Statement of George Frampton and Carla Darista, 9/13/2022

We are pleased that the Town has finally admitted what it has known (but been unwilling to acknowledge) for fifteen months: that the Framptons own the area referred to as Tantummaheag Landing and that the owners of 12 Tantummaheag Road have owned the property since 1701, if not earlier. As Town counsel expressed the town's findings publicly a month ago, there is "no evidence" that the Town owns the property, and there never has been any such evidence.

Now the Town has purchased a memorandum from a third-party lawyer - - not its own counsel - - that sets out an entirely new and spurious theory: that our back driveway is a ""public highway".

However, the town and its lawyers has been unable to cite a single document, deed, or any other archival or official source to suggest that the Town ever established, acquired, sought to impose or treated our back driveway as a public highway (as defined in Connecticut law) at any time over the past 300 years. This driveway was laid out when Richard Lord built his house in the 18th century and has been shown on maps ever since as an access to the house. Indeed, the town surveyor specifically labeled that very access as a driveway in his survey of 1931. From a legal perspective, that driveway is in an entirely different place from the original right of way that commenced at the mouth of the brook (not in front of the house) and ran northward over BOTH Richard Lord's and Thomas Lord's adjacent properties as described in the agreement between Richard Lord, his two brothers and the town in 1701 - - a right of way which (with respect to the part on our property) was voided by a deed from Richard Lord to his son that was notarized in 1725, never used or described in any document since that time, and almost entirely destroyed by a dam and ice pond created in 1905.

The surveyor sent by the Town to "find" a landing in 1931 acknowledged in a memorandum to the Town that he did NOT map the original right of way but abandoned doing so; instead, he mapped a route right down our driveway (even though he knew and labeled that access as a private driveway) so that the Town might claim access to the river at a point where the original right of way never existed. His memorandum, which the Town possesses but has kept hidden from the public, admits that he made no effort to map the original right-of-way since the Town wouldn't want it and couldn't use it anymore, so he was creating a new route to the water the Town "could claim" - IF no one looked hard and IF the then-owner of the property agreed to change her deed to allow the Town this brand new right (which never happened). Moreover, the agreement of 1701 specifically identifies that very area as land ceded by the town to Richard Lord. Not surprisingly, the town surveyor who laid out his new version of a right-of-way he called Tantummaheag Landing in 1931 never found any "public highway" there, or even a path, or claim there was one, and specifically labelled that access route a "driveway" in his survey. In fact, he had surveyed the adjacent neighbor's property in the late 1890's, where half or even more of the original right of way given by Thomas Lord on his property ran along the brook (the right of way was on both adjacent properties), and the surveyor did not find any "public

highway" there, or any sort of public access. Essentially, he committed fraud (which he admitted in his letter to the Town) in order to establish access to water at points and running through part of our property where there had been no right of way and certainly no 'highway' for 230 years.

The report the Town has purchased from a third-party lawyer is so filled with factual, legal and historic errors that it confirms our belief there is virtually no chance a judge or court would ever agree with such an implausible conclusion. Indeed, the third party lawyer's letter to counsel is so sloppy that he begins by assuming the conclusion that he has been asked to opine upon (p. 6, para. 4) that our driveway is a public highway, then immediately admits he could "not find [any other] . . evidence of manifest intent" to make or even consider the driveway a public highway on the part of anyone including the Town. He then proceeds to fatally misread all the most important string of deeds in the entire title chain - - claiming that over several hundred years the "northern" boundary of the deeded property was a "highway then in use" and thus must have been our driveway, therefore, our driveway was a 'public highway.' In fact those deeds all show the property ran on the NORTH to the Brook and/or wall beneath - - it beyond our driveway - - and on the EAST to the real public highway involved (Neck Road). Obviously, if there had been a public highway running through the middle of the deeded property for a hundred or two hundred years previously, one would have thought it would have been mentioned in one or all of this series of deeds . . and evidently the Town's "expert" mistakenly thought it had been! Welcome to archival legal research . . where getting it right is important and has real implications for peoples' lives.

We have consistently welcomed polite neighbors and townspeople to walk down our driveway to the ice-pond and river, and park outside our property if they drive here. We hope and plan to continue to do so unless the Town makes this a continuing threat to our safety and privacy, which it has over the past two years.

Moreover, we are quite happy to discuss reconstructing and deeding a right of appropriate and limited public access along the **original right of way,** which we have absolutely no obligation to do, creating a parking place for one car out of sight of our home and access to the ice pond - - if that's what the Town wants. But that would require consent of our neighbor on whose property the right-of-way also ran to reach the current pond, and would probably require that the parking place be on level ground of his property in order to be safely situated.

We look forward to any discussion the Town wishes to initiate. We suggested such a discussions fifteen months ago, and have never had a response. Now that our ownership has been conceded, there might be some basis for a resolution that allows pedestrian access only, a resolution that would be mutually beneficial for our neighbors while preserving our safely and ownership interests.