

Liam Murphy, Esq.
Murphy Sullivan Kronk
April 6, 2015
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My client agrees that the towns would have no obligation to maintain the trail and we are not asking the town for assistance in this regard. Mr. Bornstein expects the Town of Underhill to live up to its part of the bargain.

Very truly yours,



James D. Foley

JDF/slb

cc: Elizabeth M. Demas, Esq.
Karl W. Neuse, Esq.

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