

STATE OF MAINE
CUMBERLAND, ss SUPREME JUDICIAL
COURT IN EQUITY

INHABITANTS OF THE TOWN OF CUMBERLAND

vs.

ELWIN STANLEY TRUE, ET AL

DOCKET NO. 7807

DATE OF HEARING October , 1957

True
&
to
Cumber-
land
Town of
--
Decree

FINAL DECREE

IN THE SUPREME JUDICIAL COURT IN EQUITY:

This cause came on to be heard this day upon bill and answer of the Defendant Ernest S. Hill and amended answer of the Defendant Marguerite A. Kott, and was argued by Counsel, the Plaintiffs' Bill having been taken pro confesso against all Defendants save the said Ernest S. Hill and the said Marguerite A. Kott by decree of this Court on the tenth day of October, 1957, for want of appearance and ten days having elapsed since the entering of said decree without motion to reopen the same;

And, thereupon, upon consideration thereof the Plaintiffs' Bill is sustained without costs and it is

ORDERED, ADJUDGED, AND DECREED as follows, viz:

FIRST: The true construction of the Will of Elizabeth I. Drowne, and particularly of Items 10th and 11th thereof, is

- (a) That said Items and Will do not create or constitute a Trust of the Drowne Farm Property, described in the Plaintiffs' Bill.
- (b) That Item 10th of said Will gave to the Plaintiffs a right to the income of said Drowne Farm, to be expended in the manner therein set forth, during the period between the death of

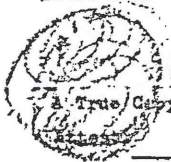
Joseph Drowne in 1897 and the expiration of fifteen years from the date of probate of said Will, to wit, 1905;

- (c) That Item 11th of said Will gave the Plaintiffs, subject to be a life estate in said Joseph Drowne and to the fifteen year term in John H. True, a fee simple in said Drowne Farm, and on the happening of events therein specified, an executory interest to those persons named in said Item 11th;
- (d) That the executory interest set forth in said Item 11th is invalid under the Rule against Perpetuities.
- (e) That the prohibition against sale of said property is an invalid restraint against alienation of property.

SECOND: That the title of the Plaintiffs to said Drowne Farm Property in fee simple with full power of alienation is hereby declared and confirmed; and

THIRD: That the Defendants, Edwin Stanley True, Sidney John True, Marguerite A. Kott, Ernest S. Hill, and all persons claiming as heirs of or by, through, or under Mary Frances True, late of Portland, Maine, and persons claiming as heirs of, or by, through, or under Elizabeth I. Drowne, late of Portland, Maine, or any of them, are perpetually restrained and enjoined from asserting or claiming any estate in or right, title, or interest to the premises described in the Plaintiffs' Bill under the terms of said Will of Elizabeth I. Drowne, or from casting a cloud upon the Plaintiffs' title to said premises or setting up an adverse claim to the same or interfering with the Plaintiffs' possession thereof, or the possession thereof by any person now or hereafter claiming as Grantee of the Plaintiffs, or as heirs or assigns of such Grantee.

Dated this 21st day of October, 1957.



A True Copy of Final Decree.

Isabel Woodward
Clerk of said Supreme Judicial Court

Francis W. Sullivan
JUSTICE, SUPREME JUDICIAL COURT

STATE OF MAINE
CUMBERLAND, ss. REGISTRY OF DEEDS
Received at 10 H 30 M A M on OCT 22 1957 and recorded in
Book 2379 Page 429 ATTEST
George J. Williams Registrar