

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
C.A. NO. 2006-02328 D

WILLIAM M. LONERGAN and
DIANE WHITNEY-WALLACE,
ON BEHALF OF THEMSELVES AND
ALL OTHERS SIMILARLY SITUATED,

Plaintiffs and Defendants-in-Counterclaim

v.

JAMES W. FOLEY, PETER A. FOOTE,
ALEXANDER B. C. MULHOLLAND, JR.,
DONALD F. WHISTON,
ELIZABETH A. KILCOYNE, PATRICK J. MCNALLY,
AND EDWARD B. RAUSCHER,
FEOFFEEES OF THE GRAMMAR SCHOOL
IN THE TOWN OF IPSWICH,

Defendants and Plaintiffs-in-Counterclaim

v.

DISTRICT ATTORNEY FOR THE ESSEX DISTRICT,
ATTORNEY GENERAL OF THE COMMONWEALTH
OF MASSACHUSETTS, ET ALS,

Defendants-in-Counterclaim

ANSWER TO COUNTERCLAIM BY PLAINTIFFS,
DEFENDANTS-IN-COUNTERCLAIM AND OTHERS



The Plaintiffs, Defendants-in-Counterclaim, William M. Lonergan and Diane Whitney Wallace and those other Counterclaim Defendants as listed on the attached Schedule "A" (collectively "Counterclaim Defendants") file their Answer to the Counterclaim of the Defendants, Plaintiffs-in-Counterclaim, James W. Foley, Peter A. Foote, Alexander B. C. Mulholland, Jr., Donald F. Whiston, Elizabeth A. Kilcoyne, Patrick J. McNally, and Edward B. Rauscher, Feoffees of the Grammar School in the Town of Ipswich ("Feoffees"), by utilizing the paragraph numbers as contained in the Feoffees' counterclaim, as follows:

INTRODUCTION AND OVERVIEW

1. The Counterclaim Defendants admit that the Feoffees own the land at Little Neck, Ipswich, Massachusetts, but that said land is owned by the Feoffees, in trust. The Counterclaim Defendants restate their answers to the allegations contained in paragraphs 175 through 193 in response to the Feoffees' incorporation, in paragraph 1, of said allegations. The Counterclaim Defendants deny the remaining allegations contained in paragraph 1.

2. The Counterclaim Defendants admit that the land at Little Neck is held by the Feoffees, in trust, for the benefit of the grammar school in Ipswich and deny the remaining allegations contained in paragraph 2.

3. The Counterclaim Defendants admit that they have built homes on lots located on Little Neck and that up to the present time, 167 cottages have been constructed, 24 of which are used year-round and the remainder of which are used seasonally. The Counterclaim Defendants deny the remaining allegations contained in paragraph 3.

4. The Counterclaim Defendants deny the allegations contained in paragraph 4 except that the Counterclaim Defendants admit their timely payment of monies to the Feoffees.

5. The Counterclaim Defendants deny the allegations contained in paragraph 5 except that the Counterclaim Defendants admit that the "take it or leave it" lease proffered by the Feoffees demanded that the Counterclaim Defendants pay \$9,700 per year for seasonal use of the land and \$10,800 per year for year-round use of the land. The Counterclaim Defendants also admit that the demanded rent, as stated, was to remain the same for three years and that the Counterclaim Defendants could terminate the lease upon 60 days written notice. In further answering, however, the Counterclaim Defendants state that the Feoffees' proffer of the "take it or leave it" lease, as partially described, followed the Feoffees' refusal to negotiate the terms of a 20-year lease in good faith and was proffered in bad faith, in an attempt to force the Counterclaim Defendants into accepting untenable terms under the threat of the loss of their homes.

6. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed values of the lots for fiscal year 2007. The Counterclaim Defendants deny the remaining allegations contained in paragraph 6.

7. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 7.

8. The Counterclaim Defendants admit that the two named Plaintiffs have brought this action on behalf of themselves and all others similarly situated and that the

Counterclaim Defendants have not signed the proffered lease. The Counterclaim Defendants deny the remaining allegations contained in paragraph 8.

9. No answer is required of the Counterclaim Defendants to the Feoffees' description of their counterclaims as stated in paragraph 9.

PARTIES IN COUNTERCLAIM

10. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 10.

11. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 11.

12. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 12.

13. Counterclaim Defendant Nadine Wilkey denies that she is a mere "tenant" of the lot located at 59 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 13. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 13.

14. The Counterclaim Defendants deny the allegations contained in paragraph 14 and in further answering state that the individuals identified as the owners of the home on the lot located at 50 River Road in Ipswich are not the owners.

15. Counterclaim Defendants Robert A. Schless and Christine Hawrylak deny that they are mere "tenants" of the lot located at 39 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining

allegations contained in paragraph 15. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 15.

16. Counterclaim Defendant Susan E. Vieno (sic) denies that she is a mere "tenant" of the lot located at 35 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 16. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 16.

17. Counterclaim Defendant Catherine D'Amico Lichoulas, incorrectly ~~identified in her individual capacity with respect to 31 River Road,~~ denies that she is a mere "tenant" of the lots located at 31 River Road, 23 Bay Road and 21 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 17. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 17.

18. Counterclaim Defendants Robert M. Maloney, Jr. and Susan Maloney deny that they are mere "tenants" of the lot located at 29 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 18. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 18.

19. Counterclaim Defendant Florence Lalikos denies that she is a mere "tenant" of the lot located at 27 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 19. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 19.

20. Counterclaim Defendants James Gillette and Patricia Gillette deny that they are mere "tenants" of the lot located at 25 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 20. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 20.

21. Counterclaim Defendants Robert Watson, Susan Watson and Sally Watson deny that they are mere "tenants" of the lot located at 6 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 21. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 21.

22. Counterclaim Defendant Diane Whitney-Wallace denies that she is a mere "tenant" of the lots located at 11 and 15 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 22. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 22.

23. Counterclaim Defendant James Krupanski denies that he is a mere "tenant" of the lot located at 9 Middle Road in Ipswich, lacks information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed value of the lot and denies the remaining allegations contained in paragraph 23. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 23.

24. Counterclaim Defendants Kara E. Kelley, Nancy G. Lydon and Frederick R. Kelley, III, Trustees of the Kelley Little Neck Trust, deny that they are

mere "tenants" of the lots located at 3, 6 and 7 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 24. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 24.

25. Counterclaim Defendant Alida M. Marchisio, Trustee of the Marchisio Trust, denies that she is a mere "tenant" of the lot located at 8 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 25. As to the remaining Counterclaim Defendants, ~~no answer is required to the allegations contained in paragraph 25.~~

26. Counterclaim Defendants William A. Gottlieb and Roberta A. (sic) Crowley Gottlieb deny that they are mere "tenants" of the lot located at 14 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 26. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 26.

27. Counterclaim Defendant Eleanor Kutz, identified as one of two "Trustees of the Trust", denies that she is a mere "tenant" of the lot located at 16 Middle Road in Ipswich, denies that the other individual named is an owner of the home located at 16 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 27.

28. Counterclaim Defendants Charles M. Devlin, Jr., Mark A. Devlin, William G. Devlin and Nancy J. Devlin deny that they are mere "tenants" of the lot located at 26 Middle Road in Ipswich and lack information sufficient to form a belief as

to the truthfulness of the remaining allegations contained in paragraph 28. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 28.

29. Counterclaim Defendants Roy Benjamin and Sally Benjamin deny that they are mere "tenants" of the lot located at 28 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 29. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 29.

~~30. Counterclaim Defendants Peter McDonald and Kimberly A. McDonald~~
deny that they are mere "tenants" of the lot located at 30 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 30. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 30.

31. Counterclaim Defendant Richard Saunders denies that he is a mere "tenant" of the lot located at 25 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 31. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 31.

32. Counterclaim Defendants Douglas Dieringer and Mary Dieringer deny that they are mere "tenants" of the lot located at 7 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 32. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 32.

33. Counterclaim Defendants John F. Norieka and Donna A. Norieka deny that they are mere "tenants" of the lot located at 31 Bay Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 33. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 33.

34. Counterclaim Defendants Antonio Yemma and Cheryl Yemma deny that they are mere "tenants" of the lot located at 27 Bay Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 34. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 34.

35. Counterclaim Defendant Mary G. Dieringer, Trustee of the 25 Bay Road Trust, denies that she is a mere "tenant" of the lot located at 25 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 35. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 35.

36. Counterclaim Defendants Malcolm Donaldson and Nancy Donaldson deny that they are mere "tenants" of the lot located at 16 Bay Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 36. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 36.

37. Counterclaim Defendants Thomas Allen and Mary Allen deny that they are mere "tenants" of the lot located at 18 Bay Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in

paragraph 37. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 37.

38. Counterclaim Defendant Elizabeth D. Fankos (sic) denies that she is a mere "tenant" of the lot located at 8 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 38. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 38.

39. Counterclaim Defendants Michael S. Casey and Kathleen A. Casey deny that they are mere "tenants" of the lots located at 12 Hilltop Road and 3 Cove Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 39. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 39.

40. Counterclaim Defendants Wendy Carmichael (sic) and James Weaver deny that they are mere "tenants" of the lots located at 2 and 3 Cove Road in Ipswich, lack information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed value of the lots and deny the remaining allegations contained in paragraph 40. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 40.

41. Counterclaim Defendants Byard Horsman and Jean Horsman deny that they are mere "tenants" of the lot located at 4 Cove Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 41. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 41.

42. Counterclaim Defendant Walter Fidrocki, Trustee of the Fidrocki Trust, denies that he is a mere "tenant" of the lot located at 12 Bay Road in Ipswich, and in further answering states that Counterclaim Defendant Lucille Fidrocki is deceased and also that he lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 42. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 42.

43. Counterclaim Defendant Robert Varney denies that he is a mere "tenant" of the lot located at 15 Cove Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 43. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 43.

44. Counterclaim Defendant Herbert B. Cogan, Jr. denies that he is a mere "tenant" of the lot located at 5 Cove Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 44. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 44.

45. Counterclaim Defendant Joanne M. Frisk (sic), Trustee of the Joanne M. Frisk (sic) Trust, denies that she is a mere "tenant" of the lot located at 22 Baycrest Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 45. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 45.

46. Counterclaim Defendant Maura Mastrogiovanni denies that she is a mere "tenant" of the lot located at 24 Baycrest Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 46 and denies that Ingrid G. Scheible is a Trustee of the Ingrid G. Scheible Memorial Trust and, in further answering, states that Ingrid G. Scheible is deceased. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 46.

47. Counterclaim Defendant Marilyn Stallard denies that she is a mere "tenant" of the lot located at 28 Baycrest Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 47. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 47.

48. Counterclaim Defendants Cornelia McGilvray and Paul McGilvray deny that they are mere "tenants" of the lot located at 30 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 48. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 48.

49. Counterclaim Defendants Paul Anthony and Laurel A. Anthony deny that they are mere "tenants" of the lot located at 23 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 49. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 49.

50. Counterclaim Defendants David Carroll and Carol Carroll deny that they are mere "tenants" of the lot located at 21 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 50. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 50.

51. Counterclaim Defendant Michael O'Brien denies that he is a mere "tenant" of the lot located at 35 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in ~~paragraph 51.~~ As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 51.

52. Counterclaim Defendants Philip Surette and Nancy Surette deny that they are mere "tenants" of the lot located at 22 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 52. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 52.

53. Counterclaim Defendants Richard H. Yacubian and June H. Yacubian deny that they are mere "tenants" of the lot located at 20 Kings Way in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 53. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 53.

54. Counterclaim Defendant Peter R. Hull denies that he is a mere "tenant" of the lot located at 22 Kings Way in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 54. As

to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 54.

55. Counterclaim Defendant Mary Varney denies that she is a mere "tenant" of the lots located at 21 and 24 Kings Way in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 55. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 55.

56. Counterclaim Defendants Wayne W. Morrison and Phyllis J. Morrison deny that they are mere "tenants" of the lot located at 25 Kings Way in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 56. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 56.

57. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 57.

58. Counterclaim Defendants John Spenser and Jane Kennedy deny that they are mere "tenants" of the lot located at 17 Kings Way in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 58. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 58.

59. Counterclaim Defendants Richard Barton and Joan Barton deny that they are mere "tenants" of the lot located at 5 Kings Way in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in

paragraph 59. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 59.

60. Counterclaim Defendant Jason Maloney denies that he is a mere "tenant" of the lot located at 2 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph

60. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 60.

61. Counterclaim Defendant Janet R. Maloney denies that she is a mere ~~"tenant"~~ of the lot located at ~~4 Plum Sound Road in Ipswich~~ and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 61. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 61.

62. Counterclaim Defendant Grace Hanson denies that she is a mere "tenant" of the lot located at 6 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 62. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 62.

63. Counterclaim Defendant Peter Carroll, Trustee of the Carroll Family Trust (sic), denies that he is a mere "tenant" of the lot located at 38 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 63. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 63.

64. Counterclaim Defendants Philip Deven (sic) and Ann Dever deny that they are mere "tenants" of the lot located at 12 Plum Sound Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 64. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 64.

65. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 65.

66. Counterclaim Defendant David S. Rocco denies that he is a mere ~~"tenant"~~ of the lot located at 28 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 66. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 66.

67. Counterclaim Defendants Frances J. Davis, Jr. and Carol R. Davis deny that they are mere "tenants" of the lot located at 30 Plum Sound Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 67. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 67.

68. Counterclaim Defendant Dawna Blum denies that she is a mere "tenant" of the lot located at 27 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 68. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 68.

69. Counterclaim Defendants Edward L. Raynard and Shirley M. Raynard deny that they are mere "tenants" of the lot located at 19 Plum Sound Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 69. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 69.

70. Counterclaim Defendants Craig A. Saline and Sharon M. Saline, incorrectly identified in their individual capacities, deny that they are mere "tenants" of the lot located at 13 Plum Sound Road in Ipswich and lack information sufficient to ~~form a belief as to the truthfulness of the remaining allegations contained in paragraph~~ 70. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 70.

71. Counterclaim Defendants Brian Brennan and Eileen Brennan deny that they are mere "tenants" of the lot located at 5 Plum Sound Road in Ipswich and lack information sufficient to form a belief as to the remaining allegations contained in paragraph 71. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 71.

72. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 72.

73. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 73.

74. Counterclaim Defendant Elaine C. Dever denies that she is a mere "tenant" of the lot located at 2 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in

paragraph 74. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 74.

75. Counterclaim Defendant James Kurnick denies that he is a mere "tenant" of the lot located at 6 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 75. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 75.

76. Counterclaim Defendant Lillian B. Eaton, Trustee of the Lillian V. ~~Eaton Living Trust~~, denies that she is a mere "tenant" of the lot located at 10 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 76. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 76.

77. Counterclaim Defendant Dorothy Gorham denies that she is a mere "tenant" of the lot located at 12 River Road and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 77. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 77.

78. Counterclaim Defendant Patrick Merlino, Trustee of the River Road Trust, denies that he is a mere "tenant" of the lot located at 16 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 78. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 78.

79. Counterclaim Defendants Douglas Girdwood and Susan McDonald (sic) deny that they are mere "tenants" of the lot located at 4 Cliff Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 79. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 79.

80. Counterclaim Defendant Cornelia Harris denies that she is a mere "tenant" of the lot located at 61 River Road in Ipswich and lacks information sufficient to follow a belief as to the truthfulness of the remaining allegations contained in paragraph 80. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 80.

81. Counterclaim Defendant Martha Sandberg denies that she is a mere "tenant" of the lot located at 53 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 81. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 81.

82. Counterclaim Defendants Sarah D. Hough and Willis S. Hough, incorrectly identified in their individual capacities, deny that they are mere "tenants" of the lot located at 49 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 82. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 82.

83. Counterclaim Defendant Richard Saunders denies that he is a mere "tenant" of the lot located at 47 River Road in Ipswich and lacks information sufficient

to form a belief as to the truthfulness of the remaining allegations contained in paragraph 83. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 83.

84. Counterclaim Defendant Robert Aiello denies that he is a mere "tenant" of the lot located at 44 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 84. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 84.

~~85. Counterclaim Defendant Theodore Ciolek denies that he is a mere~~
"tenant" of the lot located at 48 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 85. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 85.

86. Counterclaim Defendants Robert Seger and Renée Loth deny that they are mere "tenants" of the lot located at 45 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 86. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 86.

87. Counterclaim Defendant Scot Rodman denies that he is a mere "tenant" of the lot located at 43 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 87. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 87.

88. Counterclaim Defendants Frances J. Scannell and Brenda Pearse deny that they are mere "tenants" of the lot located at 41 River Road in Ipswich and lack information sufficient to form a belief as to the remaining allegations contained in paragraph 88. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 88.

89. Counterclaim Defendants Joseph Survilas and Nancy Survilas deny that they are mere "tenants" of the lot located at 37 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 89. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 89.

90. Counterclaim Defendants Richard Doherty and Ann Doherty deny that they are mere "tenants" of the lot located at 31 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 90. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 90.

91. Counterclaim Defendant Mildred K. O'Flahavan denies that she is a mere "tenant" of the lot located at 21 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 91. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 91.

92. Counterclaim Defendants Edwin Kaine and Diane (sic) Kaine, incorrectly identified in their individual capacities, deny that they are mere "tenants" of the lots located at 17 and 19 Middle Road in Ipswich and lack information sufficient to

form a belief as to the truthfulness of the remaining allegations contained in paragraph 92. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 92.

93. Counterclaim Defendant Cynthia Brown denies that she is a mere "tenant" of the lot located at 5 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 93. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 93.

~~94. Counterclaim Defendants Norma J. Currie and Yvette A. Beeman deny~~ that they are mere "tenants" of the lot located at 1 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 94. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 94.

95. Counterclaim Defendant Donald (sic) Gresek denies that he is a mere "tenant" of the lot located at 4 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 95. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 95.

96. Counterclaim Defendants William Hardy and Marion D. Hardy deny that they are mere "tenants" of the lot located at 12 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 96. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 96.

97. Counterclaim Defendant Bruce H. Spatz denies that he is a mere "tenant" of the lot located at 22 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 97. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 97.

98. Counterclaim Defendants Garrett Cutler, Bruce Cutler and Joyce Thompson deny that they are mere "tenants" of the lot located at 23 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 98. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 98.

99. Counterclaim Defendants Diane Walker and Michael Walker deny that they are mere "tenants" of the lot located at 21 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 99. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 99.

100. Counterclaim Defendant Anne B. Donohoe denies that she is a mere "tenant" of the lot located at 19 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the remaining allegations contained in paragraph 100. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 100.

101. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 101.

102. Counterclaim Defendants John F. Duran, Jr. and Ruth M. Doran (sic), Trustees of the Duran Realty Trust, deny that they are mere "tenants" of the lots located at 10 Middle Road and 10 Cliff Road in Ipswich and lack information sufficient to form a belief as to the remaining allegations contained in paragraph 102. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 102.

103. Counterclaim Defendants Barbara Carbone Santoro, Trustee of the Barbara K. Carbone Trust, denies that she is a mere "tenant" of the lot located at 29 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 103. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 103.

104. Counterclaim Defendant Mary F. Johnson denies that she is a mere "tenant" of the lot located at 19 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 104. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 104.

105. Counterclaim Defendant Peter Holden denies that he is a mere "tenant" of the lot located at 17 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 105. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 105.

106. Counterclaim Defendant Deborah O. Todd denies that she is a mere "tenant" of the lot located at 15 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 106. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 106.

107. Counterclaim Defendant Ross Hamlin denies that he is a mere "tenant" of the lot located at 5 Gala Way in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 107. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 107.

108. Counterclaim Defendant Joseph Dowling denies that he is a mere "tenant" of the lot located at 10 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 108. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 108.

109. Counterclaim Defendants Stephen Ruta and Dolores Ruta, Trustees of the Dolores Ruta Trust, deny that they are mere "tenants" of the lot located at 6 Cove Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 109. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 109.

110. Counterclaim Defendant Cecily Robinson denies that she is a mere "tenant" of the lot located 8 Cove Road in Ipswich and lacks information sufficient to

form a belief as to the truthfulness of the remaining allegations contained in paragraph 110. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 110.

111. Counterclaim Defendant Nancy Donaldson denies that she is a mere "tenant" of the lot located at 10 Cove Road in Ipswich, lacks information sufficient to form a belief as to truthfulness of the allegations concerning the assessed value of the lot, denies the remaining allegations contained in paragraph 111 and states that she is not the only owner of the home at 10 Cove Road. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 111.

112. Counterclaim Defendants Paul Mattson and Patricia Mattson deny that they are mere "tenants" of the lot located at 9 Cove Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 112. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 112.

113. Counterclaim Defendants Walter Bagnell and Mary Bagnell deny that they are mere "tenants" of the lot located at 16 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 113. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 113.

114. Counterclaim Defendants Richard W. Stocker and Myrone (sic) Stocker deny that they are mere "tenants" of the lot located 18 Hilltop Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations

contained in paragraph 114. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 114.

115. Counterclaim Defendant John Fogarty denies that he is a mere "tenant" of the lot located 18 Baycrest Road in Ipswich, lacks information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed value of the lot, states, by way of a further answer, that Nancy Fogarty is deceased and denies the remaining allegations contained in paragraph 115. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 115.

~~116. Counterclaim Defendants Michael J. Anthony and Michelle M. Anthony~~
deny that they are mere "tenants" of the lot located at 26 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 116. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 116.

117. Counterclaim Defendant Margaret Attridge denies that she is a mere "tenant" of the lot located at 8 Bay Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 117. As to the remaining Counterclaim Defendants, no answer is required to the remaining allegations contained in paragraph 117.

118. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 118.

119. Counterclaim Defendants Joseph Ferrino and Marie Ferrino deny that they are mere "tenants" of the lot located at 25 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations

contained in paragraph 119. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 119.

120. Counterclaim Defendant Deborah Dody (sic), Trustee of the Buckley Family (sic) Trust, denies that she is a mere "tenant" of the lot located at 17 Baycrest Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 120. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 120.

121. Counterclaim Defendant Mark S. Disalvo (sic) denies that he is a mere "tenant" of the lot located at 20 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the remaining allegations contained in paragraph 121. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 121.

122. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 122.

123. Counterclaim Defendants Peter A. Benjamin and Linda L. Benjamin deny that they are mere "tenants" of the lot located at 3 Baycrest Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 123. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 123.

124. Counterclaim Defendant Elizabeth S. Torrisi denies that she is a mere "tenant" of the lot located at 21 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in

paragraph 124. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 124.

125. Counterclaim Defendant Barbara Rowell denies that she is a mere "tenant" of the lot located at 4 Kings Way in Ipswich and lacks information sufficient to form a belief as to the remaining allegations contained in paragraph 125. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 125.

126. Counterclaim Defendant Cynthia Johnson denies that she is a mere "tenant" of the lot located at 37 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 126. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 126.

127. Counterclaim Defendant Barbara A. Pulsford, incorrectly identified in her individual capacity, denies that she is a mere "tenant" of the lot located at 10 Kings Way in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 127. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 127.

128. Counterclaim Defendants Peter Rogal and Pamela Rogal deny that they are mere "tenants" of the lot located at 16 Kings Way in Ipswich, lack information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed value of the lot and deny the remaining allegations contained in paragraph 128.

As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 128.

129. Counterclaim Defendants John Connor and Janet Connor deny that they are mere "tenants" of the lot located 18 Kings Way in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 129. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 129.

130. Counterclaim Defendant Gerald J. Donovan denies that he is a mere "tenant" of the lot located at 30 Kings Way in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 130. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 130.

131. Counterclaim Defendant Timothy O'Keefe denies that he is a mere "tenant" of the lot located at 24 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 131. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 131.

132. Counterclaim Defendant Mary Gorman denies that she is a mere "tenant" of the lot located at 37 Hilltop Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 132. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 132.

133. Counterclaim Defendants William Lonergan and Carol Lonergan deny that they are mere "tenants" of the lot located at 36 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 133. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 133.

134. Counterclaim Defendant Robert F. Cole, Jr. denies that he is a mere "tenant" of the lot located at 39 Middle Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 134. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 134.

135. Counterclaim Defendants Charles Huntley and Alberta Huntley deny that they are mere "tenants" of the lot located 41 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 135. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 135.

136. Counterclaim Defendant Sandra Simkins denies that she is a mere "tenant" of the lot located at 22 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 136. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 136.

137. Counterclaim Defendant Patricia Bouley denies that she is a mere "tenant" of the lot located at 25 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in

paragraph 137. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 137.

138. Counterclaim Defendant Edward Goodwin denies that he is a mere "tenant" of the lot located at 23 Plum Sound Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 138. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 138.

139. Counterclaim Defendant Joyce V. Lyons denies that she is a mere "tenant" of the lot located at 21 Plum Sound Road, lacks information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed value of the lot and denies the remaining allegations contained in paragraph 139. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 139.

140. The Counterclaim Defendants deny the allegations contained in paragraph 140, lack information sufficient to form a belief as to the truthfulness of the remaining allegations and in further answering state that the individual identified as the owner of the home located at 40 Middle Road is not the owner.

141. Counterclaim Defendants Arthur Lowden and Diane Lowden deny that they are mere "tenants" of the lot located at 43 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 141. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 141.

142. Counterclaim Defendants Charles Story and Douglas Story deny that they are mere "tenants" of the lot located at 3 Plum Sound Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 142. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 142.

143. Counterclaim Defendant Kathryn A. Stover, individually and as Trustee of the 158 Little Neck Trust, denies that she is a mere "tenant" of the lot located at 15 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 143. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 143.

144. Counterclaim Defendants Marcia Cowdry (sic), Nadine Wilkery (sic) and Richard Cowdry (sic) deny that they are mere "tenants" of the lots located at 9 and 11 River Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 144. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 144.

145. Counterclaim Defendants Jeffrey A. Berman and Beth C. Luchner deny that they are mere "tenants" of the lots located at 9 River Road and 45 Middle Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 145. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 145.

146. Counterclaim Defendant Robert MacRae denies that he is a mere "tenant" of the lot located at 3 River Road in Ipswich, lacks information sufficient to form a belief as to the truthfulness of the allegations concerning the assessed value of the lot and denies the remaining allegations contained in paragraph 146. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 146.

147. Counterclaim Defendant Francine Amore Koris denies that she is a mere "tenant" of the lot located at 2 Cliff Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 147. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 147.

148. Counterclaim Defendants Mark Sullivan, Kara Sullivan and Christopher Sullivan deny that they are mere "tenants" of the lot located at 8 Cliff Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 148. As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 148.

149. Counterclaim Defendant Eleanor F. Mann denies that she is a mere "tenant" of the lot located at 63 River Road in Ipswich and lacks information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 149. As to the remaining Counterclaim Defendants, no answer is required of the allegations contained in paragraph 149.

150. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 150.

151. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 151.

152. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 152.

153. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 153.

154. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 154.

~~155. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 155.~~

156. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 156.

157. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 157.

158. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 158.

159. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 159.

160. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 160.

161. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 161.

162. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 162.

163. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 163.

164. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 164.

165. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 165.

166. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 166.

167. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 167.

168. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 168.

169. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 169.

170. No answer is required of the Counterclaim Defendants to the allegations contained in paragraph 170.

171. Counterclaim Defendants Stephen Moore and Nancy Moore, Trustees of the Nancy A. Moore Revocable Trust, deny that they are mere "tenants" of the lot located at 24 Plum Sound Road in Ipswich and lack information sufficient to form a belief as to the truthfulness of the remaining allegations contained in paragraph 171.

As to the remaining Counterclaim Defendants, no answer is required to the allegations contained in paragraph 171.

172. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 172.

173. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 173.

174. No answer is required by the Counterclaim Defendants to the allegations contained in paragraph 174.

FACTS COMMON TO COUNTS I AND II

175. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 175 or with respect to the authenticity of the attached Exhibits A and B.

176. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in the last sentence of paragraph 176 and otherwise admit the allegations contained in paragraph 176.

177. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 177.

178. The Counterclaim Defendants admit that Chapter 26 of the Province Laws of 1755-56 was enacted and they admit the accuracy of that part of Chapter 26 quoted in paragraph 178. The Counterclaim Defendants deny the remaining allegations contained in paragraph 178, including that the attached Exhibit C is a copy of Chapter 26.

179. The Counterclaim Defendants admit the accuracy of that part of Chapter 26 quoted in paragraph 179. The Counterclaim Defendants deny the remaining allegations contained in paragraph 179.

180. The Counterclaim Defendants admit the accuracy of that part of Chapter 26 quoted in paragraph 180. The Counterclaim Defendants deny the remaining allegations contained in paragraph 180.

181. The Counterclaim Defendants admit the allegations contained in paragraph 181.

~~182.~~ The Counterclaim Defendants admit that Chapter 5 of the Province Laws of 1765-66 was enacted for the term of 21 years, but deny the remaining the allegations contained in paragraph 182.

183. The Counterclaim Defendants admit that by Chapter 54 of the Acts of 1786, Chapter 5 of the Province Laws of 1765-66 was made perpetual. The Counterclaim Defendants deny the remaining allegations contained in paragraph 183.

184. The Counterclaim Defendants admit the accuracy of that part of Chapter 5 quoted in paragraph 184. The Counterclaim Defendants deny the remaining allegations contained in paragraph 184.

185. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 185.

186. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 186.

187. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 187.

188. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 188.

189. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 189.

190. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 190.

191. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 191.

192. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 192.

193. The Counterclaim Defendants lack information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 193.

COUNT I

194. The Counterclaim Defendants restate their answers to the allegations of paragraphs 1 through 193 in answer to the allegations contained in paragraph 194.

195. No answer is required by the Counterclaim Defendants to what purports to be partial quotes from G. L. c. 39, §23B as stated in paragraph 195.

196. No answer is required by the Counterclaim Defendants to what purports to be partial quotes from G. L. c. 39, §24 as stated in paragraph 196.

197. No answer is required by the Counterclaim Defendants to what purports to be partial quotes from G. L. c. 39, §23A stated in paragraph 197.

198. No answer is required by the Counterclaim Defendants to the conclusion of law recited in paragraph 198.

199. No answer is required by the Counterclaim Defendants to the conclusion recited in paragraph 199.

200. No answer is required by the Counterclaim Defendants to the conclusion recited in paragraph 200.

201. No answer is required by the Counterclaim Defendants to the conclusion recited in paragraph 201.

202. The Counterclaim Defendants admit the allegations contained in paragraph 202.

203. No answer is required by the Counterclaim Defendants in response to their "contention" asserted in paragraph 203.

204. No answer is required by the Counterclaim Defendants in response to the conclusion recited in paragraph 204.

205. No answer is required by the Counterclaim Defendants in response to the conclusion recited in paragraph 205.

COUNT II

206. The Counterclaim Defendants restate their answers to the allegations contained in paragraphs 1 through 193 and 195 through 205 in answer to the allegations contained in paragraph 206.

207. No answer is required by the Counterclaim Defendants to what purports to be partial quotes from G. L. c. 30B, §2 stated in paragraph 207.

208. No answer is required by the Counterclaim Defendants to the conclusion of law recited in paragraph 208.

209. No answer is required by the Counterclaim Defendants to the conclusion recited in paragraph 209.

210. No answer is required by the Counterclaim Defendants to the conclusion recited in paragraph 210.

211. No answer is required by the Counterclaim Defendants to the "contention]" asserted in paragraph 211.

212. No answer is required by the Counterclaim Defendants to the conclusion recited in paragraph 212.

COUNT III

213. The Counterclaim Defendants restate their answers to the allegations contained in paragraphs 1 through 148 in response to the allegations contained in paragraph 213.

214. The Counterclaim Defendants deny the allegations contained in paragraph 214.

215. The Counterclaim Defendants deny the allegations contained in paragraph 215.

216. The Counterclaim Defendants deny the allegations contained in paragraph 216.

217. The Counterclaim Defendants deny the allegations contained in paragraph 217.

218. The Counterclaim Defendants deny the allegations contained in paragraph 218.

219. The Counterclaim Defendants deny the allegations contained in paragraph 219.

AFFIRMATIVE AND OTHER DEFENSES

The Counterclaim Defendants assert the following affirmative and other defenses:

1. Count III fails to state a claim upon which relief can be granted.
2. Count III is barred by the statute of frauds.
3. The Feoffees failed to properly oversee and manage the design, construction and cost of the centralized wastewater collection system and, as a result, they are estopped from recovering anything as against the Counterclaim Defendants.
4. If, as the Feoffees allege, the Counterclaim Defendants "offered" to pay the costs of the installation of the centralized wastewater collection system (which the Counterclaim Defendants deny), the same does not constitute an unambiguous promise on the part of the Counterclaim Defendants to pay the costs of the installation; the Counterclaim Defendants did not intend the offer to be legally binding; the Feoffees did not reasonably rely upon said offer; and any reliance by the Feoffees was neither reasonable nor justified.
5. In order that the Feoffees recover under Count III based upon the alleged theory of an "injustice" were they not permitted to do so, the Feoffees are required to come to court with clean hands and they have not done so.
6. Any actions and/or statements and/or representations allegedly made by any individual or entity allegedly on behalf of the Counterclaim Defendants, upon which the Feoffees base their claims as asserted in Count III, were not authorized by

the Counterclaim Defendants and were not performed or given with actual, implied or apparent authority of the Counterclaim Defendants.

7. The claims of the Feoffees, as asserted in Count III, fail for lack of consideration.

8. The claims of the Feoffees, as asserted in Count III, are barred, in whole or in part, by the Feoffees' own conduct and failure to mitigate any alleged damages.

9. The claims of the Feoffees, as asserted in Count III, are barred, in whole or in part, by the doctrine of laches.

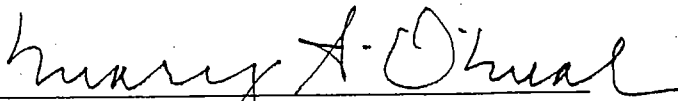
10. The Counterclaim Defendants hereby reserve the right to assert other affirmative defenses, when and if appropriate.

WHEREFORE, the Counterclaim Defendants request that this Honorable Court enter judgment in favor of the Counterclaim Defendants on the Feoffees' claims against them.

Respectfully submitted,

**WILLIAM M. LONERGAN AND
DIANE WHITNEY-WALLACE**

On behalf of themselves and
all others similarly situated,



Neal C. Tully, Esquire--BBO #504280

Mary E. O'Neal, Esquire--BBO #379325

MASTERMAN, CULBERT & TULLY LLP

One Lewis Wharf

Boston, Massachusetts 02110

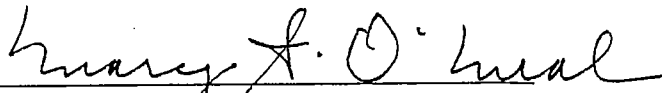
(617) 227-8010

Dated: February 22, 2007

CERTIFICATE OF SERVICE

I, Mary E. O'Neal, Attorney for the Counterclaim Defendants listed on the attached Schedule "A", hereby certify that I have this date made service of the foregoing Answer to Counterclaim by Plaintiffs, Defendants-in-Counterclaim and Others, by mailing a copy of the same, postage prepaid, to the following counsel of record:

William H. Sheehan, III, Esquire
MacLEAN HOLLOWAY DOHERTY ARDIFF & MORSE, P.C.
8 Essex Center Drive
Peabody, Massachusetts 01960



MARY E. O'NEAL

Dated: February 22, 2007

SCHEDULE "A"

Aiello, Robert
Allen, Thomas and Mary
Anthony, Paul and Laurel A.
Anthony, Michael J. and Michelle M.
Attridge, Margaret
Bagnell, Walter and Mary
Barton, Richard and Joan
Benjamin, Peter A. and Linda L.
Benjamin, Roy and Sally
Berman, Jeffrey A. and Beth C. Luchner
Blum, Dawna
Bouley, Patricia
Brennan, Brian and Eileen
Brown, Cynthia
Carmichael (sic), Wendy and James Weaver
Carroll, David and Carol
Carroll, Peter, Trustee of the Carroll Family Trust
Casey, Michael S. and Kathleen A.
Ciolek, Theodore
Cogan, Herbert B., Jr.
Cole, Robert F., Jr.
Connor, John and Janet
Cowdry (sic), Marcia and Richard and Nadine Wilkery (sic)
Currie, Norma J. and Yvette A. Beeman
Cutler, Garrett and Bruce and Joyce Thompson
Davis, Francis J., Jr. and Carol R.
Deven (sic), Philip and Ann Dever
Dever, Elaine C.
Devlin, Charles M., Jr., Mark A., William G. and Nancy J.
Dieringer, Mary G., Trustee of the 25 Bay Road Trust
Dieringer, Mary and Douglas
Disalvo (sic), Mark S.
Dody (sic), Deborah, Trustee of the Buckley Family Trust
Doherty, Richard and Ann
Donaldson, Malcolm and Nancy
Donaldson, Nancy
Donohoe, Anne B.
Donovan, Gerald J.
Dowling, Joseph
Duran, John F., Jr. and Ruth M., Trustees of the Duran Realty Trust
Eaton, Lillian V., Trustee of the Lillian V. Eaton Living Trust
Ferrino, Joseph and Marie

Fidrocki, Walter, Trustee of the Fidrocki Trust
Fogarty, John
Fankos (sic), Elizabeth
Friske (sic), Joanne M.
Gillette, James and Patricia
Girdwood, Douglas and Susan McDonald (sic)
Goodwin, Edward
Gorham, Dorothy
Gorman, Mary
Gottlieb, William A. and Roberta A. Crowley
Gresek, Donald
Hamlin, Ross
Hanson, Grace
Hardy, William and Marion D.
Harris, Cornelia
Holden, Peter
Horsman, Byard and Jean
Hough, Sarah D. and Willis S.
Hull, Peter R.
Huntley, Charles and Alberta
Johnson, Cynthia
Johnson, Mary F.
Kaine, Edwin and Diane
Kelley, Kara E. and Frederick R., III and Nancy G. Lydon, Trustees of the Kelley
 Little Neck Trust
Koris, Francine Amore
Krupanski, James
Kurnick, James
Kutz, Eleanor
Lalikos, Florence
Lichoulas, Catherine D'Amico
Lonergan, William and Carol
Lowden, Arthur and Diane
Lyons, Joyce V.
MacRae, Robert
Maloney, Janet R.
Maloney, Jason
Maloney, Robert M., Jr. and Susan
Mann, Eleanor F.
Marchisio, Alida M., Trustee of the Marchisio Trust
Mastrogiovanni, Maura
Mattson, Paul and Patricia
McDonald, Peter and Kimberly A.
McGilvray, Cornelia and Paul
Merlino, Patrick, Trustee of the River Road Trust

Moore, Steven and Nancy, Trustees of the Nancy A. Moore Revocable Trust
Morrison, Wayne W. and Phyllis J.
Norieka, John F. and Donna A.
O'Brien, Michael
O'Flahavan, Mildred K.
O'Keefe, Timothy
Pulsford, Barbara A.
Raynard, Edward L. and Shirley M.
Robinson, Cecily
Rocco, David S.
Rodman, Scot
Rogal, Peter and Pamela
Rowell, Barbara
Ruta, Stephen and Dolores
Saline, Craig A. and Sharon M.
Sandberg, Martha
Santoro, Barbara Carbone, Trustee of the Barbara K. Carbone Trust
Saunders, Richard
Scannell, Francis J. and Brenda Pearse
Schless, Robert A. and Christine Hawrylak
Sciple, Patricia A.
Seeger, Robert and Renee Loth
Simkins, Sandra
Spatz, Bruce H.
Spenser, John and Jane Kennedy
Stallard, Marilyn
Stocker, Richard W. and Myrone (sic)
Story, Charles and Douglas
Stover, Kathryn A., individually and as trustee of 158 Little Neck Trust
Sullivan, Mark, Kara and Christopher
Surette, Philip and Nancy
Survilas, Joseph and Nancy
Todd, Deborah O.
Torrise, Elizabeth S.
Varney, Robert
Varney, Mary
Vieno, Susan E.
Walker, Diane and Michael
Watson, Robert, Susan and Sally
Whitney-Wallace, Diane
Wilkey, Nadine
Yemma, Antonio and Cheryl
Yacubian, Richard H. and June H.