

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Dukes County, ss.

Docket No. 23-SBQ-02081-11-001

**COMPLAINT FOR VOLUNTARY WITHDRAWAL OF LAND
FROM THE REGISTRATION SYSTEM
(G.L. c. 185, § 52)**

Plaintiff, **SQUIBNOCKET FARM, INC., formerly known as SQUIBNOCKET FARM ASSOCIATION, INC.**, a nonprofit corporation organized and existing under the laws of the Commonwealth of Massachusetts, is the only owner of the fee simple estate in all of a parcel of land that has been registered under G.L. Chapter 185, and seeks to withdraw the land from the provisions of that chapter pursuant to G.L. c. 185, § 52.

1. Plaintiff submits with this Complaint its executed Notice of Voluntary Withdrawal.
2. The land to be withdrawn (the “Land”) is described in Certificate of Title No. 9736, in Book 51, at Page 241, issued from the Dukes County Registry District Office of the Land Court, and is shown on Land Court Plan No. 2081-F, as follows:

Part of the land described in Certificate of Title No. 9736, namely:

Parcel Three – Being the remainder of Lot A shown on Land Court Plan 2081-F filed with Certificate of Title No. 1056.

(Attested copies of Certificate of Title No. 9736 and Certificate of Title No. 1056 are attached hereto as Exhibits A and B.)

3. A more expansive and detailed description of the Land is:

Being Lot A on Land Court Plan No. 2081-F, excepting and excluding:

- (i) That part of Lot A shown on Land Court Plan No. 2081-F that was included within Lot 5 shown on Land Court Plan No. 2081-I, being the land described in paragraph 2 of a deed from The Cape Cod Company to Weston Howland, dated September 22, 1950, registered in the Registry District as Document No. 2672, and being a portion of the land described in Certificate of Title No. 1485 (see attested copies attached hereto as Exhibits C, D, E and F, respectively); and
- (ii) Lots 1 and 2 on Land Court Plan No. 2081-H, being described as Parcel Two in a deed from Ivo Meisner, Trustee of The Cape Cod Company Limited Partnership Nominee Trust, to Squibnocket Farm Association, Inc., dated December 30, 1996, registered in the Registry District as Document No. 39128, and in Certificate of

Title No. 9736 (see attested copies attached hereto as Exhibits G, H and A, respectively).

4. Plaintiff seeks withdrawal under any or all of the following clauses of the fourth paragraph of G.L. c. 185, § 52:

- (i) The Land constitutes less than all of the total area of a single parcel. Specifically, the Land is less than all of the total area of Lot A on Land Court Plan No. 2081-F. (See attested copy of Land Court Plan No. 2081-F, attached as Exhibit C. Also see the certificate from a registered land surveyor stating this, attached as Exhibit I.)
- (ii) The registered land consists of less than 10% of the portion of the land area to which an original certificate of title pertains, the rest of the land area to which such certificate pertains having been conveyed since the original registration under Chapter 185, as explained below.
 - a. The Land is a portion of the land shown on Land Court Plan No. 2081-A (“Plan 2081-A”), described in original Certificate of Title No. 9 (the “Original Certificate”). (Plan 2081-A and the Original Certificate are attached hereto as Exhibits J and K.)
 - b. The Land consists of less than 10% of land shown on Plan 2081-A and to which the Original Certificate pertains. The Land also consists of less than 10% of Lot A shown on Land Court Plan No. 2081-F. (See the certificate from a registered land surveyor establishing that the Land is less than 10% of the land on Plan 2081-A and of the land on Land Court Plan No. 2081-F, attached as Exhibit I.)
 - c. The rest of the land area to which the Original Certificate pertains has been conveyed since the original registration. This is shown by the notation on the Original Certificate, indicating that the Original Certificate has been canceled. (See the Original Certificate, attached as Exhibit K. Also see the deeds referenced in Paragraphs 3(i) and (ii) above, showing the conveyance of the rest of Lot A on Land Court Plan No. 2081-F.)
- (v) Other good cause for withdrawal, being economic hardship by reason of the Land being registered, due to the burdens and expenses of further dividing the Land into a lot for separate conveyance, as follows:

Because the Land is comprised of the remainder of land shown on Land Court Plan No. 2081-F, the Plaintiff would be required to prepare a new plan of land and obtain Land Court approval of the plan and of a deed conveying the Land. In addition, the boundaries of the Land have changed since the approval of Land Court Plan No. 2081-F, due to erosion on one side of the Land and accretion on the other, so that the process to show the Land as it exists currently would be

complicated and expensive. (See plan of land entitled, "Plan of Land in Chilmark, Mass. Prepared for The Town of Chilmark February 7, 2019 Scale 1" = 40"', attached hereto as Exhibit L.) Therefore, for both of these reasons, the process of preparing a plan showing the Land and obtaining approval of the Land Court would be complicated, burdensome and expensive, and Plaintiff would suffer economic hardship by reason of the Land remaining registered.

5. As will be indicated in the Land Court Title Examination to be submitted to the Land Court, as of the date of this Complaint, there are no mortgages that encumber the Land, and there is one lease that encumbers the Land: Squibnocket Beach Lease, by and between Squibnocket Farm, Inc., as the lessor, and the Town of Chilmark, as the lessee, dated October 6, 2015, registered in the Registry District as Document No. 84267, an attested copy of which is attached hereto as Exhibit M. The Town of Chilmark, the lessee under said lease, has assented to this Complaint, as indicated in the Assent submitted herewith.

Respectfully submitted,

Dated: _____

SQUIBNOCKET FARM, INC., formerly known as
SQUIBNOCKET FARM ASSOCIATION, INC.:

By its attorney,

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