

MITCHELL MUNICIPAL GROUP, P.A.

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January 22, 2020

Kimberly T. Myers, Clerk
Strafford County Superior Court
259 County Farm Road, Suite 301
Dover, NH 03820

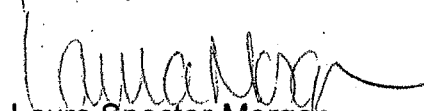
Re: Town of Durham v. Theodore S. Mulligan, Trustee of the Theodore S. Mulligan
Trust
Docket No. 219-2017-CV-455

Dear Clerk Myers:

I enclose for filing in the above captioned matter a Revised Settlement Agreement.

Thank you for your assistance and please do not hesitate to contact me with any questions or concerns regarding the enclosed.

Sincerely,



Laura Spector-Morgan
laura@mitchellmunigroup.com

Enc.

cc: Todd Selig, Town Administrator, w/enc. (via e-mail)
Audrey Cline, Code Official, w/enc. (via e-mail)
Christopher T. Regan, Esquire (via e-mail)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, S.S.

SUPERIOR COURT

Town of Durham

v.

Theodore S. Mulligan, Trustee of the Theodore S. Mulligan Trust

Docket No. 219-2017-CV-455

REVISED SETTLEMENT AGREEMENT


NOW COME the Town of Durham ("town"), by and through its attorneys, Mitchell Municipal Group, P.A., and Theodore S. Mulligan, Trustee of the Theodore S. Mulligan Trust, by and through its attorneys, Bamford, Dedopoulos & Regan, PLLC, and hereby stipulate and agree as follows:

1. The Town of Durham initiated this action in December, 2017 alleging, among other things, that the Theodore S. Mulligan Trust ("the Trust") was using its properties at 10 and 14 Coe Drive, Durham, New Hampshire ("the Properties) in violation of the Durham Zoning Ordinance, which limits occupancy of the property to three unrelated persons.

2. By Agreement approved by this Court on September 24, 2018, the parties attempted to resolve this matter, in part, with the Theodore S. Mulligan Trust ("the Trust") averring that "there are no more than 3 unrelated persons living at the property at this time."

3. In the ensuing year, the town has obtained, among other evidence, affidavits from four individuals who aver that they resided at 14 Coe Drive from June 1, 2017 through May 20, 2019.

4. The parties therefore agree to the following resolution to avoid a hearing in this matter:

a. The Trust shall pay to the Town of Durham civil penalties and attorney's fees in the amount of \$6,500, with \$1,500 to be paid upon the execution of this Agreement, and \$500 due on the first of each month from ~~January to October~~ ^{February} ^{November}  ~~January to October~~, 2020. Should it fail to comply with the terms of this Agreement, the Town may seek contempt sanctions of up to \$141,625 (\$275 for each day of 2018 and 2019 that the property was in violation of the town's zoning ordinance).

b. The Trust shall, for as long as it owns the property at 14 Coe Drive, provide the town by August 1 of each year copies of the leases it executes for 14 Coe Drive with only the home addresses of the tenants redacted. These leases shall include the license plate numbers of the tenants' vehicles. Leases for the 2019-2020 school year shall be provided upon the execution of this Agreement.

c. The Trust shall not rent this property, or any other property it owns or comes to own in the Town of Durham, in violation of the limitation on number of unrelated occupants set forth in the Durham Zoning Ordinance (currently Section 175-56(A)).

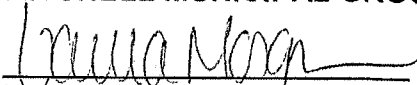
Respectfully submitted,

TOWN OF DURHAM

By Its Attorneys
MITCHELL MUNICIPAL GROUP, P.A.

Date: 1-22-2020

By:

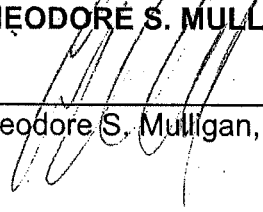

Laura Spector-Morgan, Bar No. 13790
25 Beacon Street East
Laconia, New Hampshire 03246
(603) 524-3885

AND

THEODORE S. MULLIGAN TRUST
THEODORE S. MULLIGAN, TRUSTEE

Date: 1-15-2020

By:

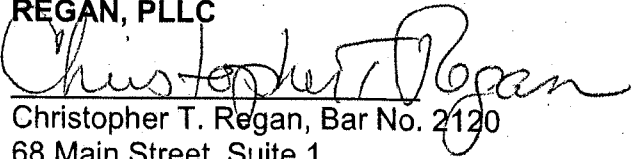

Theodore S. Mulligan, Trustee

AND

By Its Attorneys
**BAMFORD, DEDOPOULOS, &
REGAN, PLLC**

Date: January 15, 2020

By:


Christopher T. Regan, Bar No. 2120
68 Main Street, Suite 1
Durham, New Hampshire 03824
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