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2	
	COMMONWEALTH OF MASSACHUSETTS
3	
	Dukes, ss Land Court
4	Docket No. 238738
5	* * * * * * * * * * * *
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6	MARIA A. KITRAS, TRUSTEE, ET ALS *
_	*
7	versus *
	*
8	TOWN OF AQUINNAH, ET ALS *
	*
9	* * * * * * * * * * *
10	
11	DEPOSITION OF JOHN J. DECOULOS, taken on
12	behalf of the Defendant, before Kathryn R.
13	Sweeney, a Registered Professional Reporter,
14	Certified Realtime Reporter and Notary Public
15	within and for the Commonwealth of Massachusetts,
16	at the offices of Rackemann, Sawyer & Brewster,
17	160 Federal Street, Boston, Massachusetts, on
18	Wednesday, August 27, 2008, commencing at
19	10:10 a.m.
20	
21	
22	KACZYNSKI REPORTING
	72 Chandler Street, Suite 3
23	Boston, Massachusetts 02116
	(617) 426-6060
24	

1	APPEARANCES:	Page 2		NI L	or Doseriation	Page -
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17	ALSO PRESENT: James J. Decoulos		19			
18 19			20			
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	DECOULUS-8/27/08		
	Page 22		Page 24
1	most useful to you to refer to?	1	A. And so we located we measured that wall and
2	A. Both items.	2	proceeded along and we also located Zack's
3	Q. Okay.	3	Cliff Road, which shows as a dashed line adjacent
4	MS. ROBERTS: Well, why don't we mark	4	to the stone wall.
5	Q. Just to make sure we're both looking at the same	5	Q. And how did you locate that?
6	thing, could you take a look at that, and tell me	6	A. It was very evident on the ground.
7	if that's the same plan that you're looking at?	7	Q. So you found that on the ground?
8	A. Yes.	8	A. Right.
9	Q. There are all kinds of iterations of this. This	9	Q. Did you take measurements of it?
10	is	10	We measured the center line of it.
11	A. That's okay. Only one has my stamp.	11	Q. And along what distance did you do that?
12	Q. Okay. So this was provided by your son to me, and	12	-
13	it was and the zip file it came in, it was	13	A. The length that we measured it?
14	labeled final plan, Lot 178, 072208, and it does	14	Q. Yes.
15		ł	(Pause.)
	bear your stamp.	15	Q. Let me ask you this: Did you measure the entire
16	MS. ROBERTS: So why don't we mark that	16	length, as shown on either Exhibit 2 or Exhibit 3,
17	as Exhibit 3.	17	or did you just do some part of that?
18	MR. DECOULOS: Could I make a suggestion,	18	A. The entire length of it.
19	and refer to the document book we have here, it's	19	Q. And that should show up in your data collector?
20	Page 383.	20	A. Correct.
21	MS. ROBERTS: Yes.	21	Q. Okay. And if I went out there today, in theory I
22	MR. DECOULOS: Thank you.	22	should be able to see the road?
23	(Exhibit No. 3, plan, marked for	23	A. Absolutely.
24	identification.)	24	Q. Okay.
-		_	
	Page 23		Page 25
1	Q. Okay. Mr. Decoulos, so what was it that you did	1	A. Naturally it's not paved.
2	out in the field on May 22nd, 2007?	2	Q. Right.
3	A. We started up at the northerly end of Lot 243. We	3	A. But it's an old woods road.
4	found a stone wall.	4	Q. I actually walked it about ten years ago.
5	Q. Okay. And when you talk and that stone wall	l	
6		5	A. Do you remember the stone wall that I
	shows on your draft plan on the right-hand side?	5 6	
7	shows on your draft plan on the right-hand side? A. It's almost at top center. See the stone walls?	Ι.	A. Do you remember the stone wall that I
7		6	A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then
1	A. It's almost at top center. See the stone walls?	6 7	A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's
8	A. It's almost at top center. See the stone walls? Q. Okay.	6 7 8	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do?
8 9	A. It's almost at top center. See the stone walls?Q. Okay.A. Yes, right there.	6 7 8 9	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe
8 9 10	A. It's almost at top center. See the stone walls?Q. Okay.A. Yes, right there.Q. All right. So it's just left of center at the	6 7 8 9 10	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I
8 9 10 11	A. It's almost at top center. See the stone walls?Q. Okay.A. Yes, right there.Q. All right. So it's just left of center at the top?	6 7 8 9 10 11	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has
8 9 10 11 12	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. 	6 7 8 9 10 11 12	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold.
8 9 10 11 12 13	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. Q. That was the first thing you located? 	6 7 8 9 10 11 12 13	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold. Q. Does that appear on either Exhibits 2 or 3?
8 9 10 11 12 13 14	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. Q. That was the first thing you located? A. Yes. 	6 7 8 9 10 11 12 13 14	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold. Q. Does that appear on either Exhibits 2 or 3? A. No. Q. Okay. And was that for purposes of this Lot 178
8 9 10 11 12 13 14 15 16	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. Q. That was the first thing you located? A. Yes. Q. Okay. And what was your basis for establishing the location of that stone wall? What was the 	6 7 8 9 10 11 12 13 14 15 16	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold. Q. Does that appear on either Exhibits 2 or 3? A. No. Q. Okay. And was that for purposes of this Lot 178 project, or was that for purposes of the Lot 232
8 9 10 11 12 13 14 15 16 17	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. Q. That was the first thing you located? A. Yes. Q. Okay. And what was your basis for establishing the location of that stone wall? What was the purpose of that? 	6 7 8 9 10 11 12 13 14 15 16 17	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold. Q. Does that appear on either Exhibits 2 or 3? A. No. Q. Okay. And was that for purposes of this Lot 178 project, or was that for purposes of the Lot 232 project?
8 9 10 11 12 13 14 15 16 17	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. Q. That was the first thing you located? A. Yes. Q. Okay. And what was your basis for establishing the location of that stone wall? What was the purpose of that? A. Well, it's a monument. And there aren't many 	6 7 8 9 10 11 12 13 14 15 16 17 18	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold. Q. Does that appear on either Exhibits 2 or 3? A. No. Q. Okay. And was that for purposes of this Lot 178 project, or was that for purposes of the Lot 232 project? A. Well, it ties the whole thing together.
8 9 10 11 12 13 14 15 16 17 18	 A. It's almost at top center. See the stone walls? Q. Okay. A. Yes, right there. Q. All right. So it's just left of center at the top? A. Right. Q. That was the first thing you located? A. Yes. Q. Okay. And what was your basis for establishing the location of that stone wall? What was the purpose of that? A. Well, it's a monument. And there aren't many monuments out there. 	6 7 8 9 10 11 12 13 14 15 16 17 18 19	 A. Do you remember the stone wall that I Q. I did not go up that far. All right. So then after finding the stone wall and measuring Zack's Cliff Road, what else did you do? A. Then we located some concrete bounds. I believe they're on the Fruchtman's property, which I understand now that lot has that property has been sold. Q. Does that appear on either Exhibits 2 or 3? A. No. Q. Okay. And was that for purposes of this Lot 178 project, or was that for purposes of the Lot 232 project? A. Well, it ties the whole thing together. Q. How's that?
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