

STATE OF MAINE
WALDO, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. BELSC-RE-2021-007

JEFFREY R. MABEE, et al.,)
)
Plaintiffs,)
)
v.)
)
CITY OF BELFAST, MAINE,)
et al.,)
)
Defendants.)
)
)
)

**THIRD AFFIDAVIT OF
KIMBERLY J. ERVIN TUCKER, ESQ.**

(Title to Real Estate Involved)

I, Kimberly J. Ervin Tucker, being first duly sworn, make the following affidavit based upon my personal knowledge and, where based upon information and belief, I believe the information to be true, deposes and states:

1. I am the same Kimberly J. Ervin Tucker who submitted affidavits to the court in this matter, dated August 13, 2021 and September 8, 2021. This Third affidavit is intended to supplement the record to include material relative to the takings that was not available when I submitted the earlier affidavits.

2. Attached to this Affidavit and the Plaintiffs' Reply to the City of Belfast's Response in Opposition to Plaintiffs' Preliminary Injunction Motion are true and correct copies of documents, communications, exhibits or orders received or filed by me, and/or received or filed by Nordic Aquafarms, Inc., and/or other parties, in:

- A. The Nordic-related litigation referenced above in paragraph 3; and/or
- B. The related, underlying administrative proceedings in the Department of Environmental Protection, the Board of Environmental Protection, DACF Bureau of Parks and Lands, the City of Belfast and the Belfast Planning Board; and/or

- C. The condemnation proceedings initiated by the City of Belfast including communications with the City's attorney Bill Kelly and the Office of the Maine Attorney General,

including the following:

Preliminary Injunction Reply Exhibits

Exhibit A: Recorded Complete Condemnation Order;

Exhibit B: 7-9-2021 City-NAF Purchase and Sale Agreement with all Exhibits;

Exhibit C: 4-21-2021 Fourth Amendment;

Exhibit D: 9-3-2021 Recorded City-to-NAF Easement;

Exhibit E: Reichard Belfast Freedom of Access Response;

Exhibit F: Picture of HLHCA Sign;

Exhibit G: 8-16-2021 City of Belfast Takings Letter and Check to Friends;

Exhibit H: 8-16-2021 City of Belfast Takings Letters and Checks to Mabee-Grace.

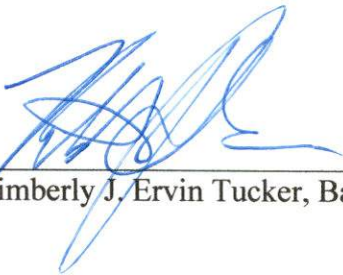
Exhibit I: 9-27-2021 Letter from AAG Lauren Parker to Kristin Collins, Esq. Re: Attorney General's Interpretation of Conservation Easement Statute and Its Relation to the Use of Eminent Domain by a Municipality

3. A true and accurate copy of the City's FOAA Response to Mr. Reichard, in the order provided to him in the City's link, is attached to this Affidavit as Exhibit E, with the only addition being Bates-stamped page numbering added for ease in referencing information produced.

4. The Bates numbers on the Reichard FOAA Response are "BF" for "Belfast FOAA" with the page number in the order produced by the City on its link provided to Mr. Reichard by Attorney Collins on the City's behalf.

Further Affiant sayeth naught.

Dated: September 28th, 2021



Kimberly J. Ervin Tucker, Bar No. 6969

STATE OF MAINE
COUNTY OF Knox, ss.

Personally appeared before me on this 28th day of September 2021, the above-named Kimberly J. Ervin Tucker, who after being duly sworn, made oath that the foregoing statements made by her are true, based upon her personal knowledge, information and belief, and so far as upon information and belief, she believes the information to be true.



Notary Public/Attorney at Law

My commission expires:

SEAL

