

**COMMONWEALTH OF MASSACHUSETTS
PROBATE AND FAMILY COURT DEPARTMENT**

ESSEX, ss.

Docket No. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR.,)
PETER FOOTE, DONALD WHISTON,)
JAMES FOLEY, ELIZABETH KILCOYNE,)
PATRICK J. MCNALLY, AND INGRID)
MILES AS THEY ARE THE FEOFFEEES OF)
THE GRAMMAR SCHOOL IN THE TOWN)
OF IPSWICH)
Plaintiffs,)
)
v.)
)
ATTORNEY GENERAL OF THE)
COMMONWEALTH OF MASSACHUSETTS,)
IPSWICH SCHOOL COMMITTEE, and)
RICHARD KORB, as he is Superintendent of)
Schools in the Town of Ipswich,)
Defendants.)

JOINT UNCONTESTED EXHIBIT LIST

1. November 14, 1650, Ipswich Town Meeting Minutes;
2. January 26, 1652, Ipswich Town Meeting Minutes;
3. Will of William Payne;
4. January 12, 1756, Ipswich Town Meeting Minutes;
5. Chapter 26 of the Province Laws of 1755-56;
6. Chapter 5 of the Province Laws of 1765-66;
7. Chapter 54 of 1786;
8. Excerpts from Ipswich Zoning By-law;
9. Plan of Little Neck;
10. Photographs of Little Neck;

11. Minutes of Annual Meetings of the Feoffees of the Grammar School in the Town of Ipswich 1936-2006;
12. Tenant Agreements;
13. List of tenants and lessees;
14. Feoffees' Rent History;
15. Lessees' Credit Against Sale Price as of December 31, 2009;
16. Proposal by Paul Donohoe for engineering work re: creation of condominium;
17. Wastewater Assessment Summary;
18. Little Neck Assessed Values for fiscal years 2007, 2008, 2010 and 2011;
19. Tax rates for fiscal years 2007-2011;
20. Sample Rules and Regulations;
21. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/01 and ending 6/30/02;
22. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/02 and ending 6/30/03;
23. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/03 and ending 6/30/04;
24. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/04 and ending 6/30/05;
25. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/05 and ending 6/30/06;
26. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/06 and ending 6/30/07;

27. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/07 and ending 6/30/08;
28. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/08 and ending 6/30/09;
29. Feoffees of the Grammar School in the Town of Ipswich Form PC (with attachments) for the period beginning 7/1/09 and ending 6/30/10;
30. December 10, 1998, Notice of Enforcement Action by Massachusetts Department of Environmental Protection;
31. Administrative Consent Order ACO-NE-99-1017;
32. April 19, 2001, letter from Richard A. Nylén, Jr. to Madelyn Morris, Esq.;
33. May 1, 2001, letter from Madelyn Morris, Esq. to Richard A. Nylén, Jr.;
34. Administrative Consent Order ACO-NE-03-1G005;
35. Administrative Consent Order ACO-NE-03-1G005a;
36. March 24, 2005, approval of wastewater holding tanks;
37. August 18, 2005 Letter from the Feoffees to the Little Neck Cottage Owners;
38. September 30, 2004 Agreement-Engineering Services for Sewer System & Holding Tank/Loading Station Implementation Little Neck-Ipswich;
39. Project Overview revised November 4, 2004;
40. Wastewater Collection System Contract Specifications, December 28, 2004, revised January 10, 2005 (together with plan showing system as constructed);
41. January 20, 2005 Agreement and Formal Contract;
42. Wastewater Holding Tank Contract Specifications, April 26, 2005;
43. July 6, 2005 Agreement and Formal Contract;

44. Contract Documents O & M Services, March 24, 2006;
45. Docket Sheet in Essex County Probate Court Docket No. 05E-0026-GC1;
46. Stipulation and Request for Instructions (Essex County Probate Court Docket No. 05E-0026-GC1);
47. Order (Essex County Probate Court Docket No. 05E-0026-GC1);
48. Hand written Stipulation for Judgment (Essex County Probate Court Docket No. 05E-0026-GC1);
49. Judgment (Essex County Probate Court Docket No. 05E-0026-GC1);
50. June 7, 2005, Commercial Promissory Note;
51. June 7, 2005, Conditional Assignment of Betterment Fees;
52. June 7, 2005, Collateral Assignment and Security Agreement;
53. June 7, 2005, Conditional Assignment of Leases and Rents;
54. November 1, 2011 loan statement and proof of payment;
55. Docket Sheet in Essex County Superior Court Docket No. 2006-02328D;
56. Class Action Complaint and Jury Demand (Essex County Superior Court Docket No. 2006-02328D);
57. Answer and Counterclaim and Jury Demand of Fcoffees (Essex County Superior Court Docket No. 2006-02328D);
58. Reply to Counterclaim in Superior Court Litigation;
59. Stipulation (Essex County Superior Court Docket No. 2006-02328D);
60. December 18, 2007, Memorandum of Decision and Order in Essex County Superior Court Docket No. 2006-02328D (Riley, J.);
61. Moved to contested list;

62. Moved to contested list;
63. Moved to contested list;
64. October 14, 2005 e-mails exchanged between Mary E. O'Neal and Donald Greenough;
65. October 20, 2005 e-mails exchanged between Mary E. O'Neal and Donald Greenough;
66. October 20, 2005 e-mail from Donald Greenough to Charles Claeys with attachment;
67. October 27, 2005-October 28, 2005 e-mails exchanged between Mary E. O'Neal and Donald Greenough;
68. October 31, 2005 e-mails exchanged between Mary E. O'Neal and Donald Greenough;
69. November 17, 2005 e-mail from Donald Greenough to Beth O'Neal;
70. November 17, 2005 e-mail from Donald Greenough to Neal C. Tully;
71. November 29, 2005 e-mail from Donald Greenough to Neal C. Tully;
72. November 30, 2005 e-mail from Nancy M. LaRocque to Donald Greenough with attachment;
73. December 8, 2005 e-mail from Donald Greenough to Neal C. Tully;
74. Feoffees' February 9, 2006 Notice to Cottage Owners;
75. February 16, 2006 e-mail from Donald Greenough to Mary E. O'Neal;
76. February 17, 2006 e-mail from Mary E. O'Neal to Donald Greenough;
77. March 9, 2006 e-mail from Donald Greenough to Mary E. O'Neal;
78. March 12, 2006 e-mail from Richard Allen to Donald Greenough;

79. March 17, 2006 e-mail from Donald Greenough to Mary E. O'Neal;
80. March 20, 2006 e-mail from Donald Greenough to Mary E. O'Neal;
81. April 4, 2006-April 5, 2006 e-mails exchanged between Donald Greenough and Mary E. O'Neal;

82. April 26, 2006 E-mail from Donald Greenough to Richard Allen;
83. May 19, 2006 letter from Mary E. O'Neal with attachment;
84. Sample Notice to Quit;
85. June 27, 2006 Feoffees' letter to Little Neck Cottage Owners with enclosures;
86. August 4, 2006 letter from William A. Gottlieb to Donald M. Greenough;
87. Sample Notice to Quit for nonpayment of rent/taxes;
88. October 13, 2006 Feoffees' letter to Tenants;
89. February 5, 2008-February 7, 2008 e-mails exchanged between Mary E. O'Neal and William H. Sheehan III;

90. February 13, 2008 e-mail from William H. Sheehan III to Mary E. O'Neal with attachments;

91. February 14, 2008 e-mails exchanged between Mary E. O'Neal and William H. Sheehan III;

92. February 21, 2008 e-mail from Mary E. O'Neal to William H. Sheehan III with attachments;

93. February 29, 2008 e-mail from William H. Sheehan III to Mary E. O'Neal and Neal C. Tully;

94. March 4, 2008 draft of proposed lease;

95. March 4, 2008 e-mail from William H. Sheehan III to Neal C. Tully covering exhibit 94;
96. March 10, 2008 e-mails exchanged between William H. Sheehan III and Mary E. O'Neal and Neal C. Tully;
97. March 14, 2008 e-mail from William H. Sheehan III to Mary E. O'Neal with attachment;
98. March 14, 2008 e-mail from William H. Sheehan III to Mary E. O'Neal with attachment;
99. March 20, 2008 draft Exhibit A's to seasonal and year-round leases;
100. Settlement Agreement and Release, dated December 24, 2009;
101. Sample Purchase and Sale Agreement and Addendum;
102. Sample Bill of Sale;
103. List of cottage owners with chattel mortgages and identification on non-participant;
104. Eastern Bank Promissory Note;
105. Eastern Bank Commercial Guaranty (Don Whiston);
106. Eastern Bank Commercial Guaranty (James Foley);
107. Eastern Bank Commercial Guaranty (Alexander Mulholland);
108. LNWS, LLC certificate of organization, amendment and operating statement;
109. LNSW, LLC financial report;
110. LNWS, LLC contract with American Water;
111. Report (with attachments and enclosures) of LandVest, Inc. dated April 15, 1997;

112. Report (with attachments and enclosures) of LandVest, Inc. dated January 4, 2001;
113. Report (with attachments and enclosures) of LandVest, Inc. dated March 19, 2004;
114. Reports (with attachments and enclosures) of LandVest, Inc. dated January 6, 2006;
115. November 10, 2008, Advisory Letter of LandVest, Inc.
116. Reports (with attachments and enclosures) of LandVest, Inc. October 25, 2010;
117. December 7, 2010 LaChance Report and resume of William LaChance;
118. Appraisal Consulting Report of Lincoln Property Company dated November 5, 2010;
119. Erosion remediation report and plan of Vine Associates;
120. October 18, 2007, proposal of Vine Associates with attachments and plan;
121. November 23, 2011, report of Vine Associates with photographs;
122. Cost breakdown as to erosion repair;
123. Order of Conditions; and
124. Resume of Peter Williams of Vine Associates;
125. November 5, 2010 Lincoln Properties Appraisal;
126. June 28, 2010 Colliers Appraisal Report as of January 1, 2010;
127. June 25, 2010 Colliers Supplemental Letter to Appraisal Report;
128. June 28, 1999 Petersen/LaChance Realty Advisors Appraisal Report;
129. 2004-Map Diagram;
130. February 4, 2005 Petersen/LaChance Realty Advisors Appraisal Report;

131. March 18, 2005 Petersen/LaChance Realty Advisors Appraisal Report;
132. Undated Cooperative Lot Selloff Analysis Little Neck (2005-2009);
133. Ezra Zask's Curriculum Vitae;
134. Samples of Annual Rent and Tax Bills issued by the Feoffees to the residents of Little Neck;
135. Bills of Sale for Little Neck Cottages from 1991 through the present;
136. Executed Little Neck Leases for all lessees;
137. May 12, 1995 Letter from Donald Whiston to Little Neck Resident;
138. October 4, 2007 Amended Minutes of Ipswich School Committee Open Session held on September 6, 2007
139. October 21, 2007 Minutes of Ipswich School Committee Open Session;
140. June 2000 Letter from Donald Whiston to Little Neck Cottage Owners;
141. June 17, 2004 Letter to Little Neck Residents from Donald Whiston re: Special Assessment;
142. August 18, 2005 Letter from Feoffees to Little neck residents re: sewer project and lease formation;
143. February 4, 2005 Lombardo Associates, Inc. Master Plan and Program Management Reports;
144. August 11, 2005 Lombardo Associates, Inc. Master Plan and Program Management Reports;
145. May 31, 2006 Lombardo Associates, Inc. Master Plan and Program Management Reports;
146. Feoffee Escrow Account Statements for the period of 1/2010 through 3/2010.