

----- Original Message -----

From: "Patrick Wood" <PatrickWood@patrickwoodlaw.com>
To: "Walter Mitchell, Mitchell & Bates PA" <wlmlaw@metrocast.net>
Cc: "Barbara Aichinger" <aichinger@comcast.net>; "Ed Aichinger" <eda@futureplus.com>; "Simone Cushing" <SimoneCushing@patrickwoodlaw.com>; "Lee Harrington" <LeeHarrington@patrickwoodlaw.com>; "Jane Wood" <JaneWood@patrickwoodlaw.com>
Sent: Thursday, September 13, 2007 2:14 PM
Subject: RE: Aichinger information request...

Walter - I shall do so, in addition to sending her a copy of your e-mail. Thank you.

Patrick H. Wood
Patrick Wood Law Office, PLLC
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603.524.1446
603.524.1788 (fax)
phwood@patrickwoodlaw.com

-----Original Message-----

From: Walter Mitchell, Mitchell & Bates PA [<mailto:wlmlaw@metrocast.net>]

Sent: Thursday, September 13, 2007 10:40 AM
To: Patrick Wood
Subject: FW: Aichinger information request...

Pat -- Please advise your client on the inappropriateness of her communicating directly with this office. I have no desire for it, and the town certainly doesn't want to pay for it.

Thank you.

Walter

-----Original Message-----

From: Barbara Aichinger [<mailto:aichinger@comcast.net>]
Sent: Wednesday, September 12, 2007 5:30 PM
To: Patrick Wood; Walter Mitchell, Mitchell & Bates PA
Cc: Simone Cushing; Lee Harrington; Jane Wood; laslaw@metrocast.net

Subject: Re: Aichinger information request...

Hello Mr. Mitchell,

It is surprising to me that Mr. Ayer has changed his 'impressions' of the unmerger process in Gilford as we spoke of it several times over the past year and he was quite certain. His opinion was bolstered by the Building Inspectors opinion (as reflected in the April 19th letter from Attorney Brouillard to you) and the opinion of the Town Appraiser Wil Corcoran (see also attached letter). I find it difficult to believe that all three of these town officials were wrong when it came to Gilford's process of unmerging buildable grandfathered parcels. It is clear to me that they had a procedure for investigating the situation, conferring on it and then making a decision. A few weeks back I dropped off at your office my legislative research on HB 390. I have also spoken with a few of the legislators involved in that and Attorney Waugh who helped sponsor the bill.

My impression is that if we are not estopped by the Gagne case then John Ayer, as a town official, had every right to unmerge parcels per HB 390 and the second sentence of RSA 75:9 since this is the exact situation for which that legislation was intended. He had a process, did his research, conferred with other town officials and made a decision.

As to how I found some of the unmerges. It appears that while the planning department nor the assessors department made actual lists of unmerges over the years they did leave some clues. When the unmerged parcel was entered into the assessors data base on occasion the person entering the new record put a notation in the notes field. It was a search on these fields that lead me to the list. It is very probably that I did not find them all since no notation may have been made and any conversion of the database to new software could have negated those fields.

Mr. Mitchell, although I am not an attorney, I like to play one when I am being sued ;-), so please excuse me for offering up my opinions.

Regards,
Barbara Aichinger

----- Original Message -----

From: "Patrick Wood" <PatrickWood@patrickwoodlaw.com>

To: "Walter Mitchell, Mitchell & Bates PA" <wmlaw@metrocast.net>

Cc: "Barbara Aichinger" <aichinger@comcast.net>; "Simone Cushing" <SimoneCushing@patrickwoodlaw.com>; "Lee Harrington" <LeeHarrington@patrickwoodlaw.com>; "Jane Wood" <JaneWood@patrickwoodlaw.com>
Sent: Wednesday, September 12, 2007 3:07 PM
Subject: RE: Aichinger information request...

Walter - my client, the super sleuth, has found what we believe are about a half dozen "unmerger" situations in Gilford. I am attaching her list that I just got on Monday.

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-----Original Message-----

From: Walter Mitchell, Mitchell & Bates PA [<mailto:wmlaw@metrocast.net>]

Sent: Wednesday, September 12, 2007 2:19 PM
To: Patrick Wood
Cc: John Ayer
Subject: Aichinger information request...

Pat -- A few weeks back you and I had a discussion which followed up on your letter to me dated 8/8/07.

I have discussed with Mr. Ayer his earlier impression that in the past there have been other situations similar to one which involved your client's property. Despite his earlier impression, his present impression is that there are none.

He reports that at the time he was thinking of a situation with a property on Dow Road. However, when he subsequently went back to check those background facts he discovered that situation did not involve a "merger", but rather a mix-up with respect to addresses. He will pull

out those details and provide them to me in case anyone wishes to review paperwork.

Initially he was also under the impression that similar situations had also arisen in Gunstock Acres. However, he is unable to recall the specifics or the specific property, to test the accuracy of that memory. He will, however, keep trying to remember.

Sorry that we are not able to supply more detail at this time.

Walter

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