

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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MAY 24 2010

Nicholas J. Decoulos

May 21, 2010

Ms. Deborah J. Patterson  
Recorder  
Land Court  
226 Causeway Street  
Boston, MA 02114

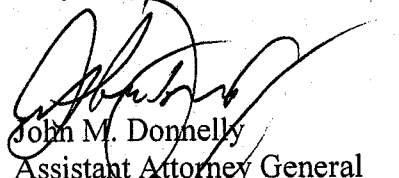
Dear Ms. Patterson:

Subject: *Maria Kitras, Trustee, et al. v. Town of Aquinnah, et al.*  
Land Court Case No. 97 MISC 238738 (CWT)

Enclosed please find for filing in the above-referenced case the Commonwealth's Surreply.

Thank you and your staff for you attention to this matter.

Very truly yours,

  
John M. Donnelly  
Assistant Attorney General  
Trial Division  
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john.m.donnelly@state.ma.us

Enclosure (1)

cc: Service List



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT**

DUKES, ss.

LAND COURT  
CASE NO. 97 MISC 238738 (CWT)

MARIA A. KITRAS, Trustee, *et al.*

Plaintiffs

v.

TOWN OF AQUINNAH, *et al.*

Defendants

**SURREPLY OF THE COMMONWEALTH OF MASSACHUSETTS**

The defendant, the Commonwealth of Massachusetts ("Commonwealth"), submit this surreply in response to the issues raised in the Plaintiffs' Reply Brief to Defendants' Memorandum of Law on the Issue of Intent and the Plaintiffs' Mark D. Harding, And Trustees Sheila H. Besse And Charles D. Harding, Jr. Reply Brief Of [sic] Defendants' Memorandum of Law On The Issue Of Intent.

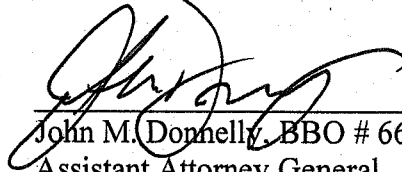
The Commonwealth adopts the argument the surreply proffered by the defendants: the Town of Aquinnah, the Vineyard Conservation Society, Inc., the Martha's Vineyard Land Bank, Caroline B. Kennedy, Edwin Schlossberg, Jack Fruchtman, Joann Fruchtman, David Wice, and Betsy Wice.

Based on this argument, the Commonwealth urges this court to find that the plaintiffs have not met their required burden of proof.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS  
By its Attorneys

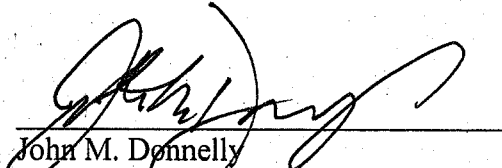
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**CERTIFICATE OF SERVICE**

I, John M. Donnelly, Assistant Attorney General, hereby certify that on this date I served the foregoing upon all parties, by mailing a copy, first class, postage prepaid to all parties on the attached service list.



John M. Donnelly  
Assistant Attorney General  
Trial Division

Dated: May 21, 2010