

Thomas Hynes et al

vs.

CA W98-198

Breach Drive Beach, Inc.

Raymond Robinson, et al

vs.

Equity 1008

Clifford A. Langworthy, et al

### JUDGMENT

These matters have come before this Court and upon hearing thereon and due consideration thereof, it is hereby

### ORDERED, ADJUDGED AND DECREED

1. The plaintiffs Thomas Hynes, Jacqueline Hynes, Elizabeth Struzik, Robert Scott and Judith Scott are among the successors' in title of Raymond Robinson, et al.
2. The defendant Breach Drive Beach, Inc. is the successor in title of Clifford A. Langworthy.
3. In Robinson vs. Langworthy, Equity 1008, this Court has determined that all owners of property in the subdivision known as "Plat of Weekapaug Terrace" enjoy a right of way over and across the property now owned by Breach Drive Beach, Inc. for reasonable access to the beach, for swimming, picnicking, sun bathing, fishing and all other reasonable beach uses.  
This Court further confirmed that both the subdivision lot owners and the fee owner's use should be such as to give both a reasonable enjoyment of their respective rights.
4. The plaintiffs' motion to consolidate these matters is granted.
5. The deeded right of way, referenced in paragraph 3 above, enjoyed by owners of property in the "Plat of Weekapaug Terrace" is confirmed.
6. This Court again orders that the owner of the fee - Breach Drive Beach, Inc. - shall not unreasonably interfere with the rights of property owners in "Plat of Weekapaug Terrace" to "pass and repass ... over and across" its property.

7. This Court further determines that the owner of the fee - Breach Drive Beach, Inc. - may undertake reasonable means to identify owners, heirs and assigns in the subdivision known as "Plat of Weekapaug Terrace" for access. To that end this Court determines that the issuance annually of identification passes to owners in the "Plat of Weekapaug Terrace" who request the same is among the reasonable means by which such owners can demonstrate such right.

Entered as a Judgment of this Court this 26th Day of June, 1998.

Enter:

Shumberg, J.  
6-26-98

By Order:

C. R. Chaff

Assented to in form and in substance:

Plaintiffs  
Thomas Hynes, et al

By Judith I. Scott  
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Defendant  
Breach Drive Beach, Inc.

By Thomas J. Lignori, Jr.  
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