

Stanley and Susan Senger
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STATE OF VERMONT
SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. 333-4=15Cncv

Brianne E. Chase, Trustee of the Revocable Living
Trust of Barbara S. Eastman,

Plaintiff

V

Town of Underhill, David Arnold, Stanley
And Sue Senger, and Carl and Carol Menard

Defendants

ANSWER TO AMENDED COMPLAINT

NOW COMES Stanley and Susan Senger, *pro se*, and hereby answers as follows:

Count I (Claim 21):

Paragraph 1 - We disagree with this claim and request plaintiff not be given anything asked for in this complaint. Plaintiff has stated their access to their property on the western terminus via Goodrich trail in Westford and the eastern terminus via Repa trail in Underhill.

Count II (Claim 22):

Paragraph 1 - We disagree with this claim and request plaintiff not be given anything asked for in this complaint. Towns of Westford and Underhill, after public inputs in 2000 changed the status of Goodrich Road and a portion of Repa Road to trails. Eastman's Trust agents participated in that process. They did not challenge or appeal this action through the process they were afforded.

Paragraph 2 - We disagree with this claim and requests plaintiff not be given anything asked for in this complaint. Plaintiff has provided no evidence that request is for a single family home or evidences of historical use. Plaintiff has not demonstrated any "necessary need" to Repa trail access, as Goodrich trail at the western terminus is open.

Count III:

Paragraph 1 - We disagree with this claim and request plaintiff not be given anything asked for in this complaint. We were party to the discussions in 2000 surrounding the Goodrich Road / Repa Road issue. Decisions by both towns to reclassify these roads were not arbitrary, not irrational, and not motivated by personal reasons unrelated to their official duties. Eastman's Trust agents participated in that process. They did not challenge or appeal this action through the process they were afforded.

Paragraph 2 - We disagree with this claim and request plaintiff not be given anything asked for in this complaint. Plaintiff affords the same access rights on Repa trail and Goodrich trail as we have.

Paragraph 3 - We disagree with this claim and request plaintiff not be given anything asked for in this complaint. Plaintiff affords the same fair and impartial rights on Repa trail and Goodrich trail as we have.

Paragraph 4 - We disagree with this claim and request plaintiff not be given anything asked for in this complaint. Plaintiff has not demonstrated discrimination on this issue.

Claims 1-20

In response to counts alleged 1 through 20 the Defendants do not have sufficient information to admit or deny these claims.

Counterclaim:

We purchase our homestead in 1986. We later had a son with special needs and uses a power wheelchair for self ambulation. He has many friends in this neighborhood and enjoys walking Repa road to visit them and for pleasure.

Following the reclassification of Goodrich road and portion of Repa road we heavily invested in handicap accessibility for our house and homestead knowing that with the road status change we could provide a safe environment for our son through adulthood.

Granting Plaintiffs request to access their property from the eastern terminus will:

- 1) Harm our son's safety of pedestrian travel on Repa Road
- 2) Depress the livability, and emotional value of our homestead.
- 3) Depress the financial and invested value of our homestead.

Wherefore:

Defendant respectfully prays the court to issue an order denying the Eastmans Trust the entitlement to use the 238 feet length of trail at the terminus of Repa road for requested use and to an award of money damages for Court costs and attorney's fees, and such other and further relief to the Defendants as the court may deem just and proper.

Signed

Stanly Senger

Dated

8/26/2016

Signed

Susan Senger

Dated

8/26/2016