

LEGAL STATUS OF CASES INVOLVING:

Maria A. Kitras and James J. Decoulos, as they are trustees of Gorda Realty Trust

<i>Parties</i> <i>Legal Representation</i>	<i>DOCKET NO.</i>	<i>DESCRIPTION AND STATUS</i>
MA LAND COURT		
<u>Pettegrove v. AQ ZBA</u> <i>Nicholas J. Decoulos</i> <i>and James A. Demotses</i>	248339 and 249539 (MVG)	Upheld denial of variance for Lot 232 to avoid wetland filling by seeking relief from setbacks.
<u>Kitras v AQ Planning Board</u> <i>Pro se</i>	282682 (LJL)	Zoning freeze and effect of MVC DCPCs. Remanded to Middlesex Superior Court for lack of Land Court jurisdiction.
<u>Fruchtman v. Kitras et al.</u> <i>Pro se</i>	287677 (GHP)	Challenge to effect of Madison covenant on Lot 232. After two-day trial, Justice Piper determines that Kitras and Decoulos could not have been conveyed Madison's personal restriction.
<u>Fruchtman v Madison et al.</u> <i>Pro se</i>	298126 (GHP)	Challenge by Fruchtman to ability of Madison to convey additional easements over Fruchtman lands. Agreement for Judgment filed and approved by Justice Piper on November 25, 2008.
<u>Kitras et al. v Rose et al.</u> <i>Pro se</i>	313967 (GHP)	Validity of AQ Planning Board to deny effort by Gorda to divide Lot 232. Defendants' motion for summary judgment granted.
<u>Kitras et al. v. Temple et al.</u> <i>Peter J. Feuerbach</i>	11 MISC 457158 (GHP)	Appeal of Special Permit denial by AQ Planning Board Plan Review Committee to construct three-bedroom house, way, bridge, septic system and well which is allowed by right under zoning bylaws.
<u>Miller et al. v. Kitras et al.</u> <i>Peter J. Feuerbach</i> <i>and Amy E. Kwesell</i>	11 MISC 459809 (GHP)	Complaint by Millers alleging that Gorda has no right to construct bridge on Miller property with existing easement over their property.
<u>Kitras et al. v. Vercruysse et al.</u> <i>Peter J. Feuerbach</i> <i>and Amy E. Kwesell</i>	11 MISC 471266 (GHP)	Appeal of decision by AQ Zoning Board of Appeals that denied relief on frontage of lot created in 1878 and setback distance of bridge to property line.
<u>Kitras et al. v. Temple et al.</u> <i>Peter J. Feuerbach</i> <i>and Amy E. Kwesell</i>	11 MISC 473899 (GHP)	Appeal of decision by AQ Planning Board to deny Approval Not Required (ANR) plan submission that followed the procedures previously outlined by Justice Piper in Misc. Case No. 313967.

ESSEX SUPERIOR COURT

<u>Kitras et al. v Wiener et al.</u> <i>Pro se</i>	ESCV 2001-2223A	Challenge to denial of septic system application by Gorda. Agreement for Judgment entered in January, 2003. Motion to set aside judgment denied by Lowy.
<u>Kitras et al. v Thulin et al.</u> <i>Pro se</i>	ESCV 2002-1828-A	Challenge to wetland by-law denial by AQ Con Com. Agreement for Judgment entered in January, 2003. Motion to set aside judgment denied by Lowy; upheld on appeal (2005-P-1028) with SJC denying direct review (DAR-15046).

MIDDLESEX SUPERIOR COURT

<u>Kitras v Thulin</u> <i>H. Theodore Cohen</i>	MICV 1998-05515	Challenge to wetland by-law denial by AQ Con Com on 1998 NOIs filed by Gorda and Bear. Decision issued stating that by-law was invalid at time of filing but has been subsequently corrected.
<u>Kitras et al. v AQ Town Clerk</u> <i>Pro se</i>	MICV 2002-03574	Petition for writ of mandamus seeking certificates from Town Clerk for constructive subdivision approval. Obtained order from court compelling issuance of certificate after one-day trial. Appealed by Town and judgment reversed (2002-P-1508).
<u>Kitras et al. v Rose et al.</u> <i>Pro se</i>	MICV 2004-313 B	Zoning freeze under c. 40A and challenge to MVC DCPCs. Defendants' motions for summary judgment granted. MA Appeals Court and SJC upheld.
<u>Kitras et al. v. AQ Con Com</u> <i>Pro se</i>	MICV 2004-3216	Appeal of extension denial of wetland by-law permit. Dismissed. No entry of judgment issued.
<u>Kitras et al. v. AQ Con Com</u> <i>Arthur P. Kreiger</i>	MICV 2008-2585 H	Appeal of local wetland by-law denial. Decision and order from Justice Budd rendering local by-law denial moot. DEP SOC controls.

DEP/DALA

<u>Matter of Maria Kitras</u> <i>James J. Decoulos</i>	2001-114	Decision upholding DEP SOC. Confirmation of decision from DEP Commissioner on 11/10/05. Extension requests filed to DEP on November 7, 2008 and October 4, 2011. Based upon Permit Extension Act, current SOC is valid until November 10, 2013.
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MASSACHUSETTS APPEALS COURT

Kitras v AQ Town Clerk 2002-P-1508
Pro se

Constructive subdivision approval seeking writ of mandamus from Town Clerk. Justice Peter Lauriat decision reversed by Appeals Court in unpublished decision by the late Hon. Ben Kaplan (Who happened to own a house in Chilmark and was a friend of town counsel Ron Rappaport. See <http://goo.gl/hK0KJ> and letter to the editor “A Legal Legacy of Preservation”, Vineyard Gazette, 8/20/10). FAR by NE Legal Foundation denied (FAR-14459).

Kitras v AQ Con Com 2005-P-1028
Pro se

Appeal of denial by Essex SC (Lowy) to set aside prior agreed judgment. Briefs filed and DAR denied (DAR-15046).

Kitras et al v AQ Planning Board 2006-P-1463
Arthur P. Kreiger

Appeal of denial of Middlesex SC (Houston) to grant zoning freeze and relief on summary judgment to challenge to DCPCs. Denial affirmed.

Kitras et al v AQ Con Com 2010-P-1166
Arthur P. Kreiger

Appeal by Town of Justice Budd decision invalidating Con Com local by-law denial. Dismissed by Town on August 11, 2010.

SUPREME JUDICIAL COURT

Kitras v Town Clerk FAR-14459
New England Legal Foundation

FAR denied seeking reversal of unpublished Appeals Court decision (2002-P-1508). Letters of support from MA Assoc. of Realtors and NAIOP.

Kitras v Aquinnah DAR-15046
Pro se

DAR denied for Justice Lowy decision to leave judgment alone (MA App Ct 2005-P-1028).

Kitras v AQ Zoning Admin. and Planning Board SJC-10223
Arthur P. Kreiger

Further appellate review of Appeals Court denial of zoning freeze and challenge to DCPCs. SJC upheld denial. 453 Mass. 245 (2009)

U.S. DISTRICT COURT

Kitras v Fruchtmans
Pro se

02-11158 JLT

Challenge to covenant violation by Fruchtmans.
Dismissed by Court for failure to meet federal
amount in controversy threshold.

Kitras et al. v Temple et al.
Peter J. Feuerbach
and Amy E. Kwesell

12-cv-10970 DJC

Complaint alleging civil rights violations by
individual town officials, together with the
temporary and permanent taking of property.