


RELEASE OF THE GORDA REALTY TRUST

Maria A. Kitras as Co-Trustee of the Gorda Realty Trust and James J. Decoulos, as an individual and as a Trustee of the Gorda Realty Trust, and the Gorda Realty Trust (collectively "Gorda"), in exchange for good and valuable consideration which includes the parties' consent in Kitras, et al. v. Thulin, et al., Essex County Superior Court No. 2002-1828, to file an Agreement for Judgment annulling the Conservation Commission's July 26, 2000, decision denying Gorda's March 15, 2000, Notice of Intent, a copy of which is attached hereto as Exhibit A; and the Conservation Commission's agreement to file a Request for Dismissal of its claim for an adjudicatory appeal with the Department of Environmental Protection ("DEP") for DEP File No. SE 27-237, a copy of which is attached hereto as Exhibit B; and a Disposal System Construction Permit from the Aquinnah Board of Health, a copy of which is attached hereto as Exhibit C; on behalf of their beneficiaries, heirs, executors, administrators, attorneys, successors, and assigns, hereby release, acquit and discharge William Sargent, Priscilla Wrenn, Caroline W. Hutson, William D. Vanderhoop, Jr., Sarah Thulin, Steve Yaffe, and Richard Lee, both individually and as they have been or are members of the Aquinnah Conservation Commission; Jerry Wiener, Sarah Saltonstall, and Richard Skidmore, both individually and as they are members of the Aquinnah Board of Health; Camille Rose, Flavia Stutz, Joanne

Eccher, Peter Temple, Lisa Bibko, and Bertha Giles Welch, both individually and as they are members of the Planning Board for the Town of Aquinnah; and the Town of Aquinnah from any and all actions, causes of action of any kind including statutory claims, or suits, that seek money damages, attorneys' fees, costs, and interest whatsoever that Gorda now has or ever has had from the beginning of the world to the present that concern, relate to, or arise out of property owned by the Gorda Realty Trust in the Town of Aquinnah known as Setoff Lot 232, which is further identified on the Town's Assessor's Map 12 as Parcel 38 or Lot 38.

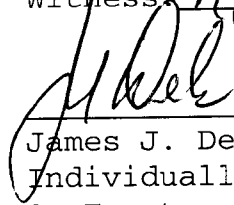
Gorda specifically does not release the claims it has alleged in Counts IV and V of its Verified Complaint in Kitras, et al. v. Rose, et al., Land Court Docket No. 282682.

Witness our hands and seals below:



Maria A. Kitras
Co-Trustee, Gorda Realty Trust

Witness: Maria Leonor Salazar Dated: 12/23/02


James J. Decoulos
Individually and as
Co-Trustee, Gorda Realty Trust

Witness: Maria Leonor Salazar Dated: 12/23/02

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.ESCV2002-1828-A

MARIA KITRAS, as Co-Trustee)	
of Gorda Realty Trust and)	
JAMES J. DECOULOS, as)	
Co-Trustee of Gorda Realty)	
)	
Plaintiffs)	
)	
vs.)	
)	AGREEMENT FOR
SARAH THULIN, RICHARD LEE,)	<u>JUDGMENT</u>
and STEVEN YAFFE, as they)	
are members of the)	
Conservation Commission of)	
the Town of Aquinnah and)	
Individually, and THE TOWN)	
OF AQUINNAH,)	
)	
Defendants)	

Pursuant to Mass. R. Civ. P. 58(a), the parties
hereby agree to the following judgment:

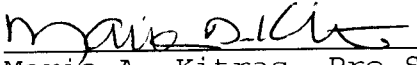
1. As to Counts I, III, and IV of the Amended
Complaint, judgment shall enter for the defendants dismissing
those Counts, with prejudice;

2. As to Count II, judgment shall enter for the
plaintiffs that its Notice of Intent filed with the
Conservation Commission on March 15, 2000, as amended through
July 12, 2001, insofar as it requests an order of conditions
under the Aquinnah Wetlands/Water Resource Protection By-law,
is allowed nunc pro tunc to July 12, 2001, because the

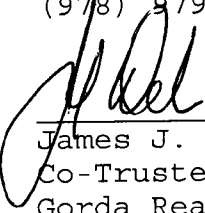
Conservation Commission did not issue its written decision within twenty-one days of its vote; and

3. There are no costs to any party, and all parties waive all rights of appeal.

THE PLAINTIFFS



Maria A. Kitras, Pro Se
Co-Trustee
Gorda Realty Trust
3 Electronics Avenue
Danvers, MA 01923
(978) 979-0763




James J. Decoulos, Pro Se
Co-Trustee
Gorda Realty Trust
3 Electronics Avenue
Danvers, MA 01923
(978) 979-0763

Dated: December 23, 2002

THE DEFENDANTS,

By their attorneys,



Ronald H. Rappaport
BBO No. 412260
Michael A. Goldsmith
BBO No. 558971
Reynolds, Rappaport & Kaplan,
L.L.P.
106 Cooke Street
P.O. Box 2540
Edgartown, MA 02539
(508) 627-3711

Clerk of Courts

Approved as to Form:

Justice of the Superior Court

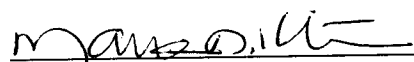
EXHIBIT B

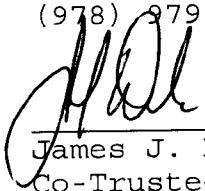
COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:)	
)	Docket No. 2001-114 and
)	2001-115
Maria Kitras, Trustee,)	File No. SE 27-237
Gorda Realty Trust)	
)	
Aquinnah, Massachusetts)	
)	
)	

The Aquinnah Conservation Commission hereby moves for
an order dismissing its claim of an adjudicatory appeal.

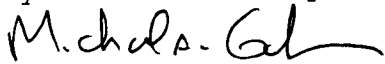
GORDA REALTY TRUST


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AQUINNAH CONSERVATION COMMISSION

By their attorneys,


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Jack and JoAnn Fruchtman,

By their attorneys,

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Richard J. Gallogly
RACKEMANN, SAWYER & BREWSTER, P.C.
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Department of Environmental Protection

H. Rebecca Cutting, Esq.
Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, Massachusetts 02108

Dated: December , 2002

EXHIBIT C

No. 441

COMMONWEALTH OF MASSACHUSETTS

Board of Health, AQUINNAH, MA.

3 bedrooms

DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permission is hereby granted to; Construct(☒) Repair() Upgrade() Abandon() an individual sewage disposal system
at APMAP # 12 LOT 38/232 Off Moshup Trail as described in the application for
Disposal System Construction Permit No. 441, dated 8/18/2001

Provided: Construction shall be completed within three years of the date of this permit. All local conditions must be met.

Form 1255 Rev. 5/96 A.M. Sulkin Co. Boston, MA

Date 12/6/02 Board of Health

Stallener
Chairman B.O.H.