

**MSK** | MURPHY  
SULLIVAN  
KRONK

**COPY**

*Via U.S. Mail*

June 12, 2015

Carmen Cote, COM  
Vermont Superior Court  
Chittenden Civil Unit  
175 Main Street  
PO Box 187  
Burlington, VT 05402-0187

**Re: Brianne E. Chase, Trustee of the Revocable Living Trust of Barbara S. Eastman v.  
Town of Underhill, Docket No. 333-4-15 Cncv**

Dear Carmen:

Please find enclosed a Notice of Appearance and Answer filed on behalf of the Town of Underhill in the above-captioned matter.

Thank you.

Sincerely,

Hans G. Huessy, Esq.

Enclosure

cc: Town of Underhill  
Elizabeth M. Demas, Esq.

{00144531.1}



8. Admitted that a representative appeared at the hearing on behalf of the Eastmans. Defendant is without sufficient information to admit or deny the balance of the allegations and, therefore, denies the same.
9. Defendant is without sufficient information to admit or deny the allegation and, therefore, denies the same.
10. Admitted that a portion of Repa Road was classified as a trail in 2000 and that it is three rods wide, otherwise denied.
11. Admitted that the parties entered into a settlement agreement.
12. The document speaks for itself and, therefore, no response is required.
13. Defendant is without sufficient information to admit or deny the allegation and, therefore, denies the same.
14. Defendant is without sufficient information to admit or deny the allegation and, therefore, denies the same.
15. The documents speak for themselves and, therefore, no response is required.
16. Defendant is without sufficient information to admit or deny the allegation and, therefore, denies the same.
17. The documents speak for themselves and, therefore, no response is required.
18. Admitted that Plaintiff attended two selectboard meetings and corresponded with the Town; the balance of the allegations are too vague to allow for a response.
19. Admitted that no license has been issued to the Plaintiff. The balance of the allegations are in the form of argument and no response is required. To the extent a response is required, the balance of the allegations are denied.
20. Defendant is without sufficient information to admit or deny the allegation and, therefore, denies the same.

#### COUNT I

21. Admitted that Plaintiff enjoys a limited right-of-way over the Repa Trail. The statute speaks for itself. The balance of the allegations are denied.

## COUNT II

22. The first paragraph of averment No. 22 states legal conclusions to which no response is required. Defendant denies that Plaintiff's request is limited to a single residence. The averment includes alleged settlement proposals that are inadmissible and to which Defendant need not respond. Defendant denies that Plaintiff has a need to use the Repa Trail for residential purposes. Furthermore, whether said need is "necessary" is a legal conclusion to which no response is required.

## COUNT III

Count III is not properly pled. It is not broken out into numbered factual allegations and mixes factual allegations, legal argument, and requests for relief, making a response impossible. Therefore, to the extent a response is required, Defendant denies all of the allegations under Count III.

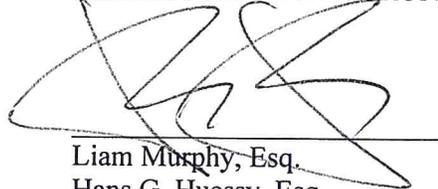
## AFFIRMATIVE DEFENSES

1. Laches.
2. Failure to state a claim upon which relief can be granted.
3. Collateral Estoppel.

WHEREFORE, Defendant requests that this Honorable Court dismiss Plaintiff's Complaint, order Plaintiff to pay all of Defendant's costs and legal fees, and grant any other appropriate relief.

DATED at Burlington, Vermont this 12<sup>th</sup> day of June, 2015.

MURPHY SULLIVAN KRONK



Liam Murphy, Esq.  
Hans G. Huessy, Esq.  
275 College Street  
PO Box 4485  
Burlington, VT 05406-4485  
802-861-7000  
[huessy@mskvt.com](mailto:huessy@mskvt.com)

Attorneys for Defendant