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COMMONWEALTH OF MASSACHUSETTS
 ESSEX, S.S. SUPERIOR COURT
 No. 2006-02328

 WILLIAM M. LONERGAN, ET AL, *
 Plaintiffs *
 VS. *
 JAMES W. FOLEY, ET AL, FEOFFEEES OF THE *
 GRAMMAR SCHOOL IN THE TOWN OF IPSWICH, *
 Defendants *
 VS. *
 DISTRICT ATTORNEY FOR THE ESSEX *
 DISTRICT, ET AL, *
 Additional Defendants in Counterclaim *

DEPOSITION of CAROL L. LONERGAN, a
 witness called on behalf of the Defendants,
 taken pursuant to the applicable provisions of
 the Massachusetts Rules of Civil Procedure,
 before Jane M. Walsh, Shorthand Reporter and
 Notary Public in and for the Commonwealth of
 Massachusetts, at the offices of MacLean,
 Holloway, Doherty, Ardiff & Morse, P.C., 8
 Essex Center Drive, Peabody, Massachusetts, on
 Monday, May 14, 2007, commencing at 11:30 a.m.

BRENDA M. NADEAU, PCR.
 P.O. BOX 916
 Georgetown, Massachusetts 01833
 (978) 352-3314

A P P E A R A N C E S

MARY E. O'NEAL, ATTORNEY-AT-LAW
 Masterman, Culbert & Tully, LLP
 One Lewis Wharf
 Boston, Massachusetts 02110
 On behalf of the Plaintiffs.

WILLIAM SHEEHAN, ESQUIRE
 MacLean, Holloway, Doherty, Ardiff & Morse, P.C.
 8 Essex Center Drive
 Peabody, Massachusetts 01960
 On behalf of the Defendants.

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
CAROL L. LONERGAN	5	--

E X H I B I T S

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Monday, May 14, 2007

S T I P U L A T I O N S

It is hereby stipulated by and between
 counsel for the respective parties that the
 filing and notarization of the witness'
 signature on the deposition transcript are
 hereby waived and that the reading and signing
 shall be completed within 30 days of receipt of
 transcript.

It is further stipulated that all
 objections except those as to form and motions
 to strike will be reserved until the time of
 trial.

CAROL L. LONERGAN
 having been satisfactorily identified and duly
 sworn by the Notary Public, was examined and
 testified as follows:

MR. SHEEHAN: Good morning.

EXHIBIT

11 62

tabbles

5

1
2 **DIRECT EXAMINATION BY MR. SHEEHAN:**
3 Q Could you please state your full name and spell
4 your last name for the record.
5 A Carol Lonergan, L-O-N-E-R-G-A-N.
6 Q Where do you live?
7 A 36 Middle Road, Ipswich, Mass.
8 Q That is a seasonal cottage which you rent from the
9 Feoffees, correct?
10 A Correct. I don't rent the cottage. I rent the
11 land from the Feoffees.
12 Q Your permanent address, please.
13 A 39 Greenhalge. That's G-R-E-E-N-H-A-L-G-E Street,
14 Medford, Mass.
15 Q And your husband's name?
16 A William.
17 Q Do you have any children?
18 A Four.
19 Q Their names, please.
20 A Their married names, Beth Stanford,
21 S-T-A-N-F-O-R-D, Patricia Covelli, C-O-V-E-L-L-I,
22 Theresa LoPilanto, pardon, that's L-O, capital,
23 P-I-L-A-N-T-O, and Timothy Lonergan.
24 Q This is the Notice of Deposition that brings you

7

1 every summer and rented different places with, the
2 Spinellis bought a house on Fifth Street. It's
3 not Fifth anymore. It's Plumb Sound. He's since
4 deceased, but we stayed with them that first
5 summer and at that time we found this cottage for
6 sale and we purchased it.
7 Q Your sister's name, please?
8 A Gerry Mahoney.
9 Q Gerry Mahoney owns a cottage on rented land as
10 well?
11 A No, no. She's over on Great Neck. She is on
12 Little Neck Road. No, she owns her own land.
13 Q So your sister owns property on Great Neck?
14 A Correct.
15 Q And it was visiting with your sister that you
16 became familiar with Little Neck?
17 A Correct.
18 Q Did you understand when you and your husband
19 bought the cottage in 1985, that you would be
20 paying rent to the Feoffees?
21 A Yes.
22 Q And did you understand you were a tenant-at-will?
23 A Absolutely not, never heard the word before until
24 about three or four years ago.

6

1 here today, Mrs. Lonergan?
2
3 (Document handed to the witness.)
4
5 A Yep.
6 MR. SHEEHAN: Could we have that marked
7 please as No. 1.
8
9 (Exhibit No. 1, Notice of Deposition,
10 marked.)
11
12 Q Mrs. Lonergan, you purchased a cottage at
13 Little Neck that was located on Lot 130 for
14 \$75,000.00 in 1985; is that correct?
15 A Correct.
16 Q And were you as anxious to acquire that cottage as
17 your husband?
18 A Yeah. I was, very much wanted to, yes.
19 Q And how did you become familiar with the cottage?
20 A Well, my first, started with my sister has a place
21 on Great Neck right on Little Neck Road. So
22 that's how we got to know the area. We then used
23 to boat and bring our boat up and stay in the cove
24 up there. Then our friends who we vacationed with

8

1 Q Why did you use that word or that terms in
2 correspondence to the Feoffees?
3 A Yeah. Well, my husband and I wrote that letter
4 together, and the reason we did was just
5 responding to the words that they were using at
6 the time. I mean, in other words, they had used
7 that word and we used the word back. It had been
8 brought back and forth. I don't think we were
9 even -- Well, I mean, at that point we probably
10 knew what it meant, but prior to that we never
11 even knew what it meant. We never heard it
12 before.
13 Q That is, that document is your letter of July 28,
14 2004, correct?
15
16 (Document handed to the witness.)
17
18 A Correct. That is correct.
19 MR. SHEEHAN: Could we have that marked
20 No. 2.
21
22 (Exhibit No. 2, Letter of 7/28/04, marked.)
23
24 Q Now, the letter that we've marked as Exhibit

9

1 No. 2 was drafted by you and your husband,
 2 correct?
 3 A Correct. I initially started the letter and then
 4 he helped me review it and compose it, yeah. I
 5 signed it.
 6 Q Okay. You didn't show it to anyone other than
 7 your husband, did you, before you sent it?
 8 A I don't think so, no.
 9 Q I'll quote a portion of that letter and it says,
 10 "as tenants-at-will we are at your mercy." Did I
 11 read that accurately?
 12 A That's correct. You did.
 13 Q What does that mean?
 14 A Well, they had told us in, the just recently they
 15 had told us after we got the bill that all of a
 16 sudden they were using this word
 17 "tenants-at-will," you know. We were meeting with
 18 various people and the Feoffees and what not and
 19 that was the first time that they had really
 20 started using that term, and they're trying to say
 21 we're tenants-at-will. We say, well, if we're
 22 tenants-at-will, then we're at your mercy. I
 23 don't think prior to that, I know I didn't
 24 understand anything about that. Never thought I

11

1 Q -- is a document that we marked as Exhibit No. 5
 2 at your husband's deposition earlier today,
 3 correct?
 4 A Uh-huh.
 5 Q Is that correct?
 6 A How would I know whether you -- I'm sorry. Could
 7 you say that again.
 8 Q Sure. I have just handed to you a document which
 9 we marked as Exhibit No. 5 at William Lonergan's
 10 deposition earlier today. Do you see that
 11 document?
 12 A Uh-huh.
 13 Q You have to answer yes or no for me.
 14 A Yes, I do.
 15 Q You received a copy of that notice that we've
 16 marked as Exhibit No. 5, correct?
 17 A Correct.
 18 Q And it was in response to that notice that you
 19 sent the letter dated July 28, 2004 that we have
 20 just marked as Exhibit No. 2 at your deposition?
 21 A That's correct.
 22 Q Okay. Now, where in Exhibit No. 5 to your
 23 husband's deposition does it talk of
 24 tenants-at-will?

10

1 was a tenant-at-will, but I perhaps in retrospect
 2 maybe using it, but we basically were just
 3 parroting what they had said to us.
 4 Q Well, your letter Exhibit 2 is in response to a
 5 notice that you received from the Feoffees
 6 increasing the rent, correct?
 7 A Correct.
 8 Q And that notice is the document I've just handed
 9 to you, isn't it?
 10
 11 (Document handed to the witness.)
 12
 13 A Correct, and, you know, the thing is there is no
 14 date on when that was sent, but I just want you to
 15 know that that was sent, I believe, somewhere in
 16 the middle of July, the 10th, between the 10th and
 17 the 15th and it was due August 1st. So just so
 18 you know, there was a two-week time frame to come
 19 up with the difference of \$1800.00. So that's
 20 just so you know that.
 21 Q The notice that you received from the Feoffees to
 22 which you responded with your letter which we have
 23 marked as Exhibit No. 2 --
 24 A Umm.

12

1 A Umm, it doesn't in this letter.
 2 Q Okay. Now, I asked you and your husband to bring
 3 with you all correspondence that you had with the
 4 Feoffees, correct?
 5 A Uh-huh.
 6 Q You have to answer yes or no.
 7 A That's correct. Yes. I'm sorry.
 8 Q In fact, that request is contained in the
 9 Deposition Notice that we have just marked as
 10 Exhibit No. 1 to your deposition?
 11 A Yes.
 12 Q And you produced all of those documents, didn't
 13 you?
 14 A Everything that I had.
 15 Q Okay. Did you review those documents before you
 16 came in today?
 17 A Yes.
 18 Q There was no reference in any of those documents
 19 except your letter to a tenancy-at-will, was
 20 there?
 21 A I don't remember honestly. I don't remember
 22 reading that, but just to tell you, that there
 23 were times that the Feoffees and people from the
 24 Feoffees sat with us and the word tenant-at-will

13

1 was starting to be thrown out in the newspapers in
2 various articles. I don't remember if we met with
3 the Feoffees after this bill came out or not. I
4 kind of think we did, but I'm not positive of
5 that, but the word tenant-at-will was starting to
6 be thrown about. What's where I got the word.
7 That is the only place I got the word.

8 Q Okay. Now, I think you've indicated that when you
9 bought the cottage, you understood that you were
10 buying the cottage but not the land?

11 A Correct.

12 Q And you knew that the Feoffees owned the lot on
13 which the cottage sat?

14 A Correct.

15 Q You knew that you would be paying rent to the
16 Feoffees?

17 A Correct.

18 Q You understood that the rent would go up if the
19 Feoffees wanted it to go up; isn't that right?

20 A Yes, but it was -- Okay. Yes.

21 Q And you also knew that if you didn't pay the rent
22 that the Feoffees charged, that you could be
23 evicted, didn't you?

24 A Yes, but I do want to say the day that I, the day

15

1 the governor there in 1990. He always came to the
2 meetings once a year, to the association meeting
3 and many, many times when we were trying to raise
4 money, we needed to paint the community center
5 which was falling apart and he, you know, I will
6 gladly give you money for paint if you guys do the
7 work, you know, and somebody made the statement
8 well, you know, why are we doing the work? Well,
9 this is a community thing and this is, you know,
10 how safe it is here, and he reiterated this at
11 many, many meetings, and if I had the minutes,
12 you'd see that, that this has been around for 350
13 years and you're going to be here. People have
14 been renting for a hundred years and they're going
15 to be renting for another hundred years. It's
16 nothing to worry about.

17 So he encouraged us to not only fix our own
18 cottage, but to help fix up the community
19 building. I mean, we literally, we did the paint.
20 We put shingles up. We put new bathrooms in
21 there, all at our expense. We put a playground
22 in. We put a new kitchen in. This was encouraged
23 by Mr. Whiston at all times which gave us a
24 feeling of ownership honestly that we were putting

14

1 that we bought our cottage, we were in the
2 lawyer's office. Now, the lawyer that we had, I
3 believe, was a lawyer for the Feoffees, Mr. Hayes.
4 The real estate dealer was there and the sellers
5 were there and somebody made the statement. I
6 truly don't know who it was. It was over 20 years
7 ago. They made the statement "are you all excited
8 about this?" I said, "yes," but I was a little
9 bit apprehensive that we don't own the land. I've
10 never done that before and I had to get the
11 mortgage by mortgaging our year-round house.
12 Somebody in the room said, these are not exact
13 words, but something to the effect, oh, God. You
14 don't have to worry. That's been around for 350
15 years and it is a very safe proposition. Now, the
16 lawyer did not dispute it and I don't even know
17 that he is not the one that said it. I don't
18 think he was, but somebody in the room said it,
19 and then he did not dispute it and this was what
20 we heard all the time from, okay, word of mouth
21 which I understand you don't credit that, but word
22 of mouth of people on the Neck, but we also heard
23 it from when we had meetings.

24 Mr. Whiston used to meet with us and I was

16

1 thousands of dollars into a building we supposedly
2 didn't own, but yet when they encourage you to do
3 this, you felt you had a partial ownership.

4 We felt very secure and I think the only time
5 that we started feeling insecure was the last five
6 or six years. I mean, prior to that it wasn't
7 even a question. We were here for as long we
8 wanted to. Like I guess somebody got kicked off
9 for running a whore house. As long as you paid
10 the bills and obeyed the rules, you were golden.

11 Q In 1985 before you bought the cottage, did you
12 have any discussions with any of the Feoffees?

13 A We sent a letter to them. We had to send a letter
14 to introduce ourselves, and as a matter of fact,
15 my brother was over yesterday. We were trying to
16 discuss because he bought the year after me and
17 apparently they sent a letter back to us
18 acknowledging us, but I don't remember that and I
19 do not have that letter if they did send it back,
20 so I, did I personally meet with them? I can't
21 remember. I don't think so.

22 Q Now, you say Attorney Hayes was at the closing?

23 A I think his name is on, I think that's who it was,
24 correct.

17

1 Q When you bought the cottage, whom did he
2 represent?
3 A I'm not positive. He didn't represent -- I didn't
4 hire him. I thought he was the attorney for the
5 Feoffees, always thought that.
6 Q Well, no Feoffees were at the closing?
7 A Absolutely not.
8 Q And the document that you received from
9 Attorney Hayes was a Bill of Sale, correct?
10 A Correct.
11 Q And that didn't come from the Feoffees, did it?
12 A No. Well, I don't know that. I don't know the
13 answer to that. I mean, it came from that day.
14 It was given to us that day. I don't know where
15 it originated.
16 Q Well, the Bill of Sale was from the Parks,
17 correct?
18 A Yes.
19 Q They were the seller of the cottage?
20 A Correct.
21 Q The Feoffees didn't own the cottage?
22 A Correct.
23 Q You had no conversation with any of the Feoffees
24 before you bought the cottage?

19

1 that yes, but yes, I have heard him say that, yes.
2 Q Was the first time when you were a governor in
3 1990?
4 A It was in that time frame and I don't know that,
5 if it was exactly that, but I do know when we
6 asked for the painting of the community center, he
7 said to us that he was trying to keep the rents
8 down because our taxes were so high and we only
9 were seasonal use and that's why that we would --
10 There was not a lot of money available, so if we
11 could help this way, it would keep the rent down
12 and the whole purpose was he always worked hard to
13 keep the rents down because of the seasonal use
14 and because we pay full property tax and that's
15 always been his practice and that was said
16 numerous times at numerous meetings.
17 Q Did Mr. Whiston ever say anything other than that
18 regarding rent?
19 A He came to us when we were doing the, when they
20 did the thing that it went up to \$3200.00 and I
21 have a vague recollection, but he sat with us and
22 said that he was getting pressure to give more
23 money to the Town and that they at that time were
24 going to do it over a period of, I believe it was

18

1 A I just stated that I don't think I did, but I am
2 not positive of that.
3 Q All right. You received no correspondence from
4 the Feoffees before you bought the cottage other
5 than perhaps a letter in response to your
6 requesting permission to become the successor
7 owner to the Parks of the cottage, correct?
8 A I don't recall any other, anything else.
9 Q Okay. Now, have you received anything in writing
10 ever from the Feoffees that said that they did not
11 have the right to raise the rent to whatever price
12 they wanted?
13 A In writing, no, but --
14 Q I am just --
15 A To reiterate, when Mr. Whiston --
16 Q Let's just take them one step at a time. I don't
17 mean to cut you off on your answers.
18 A That's fine.
19 Q But if we do it step-by-step, we'll move along, I
20 think, a little bit more quickly. Now, you say
21 that you had -- strike that. You say that you
22 heard Mr. Whiston make statements regarding rent,
23 correct?
24 A I did. I didn't just -- I don't think I've said

20

1 five years, that the rents would be escalated in a
2 period and the market index and all this kind of
3 stuff which I don't understand all that, but and
4 they were trying to come up with fair rents and he
5 did say at that time, "I know we've always tried
6 to keep the rent down."
7 Q And Mr. Whiston told you of the plan to increase
8 the rents over the next few years, correct?
9 A Yes, and I don't, but I believe, I think we had
10 already got the bill and then they came to explain
11 it, but I don't know. I can't remember the
12 sequence there honestly.
13 Q When you say "us," you're referring to a group of
14 homeowners, correct?
15 A Correct, yeah, everybody that was at the meeting,
16 correct.
17 Q Mr. Whiston addressed all of those who cared to
18 appear --
19 A Correct.
20 Q -- who were homeowners of cottages on the Neck?
21 A Correct.
22 Q And he explained that the rent was going to go up
23 in response to a request by the School Department
24 or other town officials for more money from the

21

1 trust; is that correct?

2 A Yes, but I think that we got the letter first and
3 then he came as an explanation and at that point
4 we only had -- That was, again they always do it
5 over the 4th of July, in that vicinity we got the
6 bill. It was due August 1st, but then he came, I
7 believe he came and sat with us and had a meeting
8 with us to explain what this was all about.

9 Q Did any of the homeowners say words to the effect
10 of you can't do that?

11 A No.

12 Q Okay, that's because you knew, didn't you, that he
13 could do that?

14 A I don't think I knew what my rights were at that
15 point.

16 Q In any event, no one stated any opposition to
17 Mr. Whiston?

18 A Oh, there was plenty of opposition. There was
19 plenty of opposition in the room.

20 Q They didn't want the rent to go up?

21 A Absolutely.

22 Q Now, did you ever pay any rent under protest?

23 A When I paid that \$5000.00 rent. That's why I sent
24 the letter, the letter was sent as protest with my

23

1 the lot and the cottage, correct?

2 A In retrospect I see that now, yes, but I did not
3 know that at the time. I mean, you don't assume
4 you're going to pay real estate tax on something
5 you don't own. That is an assumption, but, you
6 know.

7 Q Now --

8 A Stupid assumption.

9 Q I think you indicated that you are a registered
10 nurse?

11 A I am.

12 Q You know the importance of documentation?

13 A Correct, but you've got to understand. I do
14 understand the importance of documentation, but if
15 you were to read a medical report, you wouldn't
16 understand all the nuances. If I read a legal
17 report, I don't understand all the nuances. It is
18 a specialty.

19 Q If I tried to read a medical report and couldn't
20 understand it, what would you expect me to do?

21 A You would ask a question of the doctor or the
22 nurse obviously.

23 Q If you were to review a legal document which you
24 couldn't understand, what would I expect you to

22

1 \$5000.00.

2 Q Did you attempt to indicate your protest by any
3 other documents other than the letter that we've
4 marked as Exhibit No. 2?

5 A No.

6 Q Did you --

7 A Not that I recall.

8 Q Did you state orally any protest at the time that
9 you made the payment in or about July of 2004?

10 A I don't remember.

11 Q Okay. Now, you understood when you bought the
12 cottage in 1985 that you were also going to be
13 paying real estate taxes, correct?

14 A Correct.

15 Q You understood those taxes were on the cottage and
16 the lot, correct?

17 A No, I didn't. I didn't understand that. I know
18 it is in the deed. I've seen it since, but I did
19 not know that.

20 Q Did you read the Bill of Sale before you delivered
21 to the Parks the \$75,000.00?

22 A I obviously didn't read it thoroughly, but I read
23 it. I skimmed, you know.

24 Q It does say that you would be paying taxes on both

24

1 do?

2 A You would --

3 MS. O'NEAL: Objection.

4 A You would ask someone.

5 Q You would ask whom?

6 A I would ask the lawyer that was there.

7 Q Did you have a lawyer present in 1985?

8 A We had a lawyer present. It was not my lawyer.

9 Q Did you have a lawyer in 1985?

10 A No.

11 Q Did you understand that you could have a lawyer
12 represent you when you purchased the cottage?

13 A Probably, yes. I probably did.

14 Q You just made an election not to have a lawyer
15 represent you, correct?

16 A Yeah, I guess that's what I did. I mean, I really
17 don't know. I mean, I don't think it was even a
18 consideration. We didn't think about it.

19 Q Well, that was, that transaction when you bought
20 the cottage, that was the biggest economic
21 transaction that you and your husband had ever
22 engaged in, wasn't it?

23 A Correct.

24 Q It was four and half times the cost of the house

25

1 that you bought in Medford?
 2 A That's right.
 3 Q Did you have a lawyer represent you when you
 4 bought your house in Medford?
 5 A No.
 6 Q That was your choice though, correct?
 7 A It was our stupidity. We were young kids. We
 8 were 25.
 9 Q When you bought your house in Medford?
 10 A Uh-huh.
 11 Q How old were you -- I wasn't going to ask, but how
 12 old were you when you bought your cottage in '85?
 13 A That would be 45. You know what --
 14 Q I won't say you weren't a young kid at age 45.
 15 A I wasn't. I'm emotional about this whole thing,
 16 but you just, I guess we trusted.
 17 Q Now --
 18 A We trusted. That is what we did.
 19 Q Now, do you understand that the Massachusetts
 20 Department of Environmental Protection ordered the
 21 Feoffees to change the way all the septic systems
 22 were operated and conducted?
 23 A Yes, I do. I understand the whole thing of it,
 24 yes.

27

1 Q And Great Neck people and all of you folks were
 2 trying to convince the townspeople of Ipswich to
 3 bring sewer out to Great Neck and Little Neck?
 4 A That's correct.
 5 Q But the town voted it down, didn't it?
 6 A That's right.
 7 Q Then there were other options that were looked at
 8 by the Feoffees and engineers, correct?
 9 A That's right.
 10 Q And the Feoffees told you and the other homeowners
 11 that you were going to be looking at substantial
 12 cost; isn't that right?
 13 A Yes. I remember when they were going to do the
 14 tight tanks, the individual tight tanks, we were
 15 told it would be about somewhere around 15
 16 thousand per family and I remember at several of
 17 the meetings, and again we met with Donnie Whiston
 18 and many other people, and I remember Fred Kelly
 19 standing up and asking that could we buy our own?
 20 Could we as a group go out and get a bid and buy
 21 our own tight tanks? Because we could get a
 22 better price doing that, and they said no and we
 23 asked if we could somehow go out and get bids on
 24 pumping out, that we could keep the cost down.

26

1 Q You understand that the common waste water system
 2 that was built was in response to that D.E.P.
 3 order, correct?
 4 A To the D.E.P. order, correct.
 5 Q And there were a number of options that were
 6 looked into by the Feoffees and the homeowners
 7 association, right?
 8 A Uh-huh.
 9 Q You have to answer yes or no.
 10 A Yes. I'm sorry.
 11 Q This all took place between the years 2000 and
 12 2006; is that correct?
 13 A I'd say approximately, yeah.
 14 Q Among other things there was an attempt by the
 15 Feoffees to bring sewerage to Little Neck?
 16 A Correct.
 17 Q And that went to Town Meeting, didn't it?
 18 A I was very involved in that whole process.
 19 Q You and others were active in behalf of the
 20 homeowners association?
 21 A Correct.
 22 Q Working hand and hand with the Feoffees and
 23 Great Neck people?
 24 A Yes.

28

1 They said no. They were going to handle the whole
 2 project. Then they talked about what they were
 3 going to do. At that time I think it was like 145
 4 tight tanks and 24 drip systems. I am not sure I
 5 have the numbers exact. The drip systems they did
 6 in retrospect found weren't going to work well.
 7 They were going to use big lots of land to do the
 8 drip properly on these places.
 9 My brother was very involved and there was
 10 quite a few, numerous meetings back and forth that
 11 my brother went to, and it was discussed that they
 12 could look at alternative systems and the Feoffees
 13 encouraged the association or the Sewer
 14 Commission. We were, we wanted to call ourselves
 15 at that time to go out and look at other things,
 16 and one of the other things that we actually hired
 17 an engineering company to go out and perk the land
 18 and all this kind of stuff, and one of the systems
 19 they came up with was a central system.
 20 Q Who came up with that?
 21 A I don't know the name of the company that did it,
 22 but the association, it was given to the
 23 association. The association gave back all the
 24 proposals that were handed to them to the

29

1 Feoffees. The Feoffees then took all of the
2 proposals that had been put in. There were
3 numerous different proposals and brought them to
4 the D.E.P. and the D.E.P. at that time made the
5 decision. The best decision was the central tight
6 tanks. Now, that was made by the D.E.P. It was
7 not made by us. We had all given all the
8 proposals that we had gathered, my brother's group
9 had gathered, I should say, and they gave it to
10 the Feoffees and the Feoffees gave it to D.E.P.
11 and the D.E.P. said, of all this stuff, the one we
12 like the best is the centralized system.

13 Q Who had come up with the plan for a centralized
14 system?

15 A The company that was hired.

16 Q The company that was hired by whom?

17 A By the association, but the Feoffees asked us to
18 look into it.

19 Q Okay.

20 A Okay?

21 Q And the association was in favor of a common
22 system as opposed to an individual tight tank
23 system, correct?

24 A I don't think it ever got that far. It never came

31

1 A Correct.

2 Q What is your brother's name who owns the cottage?

3 A Dick Doherty.

4 Q What is his address on Little Neck?

5 A I can't remember his address. I don't know if
6 it's 30. I am not sure what his number is. It is
7 on Middle Road. I know that much. He's only
8 three doors down from me on the other side of the
9 street.

10 Q Now, have you told me all of the conversations
11 that you've ever had with any of the Feoffees
12 about rent or taxes?

13 A I'm trying to remember. I know that I met
14 Mr. Whiston the day after the eviction notices
15 came last year. I was down the store and he
16 happened to come up behind me and I said, "I don't
17 think you want to talk to me today," and he made
18 the statement, "well, you pushed us to it," and I
19 said "I'm afraid, no, I'm afraid you pushed us
20 against the wall. You did this to us. We had no
21 alternative." He was talking about the 93 letter,
22 93(A), whatever it's called, and I told him at
23 that time that I thought the system, that it
24 wasn't working, that it was leaking like a sieve.

30

1 back to us. We just presented different alternate
2 systems that were available. I don't think it
3 never came, it never came back to us. They never,
4 they took the ball at that point with the D.E.P.
5 and they just went with it. It never came back to
6 us. There was no information. There was no
7 interchange between us on that, so we didn't agree
8 to anything.

9 Q Did you understand that the homeowners
10 association -- strike that. Did you understand
11 that the homeowners were going to have to pay for
12 the cost of the septic system?

13 A Not the central system, no.

14 Q Who did you think was going to pay for the cost of
15 the central system?

16 A My honest opinion I thought it was going to be a
17 joint effort, I would say, my thoughts, and they
18 would pay for the piping. Truly that's what I
19 thought, and the big tank and all that, I thought
20 it was going to be a shared effort.

21 Q Your cottage is now hooked up to the common sewer
22 system?

23 A Correct.

24 Q You're using it?

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1 They were pumping out two hundred thousand gallons
2 a day. That should be investigated.

3 I mean, I really thought that they should be
4 subject to the Attorney General like they did with
5 the Big Dig because it was leaking all over the
6 place. I mean, they got pipes coming out of the
7 street, coming down the street going into the
8 cove, you know. Anyway, that is the conversation
9 I had with him that day.

10 Q Okay.

11 A And he kind of asked me how -- I mean, you might
12 like to know when we got that eviction notice, I
13 mean, I felt like I was being blackmailed. I felt
14 like my house was, ransom put, was put on it, was
15 the ransom I was going to have to pay. If I
16 didn't sign their note, they're going to take my
17 house.

18 Q Have you had any other conversation with the
19 Feoffees about rent or taxes?

20 A The numerous conversations in the community
21 center. I mean, it just goes on every year. They
22 met with us and they talked. I mean, for years
23 the rents were, they went from 400 to 800 to 1200.
24 I mean, you know, those were reasonable increases

33

1 and those were talked about and he's trying to
 2 keep it down. He's trying to keep the rent down
 3 and, you know, yeah, we had those kind of
 4 conversations, but I don't have accurate
 5 information on that. I only know what I remember.
 6 Q Okay. Well, you've told me about the statements
 7 that you recall Mr. Whiston making at those
 8 homeowners association meetings?
 9 A Uh-huh, uh-huh.
 10 Q Do you recall his making any other statements
 11 other than what you have already told me about?
 12 A I'm trying to remember, you know. I'm searching
 13 my memory. Other than the fact that this is a
 14 community, that we're working together and to keep
 15 the community in proper working order and, you
 16 know, keep the rent down.

17
 18 (Brief recess taken.)
 19

20 Q I think I was asking you about any comments that
 21 you heard Mr. Whiston make at any of the
 22 homeowners association meetings, and I wanted you
 23 to exhaust your memory as to all statements made
 24 by Mr. Whiston or any other Feoffee at those

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1 just not responsive.
 2 Q Didn't you get notices and newsletters --
 3 A Not in the beginning.
 4 Q You have to wait until I finish.
 5 A I apologize.
 6 Q Didn't you get notices and newsletters as the
 7 contract was ongoing?
 8 A Not for about a year. I'd say it was a year. I
 9 don't recall, but it was, we got more letters
 10 stating to us what they were doing and what they
 11 expected us to do, not, they did not direct any
 12 questions, answers to our questions. Okay. They
 13 just gave us dictation of what they were doing and
 14 this is it. So if we had a question, we weren't
 15 getting answers for those.
 16 Q Now, your cottage is a seasonal cottage, correct?
 17 A Correct.
 18 Q What months does that permit you to use your
 19 cottage?
 20 A April 1st to November 1st, no, December 1st.
 21 Q Has that recently been extended to December 31st?
 22 A I've heard vague things about that. I do not know
 23 that for a fact.
 24 Q Now, the rent has gone up over the last few years,

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1 meetings.
 2 A I think it was just reiterating the things that
 3 I've said. I don't recall a lot of our statements
 4 made. I truly don't remember.
 5 Q You've told me about all the in-person
 6 communications you've had with any of the
 7 Feoffees, correct?
 8 A I have had in person with Mr. Foley in the past
 9 couple of years, but most of that has been very
 10 brief. You ask a question and he basically didn't
 11 really want to answer anything. Even prior to any
 12 legal action on our part, he was very vague in his
 13 answers. When we first started with this tight
 14 tank, once they started doing the tight tank,
 15 there was absolutely no communication for the two
 16 years that they were working on it. The
 17 association would ask questions and they would get
 18 no answers. On our own we could ask questions and
 19 they were very vague. We'd ask why they were
 20 moving, why are they digging with this, pulling
 21 this building, very, very cagey and none of your
 22 business answers. I am not saying anybody
 23 actually said it was none of your business, but
 24 very noncommunicative with us. I mean, they were

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1 correct?
 2 A Correct.
 3 Q And your rent goes from July 1 to June 30. Is
 4 that how the rent goes?
 5 A I thought it was August 1st, because we pay our
 6 taxes August 1st, and I know that the last letter,
 7 the letter of June 31 or June 30, but I always
 8 thought it was August 1st to August 1st because
 9 that's when we pay our taxes. So I don't know the
 10 answer to that really.
 11 Q Do you recall receiving a bill on or about the
 12 first day of July each year for rent and taxes?
 13 A Generally we get it about the 10th of the month.
 14 Q 10th of July?
 15 A Correct.
 16 Q It asked for partial payment in or on August 1st
 17 and then another payment in --
 18 A November 1st generally.
 19 Q And do you also get asked to make a payment in
 20 January or February?
 21 A Yes. We make a payment usually February 1st and
 22 May 1st, and at one time when the rents were
 23 lower, we paid a half a year at a time. Then the
 24 City went on or the Town went on that you could

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1 pay the taxes quarterly. So the Feoffees allowed
2 us to pay our rent quarterly at that point.

3 Q Have you ever had any discussions with any
4 attorneys for the Feoffees?

5 A No.

6 Q Have you ever had any discussions with any bank
7 officials about rent or taxes on your cottage or
8 the lot at Little Neck?

9 A Only Mr. Whiston.

10 Q And you've already told me about that.

11 A Uh-huh.

12 Q You have to answer yes or no for me.

13 A Yes. I talked to Mr. Whiston, and the one thing I
14 did forget to say, at one of the meetings he did
15 say that they're now going to be offering
16 mortgages. That was said at one of the meetings,
17 that people in the future could get mortgages on
18 this. Now, this is going back 15 years ago. I
19 don't believe they were doing mortgages when I
20 bought, but after the fact they were and it was
21 his bank that was going to offer them.

22 Q What bank?

23 A I think it was the First National; is that
24 correct? He was an officer in one of the banks in

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1 their view because they are assessed at a higher
2 value, that that would be double-dipping if they
3 did it for the rent and the taxes. So I feel like
4 they should pay the same rent. We're all renting
5 together and that is the way it's been and we're
6 very comfortable with that.

7 Q Should the rent be based on the most valuable lot
8 or least valuable lot or the one in the middle?

9 A I think it should be based on what they're getting
10 for rent for areas like this around the state.
11 That to me was a fairer assumption, like
12 Long Beach or any of those. To me that would be a
13 better way of deciding what the rent should be.

14 Q Do you agree with me that the lots are not all of
15 the same market value?

16 A I don't know. It's hard to say. I mean, none of
17 the -- First of all, the lots are all different
18 sizes and I mean, first of all, they can't sublet.
19 They cannot subdivide them. We could never do it.
20 We could never break them down. They already told
21 us that in one of the meetings that there was no
22 way that if we bought the land, that we could come
23 up with lots. So how could you even say what is a
24 lot? No. I think it's fine the way we do it. I

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1 town.

2 Q Is that the First National Bank of Ipswich?

3 A I believe so, yeah.

4 Q Now, are you familiar with an issue involving the
5 classification of lots for rent purposes?

6 A I've heard about it, yes.

7 Q Okay. Who came up with that idea?

8 A I would assume it was the Feoffees, but I don't
9 know that for a fact.

10 Q Are you in favor of that?

11 A No.

12 Q You would like to see all of the rent be the same
13 for all the cottages based only on two
14 classifications, seasonal and year-round?

15 A That's correct.

16 Q You don't want to pay the same rent that a
17 year-round cottage pays, do you?

18 A I haven't really thought about that.

19 Q And it is your view that no matter the size of the
20 lot or the view from the lot, that all of the
21 tenants should pay the same rent if they're all
22 renting seasonally?

23 A Yes, because I feel that they're already taxed on
24 their view and they're taxed at a higher rate on

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1 really do.

2 Q My question is different. Do you agree with me
3 that the lots are not all of the same value?

4 A I don't know the answer to that.

5 Q Okay.

6 A I do know that I've looked at the assessment in
7 the city or the town, and I know the lots that are
8 owned by the Feoffees that sit right next to the
9 lots that people have houses on, their assessed
10 value is somewhere in the \$50,000.00.

11 Q Right. Those are lots that are unimproved,
12 correct?

13 A Correct, but if you're only talking the lots. The
14 lots are the lots are the lots. I mean, if
15 they're side-by-side, you are not talking the
16 house because that's something we put on that is
17 our betterment. If you're only talking the lot,
18 the lots should be valued --

19 Q The unbuildable lot is unequal to a buildable lot?

20 A Well, I do know that there is one lot that's
21 beside my brother that they were talking if they
22 moved the pump out station from the bottom of
23 Fourth Street, they would build the woman a house
24 in one of the lots that was thought of was the lot

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1 beside my brother. I don't know if that is the
 2 lot they'd end up or if, in fact, it is a
 3 buildable lot.
 4 Q You are aware that that proposal would have
 5 resulted in the same number of cottages at
 6 Little Neck?
 7 A Absolutely.
 8 Q Now, have you ever been threatened by the
 9 Feoffees?
 10 A Oh, absolutely when we got that, when we got that
 11 lease and that, yeah, eviction. Definitely it was
 12 a threat. I felt very threatened.
 13 Q Have you been threatened by the Feoffees other
 14 than receiving a Notice to Quit?
 15 A Threatened, I can't recall.
 16 Q Okay. Have you ever been intimidated by the
 17 Feoffees other than receiving the Notice to Quit?
 18 A I think this past year I've been intimidated
 19 continuously by, and I am sure it's, part of it is
 20 that, but it's also word of mouth of this one is
 21 getting another eviction. Whether I got it or
 22 somebody else got it, yeah, I think we're all
 23 intimidated by reason of the eviction process,
 24 yes, because of what they're doing, yes,

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1 Q Not everyone paid the assessment, did they?
 2 A I didn't realize that but I've heard since.
 3 Q Nothing happened to those who didn't pay it, did
 4 it?
 5 A Apparently not.
 6 Q Have the Feoffees ever interfered with your use of
 7 your lot?
 8 A Only when they were doing the sewer. I was
 9 telling Beth that we came up and I could have got
 10 into my cottage, but it was at a great hardship.
 11 There was a backhoe parked right in front of my
 12 stairs. There was dirt everywhere. Twice I drove
 13 home and I didn't go in because it was, I would
 14 have had to climb over just too much stuff to get
 15 in my cottage.
 16 Q When was that?
 17 A That was in the spring of 2005, right.
 18 Q There were two days when you did not use your
 19 cottage that you otherwise would have used it?
 20 A Well, yeah. We came up to go, basically one day
 21 was just came up to check things out. We just
 22 didn't bother going in. Another time I was going
 23 to go up for the weekend. It was just too messy.
 24 It was too hard to get into. Was I obstructed

42

1 absolutely.
 2 Q Have you ever been coerced -- strike that. Have
 3 you ever been intimidated by the Feoffees other
 4 than in connection with an eviction?
 5 A Umm, no. We had a very friendly relationship
 6 prior to all this happening. It was, Mr. Whiston
 7 was our friend and now everybody has become an
 8 adversary. There's been a huge change in three or
 9 four years, huge change.
 10 Q Have you been coerced into doing anything or not
 11 doing something by the Feoffees?
 12 A Absolutely, like when the rents went up, that was
 13 a definitely, you paid it because you were made,
 14 you had to pay it. I mean, and when they said
 15 there was a thousand dollar assessment, I wasn't
 16 happy about that. I thought that that was
 17 unreasonable. There shouldn't be special
 18 assessments. There's never been any before since
 19 I've been there and that was actually quoted in
 20 the past that they weren't going to do that to us,
 21 and yet we got this assessment for a thousand
 22 dollars, and yeah, you felt like you were being
 23 pushed and coerced and pushed into a corner,
 24 absolutely.

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1 from getting in? I'm sure if I really wanted to,
 2 I could have found a way to get in my cottage. I
 3 definitely could have gone up my stairs, but it
 4 was awkward. There was holes and big piles of
 5 dirt.
 6 Q So you lost one weekend of use, correct?
 7 A We lost a lot of weekends of use that spring
 8 because it was just too inconvenient. I mean, you
 9 couldn't get up the street. You'd have to back up
 10 a street and back down. I mean, it was
 11 ridiculous. It was terrible.
 12 Q I thought you told me that twice you went to your
 13 cottage and were unable to use it?
 14 A Twice I did not go in and use my cottage because
 15 of what was going on, but I'm telling you there
 16 were other times that when I went up, that there
 17 was no rhyme or reason of when they were going to
 18 do a street. They didn't leave you notification.
 19 This went up until Memorial Day Weekend and you
 20 would be in your cottage. You'd go out and you'd
 21 find that you couldn't go there and you couldn't
 22 go there and you had to go up this way. I mean,
 23 it was very, very awkward when they were laying
 24 the pipes and they didn't give notification.

45

1 Q When it was awkward, were you able physically to
2 drive your car onto Little Neck and get to your
3 cottage?

4 A Yes.

5 Q Okay, but as I understand your testimony, twice
6 you went to the cottage and only one of those two
7 times did you intend to stay there?

8 A Well, I was going to go in the cottage both times,
9 yeah, but I was going to stay one weekend,
10 correct.

11 Q On that one occasion you elected not to spend the
12 weekend at the cottage?

13 A It was just too difficult, yes.

14 Q Okay. Any other interference by the Feoffees with
15 your use of the lot?

16 A Other than, I mean, it was very, it was very hard
17 and I realize that construction was going on, so
18 we were trying to be tolerant of that, but there
19 were wires all over the place. I mean, literally
20 wires everywhere. The water wasn't running well.
21 When you first turned it on, you got only air for
22 a long, long time. I mean, there were a lot of, a
23 hundred little issues and we truly were trying to
24 be tolerant and good neighbors.

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1 the Gala Day down there. I mean, it was terrible.
2 My granddaughter went to the emergency room and
3 she was not the only one that was injured because
4 they took out good loam and they dug up and we
5 found out they didn't just dig it up. I guess
6 they used a staging area. I did find that out and
7 they filled it in. The dirt they used was a
8 temporary fill. I don't know where they got it.
9 It was filled with rocks and it was not packed
10 down actually all summer. It was very boggy. You
11 can ask many, many people. It was the, when we
12 had the Gala Day, by rights they should have told
13 us we couldn't have Gala Day, but at that point
14 they figured they better let us have Gala Day. We
15 were so angry. It was never discussed whether we
16 had it or not, but anyway, we had it, but the land
17 was so uneven and so holey and everything. I know
18 of at least, I personally saw about eight to ten
19 kids fall and I understand there were a lot more.
20 I know for a fact that my granddaughter was
21 brought to the emergency room with a twisted ankle
22 from falling, not just from running but from
23 falling because the dirt was so uneven. You don't
24 pursue that, but that's, I'm just telling you and

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1 Q Was that all in connection with the construction
2 of the common septic system?

3 A Absolutely, yeah.

4 Q Now, there was no construction during the summers
5 of 2005 and 2006, correct?

6 A There might have been a little bit in June of
7 2005, but it was because they were trying to get
8 the, they were trying to get the field back in
9 working order for the summer.

10 Q The homeowners association did not want
11 construction ongoing during the summer, did it?

12 A That is, not just that. That was one thing, but
13 it's also the rule of the Feoffees that there be
14 no construction from Memorial Day to Labor Day.
15 That's always been. You cannot do heavy duty
16 construction. You can maybe go in and fix a
17 bathroom and put in a kitchen, as long as it
18 didn't interfere with your neighbors. There is no
19 outside construction allowed in the summertime by
20 anybody.

21 By the way, on that note. When they did do,
22 that was another issue, when they did do the
23 construction of the ballpark, they did it very
24 poorly and there were a lot of children injured at

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1 my other granddaughter fell running the bases
2 because it was so terrible that she slid and just
3 scraped the whole side. She didn't go to the
4 emergency room. This is not just my kids. It was
5 everybody's kids got injured that day.

6 Q Have the Feoffees ever failed to maintain your lot
7 in a condition that was suitable for its use as a
8 site for your cottage?

9 A No, other than when there was construction that
10 was going on. That was, you know --

11 Q Do you know what the Uniform Procurement Act is?

12 A I have no idea.

13 Q Fair answer.

14
15 MR. SHEEHAN: Mrs. Longergan, I want to thank
16 you very much for coming in today.

17 THE WITNESS: What was that question you just
18 asked me?

19 MR. SHEEHAN: Well, your attorney may want to
20 discuss it with you. She may not, but it's called
21 the Uniform Procurement Act, but your
22 unfamiliarity with it is a fair answer. I want to
23 thank you for coming in.

24 THE WITNESS: Thank you.

50

CERTIFICATE

(to be signed by the deponent)

I, _____, on this day,
the _____ of _____, 2007, do hereby
certify that the foregoing is a true and
accurate transcription of my deposition which
was held on Monday, May 14, 2007.

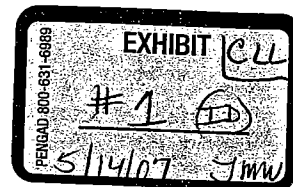
IN RE: WILLIAM M. LONERGAN, ET AL VS JAMES
W. FOLEY, ET AL, FEOFFEEES OF THE GRAMMAR SCHOOL
IN THE TOWN OF IPSWICH VS DISTRICT ATTORNEY
FOR THE ESSEX DISTRICT, ET AL
DEPOSITION OF: CAROL L. LONERGAN

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C E R T I F I C A T E

I, Jane M. Walsh, Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, do hereby certify that the
foregoing is a true and accurate transcription
of the deposition held before me on Monday,
May 14, 2007 to the best of my knowledge, skill
and ability.

Jane M. Walsh
Notary Public



COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. ESCV2006-02328

WILLIAM M. LONERGAN, et al,)
)
 Plaintiffs,)
 v.)
)
 JAMES W. FOLEY, et al.,)
 FEOFFEES OF THE GRAMMAR)
 SCHOOL IN THE TOWN OF IPSWICH,)
)
 Defendants,)
 v.)
)
 DISTRICT ATTORNEY FOR THE)
 ESSEX DISTRICT, et al.,)
)
 Additional Defendants)
 in Counterclaim.)

NOTICE OF DEPOSITION

To: All counsel and parties

Please take notice that at offices of MacLean Holloway Doherty Ardiff & Morse, P.C., 8 Essex Center Drive, Peabody, Massachusetts, Pursuant to Mass. R. Civ. P. 30, William H. Sheehan III will take the deposition of each Defendant-in-Counterclaim before a notary public or other officer authorized by law to administer oaths or take depositions as follows:

Name	Date	Time
Aiello, Robert	March 12, 2007	9:30 am
Anthony, Michael J.	March 12, 2007	11:30 am
Anthony, Michelle M.	March 12, 2007	2:00 pm
Attridge, Margaret	March 13, 2007	9:30 am
Bagnell, Walter	March 13, 2007	11:30 am
Bagnell, Mary	March 13, 2007	2:00 pm
Benjamin, Roy	March 14, 2007	9:30 am
Benjamin, Sally	March 14, 2007	11:30 am
Berman, Jeffrey A	March 14, 2007	2:00 pm

Luchner, Beth C.	March 19, 2007	9:30 am
Bouley, Patricia	March 19, 2007	11:30 am
Brown, Cynthia	March 19, 2007	2:00 pm
Cairns, Albert H.	March 20, 2007	9:30am
Cairns, Pamela H.	March 20, 2007	11:30 am
Casey, Michael S.	March 20, 2007	2:00 pm
Casey, Kathleen A.	March 21, 2007	9:30am
Ciolek, Theodore	March 21, 2007	11:30 am
Cole, Robert F. Jr.	March 21, 2007	2:00 pm
Connor, John	March 26, 2007	9:30 am
Connor, Janet	March 26, 2007	11:30 am
Cowdry, Marcia	March 26, 2007	2:00 pm
Cowdry, Richard	March 27, 2007	9:30 am
Wilkery, Nadine	March 27, 2007	11:30 am
Currie, Norma J	March 27, 2007	2:00 pm
Beeman, Yvette A.	March 28, 2007	9:30 am
Cutler, Garrett	March 28, 2007	11:30 am
Cutler, Bruce	March 28, 2007	2:00 pm
Thompson, Joyce	April 2, 2007	9:30 am
Dieringer, Mary	April 2, 2007	11:30 am
Dieringer, Douglas	April 2, 2007	2:00 pm
Dody, Deborah, Trustee of the Buckley Family Trust	April 3, 2007	9:30 am
Doherty, Richard	April 3, 2007	11:30 am
Doherty, Ann	April 3, 2007	2:00 pm
Donaldson, Nancy	April 4, 2007	9:30 am
Donaldson, Malcolm	April 4, 2007	11:30 am
Donohoe, Anne B.	April 4, 2007	2:00 pm
Donovan, Gerald J.	April 9, 2007	9:30 am
Dowling, Joseph	April 9, 2007	11:30 am
Duran, John F., Jr., Trustee of the Duran Realty Trust	April 9, 2007	2:00 pm
Duran, Ruth M., Trustee of the Duran Realty Trust	April 11, 2007	9:30 am
Duran, John F., III, Trustee of the KSJ Realty Trust	April 11, 2007	11:30 am
Ferrino, Joseph	April 11, 2007	2:00 pm
Ferrino, Marie	April 23, 2007	9:30 am
Fogarty, John	April 23, 2007	11:30 am
Fogarty, Nancy	April 23, 2007	2:00 pm
Goodwin, Edward	April 24, 2007	9:30 am
Gorman, Mary	April 24, 2007	11:30 am
Gresek, Donald	April 24, 2007	2:00 pm
Hamlin, Ross	April 30, 2007	9:30 am
Hardy, William	April 30, 2007	11:30 am

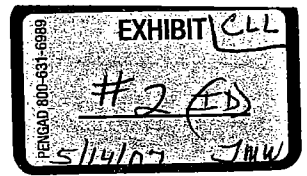
Hardy, Marion D.	April 30, 2007	2:00 pm
Siebert, Paula	May 1, 2007	9:30 am
Siebert, Richard	May 1, 2007	11:30 am
Harris, Cornelia	May 1, 2007	2:00 pm
Holden, Peter	May 2, 2007	9:30 am
Hough, Sarah D.	May 2, 2007	11:30 am
Hough, Willis S.	May 7, 2007	9:30 am
Huntley, Charles	May 7, 2007	11:30 am
Huntley, Alberta	May 7, 2007	2:00 pm
Ingalls, Dorothy Gorhaws	May 8, 2007	9:30 am
Johnson, Mary	May 8, 2007	11:30 am
Kaine, Edwin	May 8, 2007	2:00 pm
Kaine, Diane	May 9, 2007	9:30 am
Koris, Francine Amore	May 9, 2007	11:30 am
Lichoulas, Catherine D'Amico	May 9, 2007	2:00 pm
Lonergan, William	May 14, 2007	9:30 am
Lonergan, Carol	May 14, 2007	11:30 am
Lowden, Arthur	May 14, 2007	2:00 pm
Lowden, Diane	May 15, 2007	9:30 am
Snyder, Gary A.	May 15, 2007	11:30 am
MacRae, Robert	May 15, 2007	2:00 pm
MacRae, Mary	May 16, 2007	9:30 am
Maloney, Janet	May 16, 2007	11:30 am
Maloney, Jason	May 16, 2007	2:00 pm
Mattson, Paul	May 21, 2007	9:30 am
Mattson, Patricia	May 21, 2007	11:30 am
O'Flahavan, Mildred K.	May 21, 2007	2:00 pm
O'Keefe, Timothy	May 22, 2007	9:30 am
Pulsford, Barbara A.	May 22, 2007	11:30 am
Robinson, Cecily	May 22, 2007	2:00 pm
Rodman, Scot	May 23, 2007	9:30 am
Rogal, Peter	May 23, 2007	11:30 am
Rogal, Pamela	May 23, 2007	2:00 pm
Rowell, Barbara	May 29, 2007	9:30 am
Ruta, Stephen	May 29, 2007	11:30 am
Ruta, Dolores	May 29, 2007	2:00 pm
Sandberg, Martha	May 30, 2007	9:30 am
Santoro, Barbara Carbone, Trustee of the Barbara K. Carbone Trust	May 30, 2007	11:30 am
Saunders, Richard	May 30, 2007	2:00 pm
Seger, Robert	June 4, 2007	9:30 am
Loth, Renee	June 4, 2007	11:30 am
Simkins, Sandra	June 4, 2007	2:00 pm
Spatz, Bruce H.	June 6, 2007	9:30 am
Stocker, Richard W.	June 6, 2007	11:30 am

Stocker, Myrone	June 6, 2007	2:00 pm
Story, Charles	June 11, 2007	9:30 am
Story, Douglas	June 11, 2007	11:30 am
Sullivan, Mark	June 11, 2007	2:00 pm
Sullivan, Kara	June 12, 2007	9:30 am
Sullivan, Christopher	June 12, 2007	11:30 am
Stover, Kathryn A, individually and as trustee of 158 Little Neck Trust	June 12, 2007	2:00 pm
Survillas, Joseph	June 18, 2007	9:30 am
Survillas, Nancy	June 18, 2007	11:30 am
Todd, Deborah O.	June 18, 2007	2:00 pm
Torrisi, Elizabeth S.	June 19, 2007	9:30 am
Veno, Arthur	June 19, 2007	11:30 am
Walker, Diane	June 19, 2007	2:00 pm
Walker, Michael	June 20, 2007	9:30 am
Whitney-Wallace, Diane	June 20, 2007	11:30 am

The deposition will continue from day to day until completed. You are invited to attend and cross-examine.

Each deponent is requested to bring to the deposition:

- (1) All communications, pictures and/or documents in the deponent's possession, custody or control which pertain in any way to the Feoffees or the use and occupancy of land on Little Neck, Ipswich by the deponent and
- (2) All documents evidencing, concerning or relating in any way to any representations the deponent claims were made by the Feoffees to the deponent or to any prior occupant of the lot occupied by the deponent.



36 Middle Road
Ipswich, MA 01938
978-356-0722

July 28, 2004

Dear Mr. Whiston:

I am writing this letter to express my displeasure at the most recent increase in land rent. It is obvious that the Feoffees and School Committee view the Little Neck homeowners as a "cash cow" with unlimited resources. Recent articles and statements, which appeared in the Ipswich Chronicle, lead me to conclude that the tail is now wagging the dog.

A few of the issues that are incomprehensible are:

1. The 56.25% rent increase from \$3200 to \$5000 is gouging that borders on legal extortion. If the \$1000 assessment is added into the mix, it increases to 87.5% over last years rent.
2. Was the 38.8% index based upon seasonal usage?
3. Were comparisons made to similar properties in the area? Property at Long Beach in Rockport is selling for upwards to \$800,000, yet their rent is approximately \$2200 per year with slightly higher taxes.
4. Only a couple of homes on Little Neck have sold for \$500,000 mentioned in your letter, while most are selling in the \$300,000 range.
5. Are we to be held hostage to the School Committee and expect similar gigantic increases next year with no say in the matter?

Add the individual projected +/- \$25,000 cost of sewerage by June of 2005, and this recent increase will be a real hardship on some longtime residents whose cottages have been in their family for years. The word coming back to us is that you and/or the town do not care. Evidently, the motto is, "Pay up or get out."

We have lived on Little Neck for approximately twenty years and enjoyed it. As you know, it is a place where both adults and children can walk out at night without trepidation, except of mosquitoes and greenheads. Although neither my children nor I had an opportunity to experience childhood memories here, I had hopes that my grandchildren would be able to enjoy their youth on Little Neck. I am realistic enough to understand that not all hopes are realized.

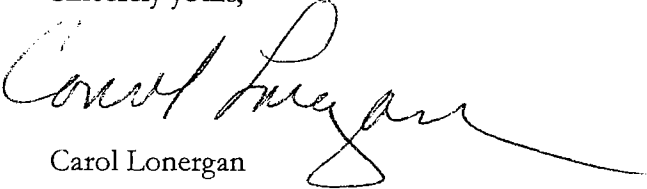
July 28, 2004

It is already evident to me, based on the amount of cottages that are for rent, that people have already felt the squeeze of the previous \$3200 rent. With the latest rent increases, the next thing I expect to see are the "For Sale" signs going up. It is a shame that was once a close-knit, diverse community is rapidly becoming a place where only the wealthy will be able to afford. Maybe that is the price of progress.

I am sure that you have tried to be fair to all the interested parties, and I understand that there are pressures exerted on you from the School Committee and other individuals in the town. However, I do believe that the School Committee and Feoffees should reassess this latest increase and determine if it is fair to the Little Neck residents. As tenants at will, we are at your mercy. Just because something is legal does not always make it right. I do hope you will consider the points that I have made above.

Sending you and your family my best wishes, I remain,

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Carol Lonergan". The signature is fluid and extends to the right with a long, sweeping tail.

Carol Lonergan