

Office: 23 Amherst St.
Portland, ME 04103

STEPHEN D. BITHER
ATTORNEY AND COUNSELOR AT LAW
POST OFFICE BOX 6762
PORTLAND, MAINE 04103-6762
Phone (207)774-7241 Fax 761-4798

MAINE BAR#3911
Email: sdbither@zwi.net

June 12, 2017

Mr. Anthony T. Plante, Town Manager
Town of Windham
8 School Road
Windham, ME 04062

RE: Johnson Road
024 024000000
Account #M7146R



Dear Mr. Plante:

This follows up our recent meeting in your office. I am the attorney for Daniel and Jacquelynn Brulotte, who own real property at 72 Johnson Road, abutting the subject property. Mr. Brulotte has lived on Johnson Road for over 30 years. He has always been under the impression that he was the owner of the subject property. He exercised control over the property, including clearing brush and maintaining road access.

The Town of Windham was also under the impression that Mr. Brulotte was the owner of the subject property. He paid property taxes on the land for over 20 years. When the Brulottes had a survey done, it appeared that the property had been owned by another party. When the Brulottes approached the Town Assessor, they were told that they could not pay taxes on the property even if they wanted to.

The Town did not, and does not, have an address for the purported owner, Dorothea Murray. The tax bill appears to have been sent to "Dorothea Murray, South Portland, Maine." It's no surprise, then, that the property taxes have not been paid by Ms Murray or anyone else.

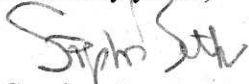
The Brulottes have a valid claim for ownership by adverse possession. The Town doesn't have to agree with their position. It will be a matter for the Court to decide. It is understood that an adverse possession claim cannot be brought against a municipality. However, if any person acquires the property from the Town, a claim will be brought against them. In other words, anyone who buys the land will buy a lawsuit. The town can't convey the property by Warranty Deed, only by means of a Municipal Quitclaim Deed, and a buyer would not receive assurance of clear title.

The Brulottes have suggested a resolution for this matter: They are willing to pay the outstanding taxes, plus any costs and fees associated with the conveyance, in exchange for a Municipal Quitclaim Deed to them. This would not be an admission by the Town that the Brulottes are the rightful owners. But it would serve justice, especially

considering the fact that they have been paying taxes on this property for many years. It was also be fair in light of the fact that the Town has been taxing them for land on Anthoine Road that they had conveyed to another party 15 years ago.

Would you please review this proposal and set this matter for consideration by the Town Council? I would be pleased to provide any additional information. On behalf of the Brulottes, I thank you for your courtesy and consideration.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Stephen D. Bither". The signature is stylized with a large, looped "S" and a cursive "B".

Stephen D. Bither
Attorney for Daniel and Jacquelynn Brulotte