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March 4, 2003

FEDERAL EXPRESS

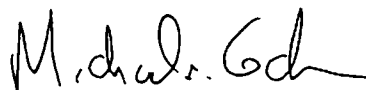
Mr. Anthony C. Frangos, Trustee
340 Back Road
Dover, New Hampshire 03820

RE: Anthony C. Frangos, Trustee v. Town of Aquinnah
U. S. District Court Civil Action No. 02-CV-11159-MLW

Dear Mr. Frangos:

Enclosed please find the Town's answers to the Plaintiff's
First Set of Interrogatories in the above-captioned matter.

Very truly yours,



Michael A. Goldsmith

MAG/jmh
Enclosure

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)
 ANTHONY C. FRANGOS, Trustee)
 of Brutus Realty Trust,)
)
 Plaintiff)
)
 vs.) DOCKET NO. 02-CV-11159-MLW
)
 TOWN OF AQUINNAH,)
)
 Defendant)
)

PLEASE TAKE NOTICE that, pursuant to Rule 33 of the Federal Rules of Civil Procedure, and the Plaintiff's Request that the Town Answer these Interrogatories Within Forty-Five days of January 23, 2003, the Defendant, the Town of Aquinnah ("Defendant" or "the Town"), hereby answers the Plaintiff's First Set of Interrogatories, as follows:

The answers and objections herein are provided subject to Defendant's right to object to the admission into evidence of any and all of the answers on the ground that they are irrelevant to the issues in this action or are otherwise inadmissible. By its answers to these Interrogatories, Defendant does not intend to waive, but explicitly preserves, its attorney-client and attorney

work product privileges.

The answers and objections are based upon Defendant's present knowledge, information and belief. Defendant reserves the right to rely on any facts, documents or other evidence which may hereafter develop or come to its attention.

GENERAL OBJECTIONS

1. Defendant objects to the Interrogatories to the extent that they seek information and materials which are protected by the attorney-client privilege and attorney work produce doctrine. Such information will not be provided.

2. Defendant objects to the Interrogatories to the extent they seek information which is irrelevant, immaterial and not germane to any claim or defense in this action.

3. Defendant objects to the Interrogatories to the extent that they are overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendant objects to the Interrogatories to the extent they exceed the scope of discovery permitted under the Massachusetts Rules of Civil Procedure.

5. Defendant objects to identifying documents or otherwise providing information that may be derived or ascertained from

documents that are being produced in response to Defendant's document requests, on the grounds that such identification is duplicative.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1.

When the Dukes County Probate Court approved the sale of the common and undivided lands of Gay Head on December 1, 1878, please demonstrate if is (sic) there any evidence that the Town, the appointed Commissioners or the Probate Court intended to land lock certain parcels or not provide equal rights to all the lands.

ANSWER NO. 1.

The Town objects to this interrogatory on the grounds that it is overly broad, and vague and ambiguous insofar as the phrases "approved the sale" and "equal rights" are used. The Town further objects insofar as you ask the Town to discern what either the Commissioners or the Probate Court "intended."

Subject to that objection and the general objections, the Town states that the final report of the Commissioners Joseph Pease and Robert Pease, which was approved by the Probate Court on December 21, 1876, speaks for itself.

INTERROGATORY NO. 2.

Please describe which lands comprised the "20 +/- acres along Moshup Trail" mentioned in the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Division of Conservation Services, Self-Help Program, Program Agreement, recorded at the Dukes County Registry of Deeds (the

Registry) in Book 672, Page 436 (the Self-Help Agreement).

ANSWER NO. 2.

The Town objects to this interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and the general objections, the following parcels, identified by Aquinnah Assessors' Map and Lot numbers, comprise the "20 +/- acres along Moshup Trail" mentioned in the Self-Help Agreement: Map 12, Lots 99, 100, 102, 106, 107, 108, 124, 125, 134, and 135.

INTERROGATORY NO. 3.

What lands were purchased with the \$500,000 grant from the Massachusetts Self-Help Program?

ANSWER NO. 3.

The Town objects to this interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence, and that it is vague and ambiguous insofar as term "purchased" is used. Subject to that objection and the general objections, the land referenced in the answer to Interrogatory No. 2 was acquired with funding from various sources. The Gay Head Conservation Commission sought reimbursement on behalf of the Town for the acquisition of Aquinnah Assessors' Map 12, Parcels 100, 134, and 135 from the Self-Help Program.

INTERROGATORY NO. 4.

Why is there a note in the upper left hand corner of the deed recorded at the Registry in Book 674, Page 57 describing the Self-Help Agreement recorded at said Registry in Book 672, Page 436?

ANSWER NO. 4.

The Town objects to this interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence, and that it asks the Town to speculate as to why a marginal note may have been placed on a deed recorded at the Registry of Deeds. Subject to that objection and the general objections, the Town refers the plaintiff to paragraph 8 of the Self-Help Program Agreement Recorded at Book 672, Page 436 in the Registry of Deeds and the Town's answer to Interrogatory No. 2.

INTERROGATORY NO. 5.

If the Town claims compliance with paragraph three of the Self-Help Agreement which states ". . . the facilities of the PROJECT shall be open to the general public and shall not be limited to residents of the PARTICIPANT.", please describe how both residents and non-residents of the Town enjoy said land.

ANSWER NO. 5.

The Town objects to this interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and the general objections, the land can be enjoyed by both residents and

visitors who pass by on foot, in cars, or on bicycles.

INTERROGATORY NO. 6.

If the Town has stated, in any application to the Massachusetts Division of Conservation Services (DCS), that lands in the vicinity of Plaintiff's land to be purchased with state funds from the Self-Help Conservation Program, G. L. c. 132A, § 11 would be accessible by public transportation describe the procedure a non-resident would take to enjoy such lands.

ANSWER NO. 6.

The Town objects to this interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and the general objections, the land is accessible by both Martha's Vineyard Sightseeing and Martha's Vineyard Transit Authority. Both entities have scheduled trips on a daily basis during the summer months.

INTERROGATORY NO. 7.

If the Town claims compliance with the sign provisions of paragraph 3 of the Self-Help Agreement, please describe where the sign is located on the southerly half of Lot 556.

ANSWER NO. 7.

The Town objects to this interrogatory on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and the general objections, the Town has placed a sign on Moshup Trail in

accordance with paragraph 3 of the Self-Help Agreement. The sign is not located on Lot 556.

INTERROGATORY NO. 8.

If a partnership between the Town has ever existed between the Sheriff's Meadow Foundation or VCS to purchase lands in the vicinity of Plaintiff's land, have written status reports ever been issued from such a partnership?

ANSWER NO. 8.

The Town objects to this Interrogatory on the grounds that it is vague and ambiguous insofar as the terms "partnership," "status reports," and "in the vicinity of" are used. The Town further objects on the ground that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the general objections and that objection, the Town is not aware of the issuance of any status reports concerning efforts to purchase land along Moshup trail.

INTERROGATORY NO. 9.

If a partnership between the Town has ever existed between the Sheriff's Meadow Foundation or VCS to purchase lands in the vicinity of Plaintiff's land, describe all donors to the effort.

ANSWER NO. 9.

The Town objects to this Interrogatory on the grounds that it is vague and ambiguous insofar as the term "partnership" is used. The Town further objects on the grounds that this interrogatory is not reasonably calculated to lead to the

discovery of admissible evidence, and that the Town could not possibly know the names of all the donors to either the Vineyard Conservation Society or the Sheriff's Meadow Foundation, which are private, non-profit entities.

INTERROGATORY NO. 10.

How did the prior owners of Lot 556, VCS and the Edey Foundation Nominee Trust (the Edey Trust), raise \$300,000 to purchase Lot 556?

ANSWER NO. 10.

The Town objects to this Interrogatory on the ground that it is vague and ambiguous insofar as it uses the term "How." The Town further objects on the grounds that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, and that the question asks the Town to produce information that is in the possession of the Vineyard Conservation Society, which is a private, non-profit entity, and the Edey Trust, which is a private entity.

INTERROGATORY NO. 11.

Did VCS or the Edey Trust raise funds to purchase Lot 556 based upon the commitment of the \$500,000 grant from the Massachusetts Self-Help Program?

ANSWER NO. 11.

The Town objects to this interrogatory on the grounds that it is vague and ambiguous insofar as the term "commitment" is

used. The Town further objects to this Interrogatory on the grounds that is not reasonably calculated to lead to the discovery of admissible evidence, and that it seeks information that is the possession of Vineyard Conservation Society, which is a private, non-profit entity, or the Edey Trust, which is a private entity, and not the Town.

INTERROGATORY NO. 12.

Has the Town ever stated, in any application to DCS, that lands in the vicinity of Plaintiff's land to be purchased with state funds from the Self-Help Conservation Program, G. L. c. 132A, § 11 are open to thousands of residents and visitors?

ANSWER NO. 12.

The Town objects to this Interrogatory on the grounds that it is vague and ambiguous insofar as the term "open to" is used. The Town further objects on the ground that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to that objection and the general objections, the Gay Head Conservation Commission stated in its application forms dated May 28, 1995, that "[a]t present the land is enjoyed by thousands of residents and visitors as they pass by on foot, car or bike."

INTERROGATORY NO. 13.

Has the Town ever stated, in any application to DCS, that trails would be created on lands in the vicinity of Plaintiff's land that were to be purchased with state funds from the Self-Help Conservation Program, G. L. c. 132A, § 11?

ANSWER NO. 13.

The Town objects to this interrogatory on the ground that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and the general objections, the Gay Head Conservation Commission did not make this statement in its application dated May 28, 1995.

INTERROGATORY NO. 14.

Please describe the circumstances which caused the Town to state that ". . . common convenience and necessity require the layout . . ." of Moshup Trail as expressed in the document recorded at the Registry in Book 227, Page 564.

ANSWER NO. 14.

The Notice of Taking speaks for itself concerning the necessity of requiring the layout of Moshup Trail.

INTERROGATORY NO. 15.

When the Town agreed to the layout and construction of Moshup Trail by the Dukes County Commissioners, was there any documentation or understanding with Dukes County that Moshup Trail would only provide access for those lands that fronted directly along the new road?

ANSWER NO. 15.

The Town objects to this interrogatory on the grounds that it is overly broad, and vague and ambiguous insofar as the terms "understanding" and "access" are used. Subject to that objection and the general objections, the Town is not aware of any information or documentation that is responsive to this interrogatory at this time.

INTERROGATORY NO. 16.

Why is there a consistent assessed value for all lands in the Town regardless of whether the lands benefit from access along a way?

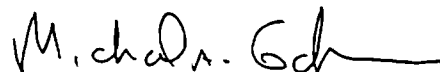
ANSWER NO. 16.

The Town objects to this Interrogatory on the grounds that it is vague and ambiguous insofar as the terms or phrases "consistent assessed value" and "benefit from" are used. The Town further objects on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and the general objections, the Town assesses property in accordance with the provisions of General Laws Chapter 58.

As to objections:

TOWN OF AQUINNAH

By its attorneys,



Ronald H. Rappaport

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(508) 627-3711

Dated: March 4, 2003

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I, Beverly Widdiss, Administrator to the Board of Selectmen of the Town of Aquinnah, have read the answers to these interrogatories and state they are true and accurate to the best of my present knowledge and belief.


Beverly Widdiss

Dated: March 4, 2003

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