

(SEAL)

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT DEPARTMENT
OF THE TRIAL COURT

KARL PINGREE, CAROL L. BARRON,
 MELVIN M. BARRON, JAMES F. DONOVAN,
 LAURA B. DONOVAN, IRENE M. FOLEY,
 JOHN J. FOLEY, KERRY KAPLAN, THOMAS
 LANE, JEAN C. LEROYER, HENRY L.
 LEROYER, DAVID A. MEARS, MARY A.
 MEARS, FRANKLIN T. RICHARDSON,
 MARJORIE B. RICHARDSON, PATRICIA
 WEBBER AND WILLIAM WEBBER, on
 behalf of themselves and all others
 similarly situated,

Plaintiffs,

v.

TOWN OF ESSEX, and THE BOARD OF
 SELECTMEN OF THE TOWN OF ESSEX in
 their capacity as The Conomo Point
 Commissioners,

Defendants.

C.A. NO. 124-199

FINAL ORDER AND JUDGMENT

This cause came to be heard on the parties' motion for an
 order and judgment approving the parties' Stipulation of
 Settlement dated October 29, 1991 (the "Settlement"), notice of
 said motion and hearing having been given, as directed by the
 Court, to all persons residing either seasonally or year-round in
 that area of the Town of Essex commonly referred to and known as
 Conomo Point and Robbins Island (collectively referred to herein
 as "Conomo Point") owning dwellings located on property leased to
 them by the Town; said persons being members of the class
 certified by the Court on June 1, 1988 on whose behalf this

action was commenced by the filing of a Complaint (the "Complaint") on July 30, 1987 seeking declaratory and other relief with regard to certain leasehold and related rights existing at that time, and the Court having considered the objections of Mr. Bruce Fortier, Mr. & Mrs. George N. Severance and Mr. & Mrs. John L. Amirault, and all other members of the class having had an opportunity to file objections and to be heard at the hearing on December 12, 1991, it is hereby

ORDERED, ADJUDGED and DECREED, that the notice given to members of the class pursuant to this Court's Order of November 15, 1991, was reasonably calculated to provide actual notice and complies with the dictates of due process; and it is further

ORDERED, ADJUDGED and DECREED, that the class certified by Order of this Court dated June 1, 1988 is certified for all purposes in this action; and it is further

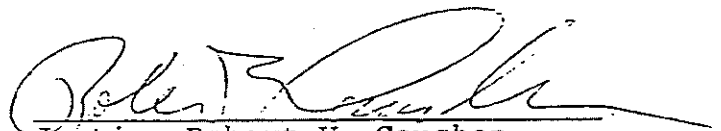
ORDERED, ADJUDGED and DECREED, that the objections of Mr. Fortier, Mr. & Mrs. Severance and Mr. & Mrs. Amirault are denied and the Settlement is approved as fair, reasonable, adequate and in the best interests of the class as a whole, and the parties are hereby authorized and directed to consummate the Settlement of this action in accordance with the terms and conditions of the Stipulation of Settlement and this Final Order and Judgment. In approving the Settlement, the Court makes the finding that this Settlement constitutes an adjudication of rights and obligations of the class members and the Town of Essex with respect to certain leases, tenancies and related rights

which preexisted the filing of the Complaint initiating this action; and it is further

ORDERED, ADJUDGED and DECREED, that paragraph 12 of the Stipulation of Settlement relating to Section 2-13.8 of the Town of Essex Bylaws is hereby adopted and incorporated herein as a term of this Final Order and Judgment; and it is further

ORDERED, ADJUDGED and DECREED, that this Court shall retain jurisdiction of this action and the parties for the purposes of any application or proceeding concerned with the interpretation or consummation of the terms of Settlement; and it is further

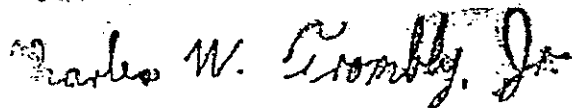
ORDERED, ADJUDGED and DECREED, that by this Settlement, the terms and conditions of which are hereby expressly adopted and incorporated herein, and made a part of this Final Order and Judgment, this action is deemed fully adjudicated on its merits, with all parties to bear their own costs and attorney's fees.


Justice Robert V. Cauchon

Dated: December 16, 1991

~~MEMORANDUM~~

ATTEST:
A TRUE COPY


RECORDER