

Received by the Town Clerk:

**RECEIVED**  
Date: DEC 29 2022  
BY: [Signature]  
APPLICATION COVER PAGE

Application complete \_\_\_\_\_

Application incomplete \_\_\_\_\_

Signed: \_\_\_\_\_

Date: 12/22/22

Date Received by ZBA: \_\_\_\_\_

Name of Applicant and Mailing Address: Myron Garfinkle, Trustee, MBG Realty Trust

39 Sarita Walker Road, West Tisbury, MA 02575

Email Address: jfg+@theiselaw.com Telephone Number: 617.930.1575

Name of Owner and Mailing Address (If not Applicant): Troy and Kimberly Stanfield

Map and Lot #: 38-7-1 Map 38 lot 7.1 and 7.12 jfg

Street Address of Subject Property: 39 Sarita Walker Road, West Tisbury, MA 02575

Applicant is: Owner (Owner, Tenant, Purchaser, Other)

Nature of Application (Special Permit, Appeal, Variance): Appeal of Building Inspector's Decision of Dec. 5, 2022 for 4 foundation only

Applicable Section of Zoning Bylaw: Gl c. 40A, Sec. 7, 8, 15 Building Permits for 140 Sarita Walker Rd. Map 38 Lot 7.1. and 7.12 jfg

Date of Denial by Building Inspector, Zoning Inspector, or Planning Board (If Applicable): Building Inspector's Decision granting foundations only permits dated December 5, 2022.

Plot Plan: Must provide a plan by a registered surveyor showing the total property with the existing buildings, including the proposed project, all setback distances to be provided.

Plans: 2 sets of scaled drawings of floor plans that show total sq. ft. per floor (measured from exterior of wall), at least 2 elevations with one showing proposed height to ridge. If the project is an addition to existing structure please clearly identify proposed work.

Description of proposed project: Please attach a detailed narrative.

I have read the overview of the ZBA process attached to this application and completed all sections of the application cover page and therefore request a hearing before the West Tisbury Zoning Board of Appeals with reference to the above noted application.

Signed: [Signature]  
Title(s): Counsel to MBG Realty Trust

Application fee of \$200.00 is required. Date Paid: 12/29/2022

**received**  
12/29/2022  
CK#5024

FOR ZONING BOARD USE

Size of Subject Lot: \_\_\_\_\_ Zoning District: RU

Registry Book and Page #'s and Date Book 18, Page 63; Book 19, Page 106

Other Boards Involved with the Permitting:  
\_\_\_\_\_

Within an Overlay District?  
\_\_\_\_\_

Martha's Vineyard Commission Referral Required? \_\_\_\_\_ If So, MV Checklist Items:  
\_\_\_\_\_

JAY FREDERIC THEISE LAW ASSOCIATES LLC  
Street Address for Delivery: 19 Locust Lane, Aquinnah, Ma. 02535  
Mail Address: PO Box 755, Chilmark, Ma. 02535  
Telephones: Office: 617-482-8300, Cell: 617-930-1575, E-Fax: 617-391-3027  
E-Mail: [jft@theiselaw.com](mailto:jft@theiselaw.com)

RECEIVED  
DEC 29 2022  
BY: *[Signature]*

TO: The West Tisbury Zoning Board of Appeals  
BY HAND  
December 29, 2022

Received  
12/29/2022  
ZBA - R. Howard

Concerning the Appeal of the MBG Realty Trust, Myron Garfinkle Trustee of the Building Inspector's Decision of December 5, 2022 regarding 140 Sarita Walker Road; Synopsis of Appeal

Filed herewith is the above referred to appeal Application Cover Page, a Letter in Support of the Appeal with a brief discussion of the issues and the law, and Exhibits 1, A,B,C, and D, detailed documents in support of the relief sought, the revocation of the Building Inspector's Decision of December 5, 2022.

By way of synopsis, and without prejudice to all of the issues that support the revocation sought by this Appeal, the so called 6.3Acre ANR (Approval Not Required) Plan filed without notice to abutters nor before the Planning Board, depicts a lot that does not and cannot exist as if sets forth the impossible connection of two separate lots that are neither contiguous or able to be joined as a matter of well-known and established statutory Massachusetts law that specifically rejects and disqualifies such a Plan as evidence of the actual lot because the plan includes land owned by others separating the lots, as provided in previous deeds out to others. Put simply, the deeds and only the deeds determine who truly owns the land.

All of this is fully briefed in the attached materials, including visual aids, legal discussion, and an unequivocal opinion in support from a Massachusetts Attorney appointed by the Chief Justice of the Land Court of Massachusetts as a Certified Land Court Examiner entitled to render opinions to the Court, as well as other expert supporting documents.

Respectfully Submitted,

*[Signature: Jay Frederic Theise]*



**Town of West Tisbury**  
**BUILDING & ZONING INSPECTOR**  
*West Tisbury, Massachusetts 02575*

December 5, 2022

Stedman Construction  
Attn: Matt Stedman  
P.O. Box 1737  
West Tisbury, Ma 02575

**COPY**

Re: 140 Sarita Walker Rd.- Applications

Dear Matt,

I have completed my Zoning and Building Code Review of your applications, for (4) foundation only Building Permits, for 140 Sarita Walker Rd. Map 38 Lot 7.1. See below comments:

1. **Guest House: Foundation only-** The proposed Guest House (Subordinate Dwelling) foundation meets the required setbacks and the lot size exceeds that required by Section 4.4-1B(2) of the West Tisbury Zoning Bylaws (WTZBL). Once item (5.) is addressed, I will be able to issue the "Foundation Only" Building Permit for the proposed Guest House.
2. **Barn: Foundation only-** The existing Barn is a pre-existing, non-conforming structure that does not meet current setbacks. In accordance with Section 11.1-3(A) of the WTZBL, a Special Permit would be required, for the alteration of the existing barn, prior to the issuance of a Building Permit.
3. **Barn: Demolition-** Due to the condition of the existing barn, in accordance with Section 10.1-2B(1) of the WTZBL, I am allowed to issue a Building Permit to demolish the barn. Once item (5.) is addressed, I will be able to issue the Building Permit for the demolition of the existing barn.
4. **Shed: Foundation only-** The proposed shed foundation meets required setbacks and is less than 200sqft in floor area. In accordance with 780 CMR Section 105.2(1) one-story detached accessory structures, with a floor area does not exceed 200sqft, do not require a building permit.
5. **Boundary Monuments:** There do not appear to be boundary monuments in place at all changes of direction as required by Section 10.1-1 of the WTZBL. I will accept a letter from a surveyor indicating he has been retained to install the remaining boundary monuments and will complete the installation prior to the issuance of a Certificate of Occupancy.

As you know, there has been an objection to the issuance of permits for this property. You are advised, and through you your clients are advised, that any permits, determinations or work are done at your clients and your risk. The issuance of any permit or the providing of any suggested guidance or information shall not be construed to be explicit and specific assurances of safety or assistance.

The Town reserves the right to amend or modify this determination.

If you feel aggrieved by any of the above determinations you may file an appeal with the West Tisbury Zoning Board of Appeals within 30 days of this notice.

Feel free to contact me directly if you have any additional questions.

Sincerely,



Joseph K. Tierney, Jr.  
Inspector of Buildings  
Town of West Tisbury

**COPY**

Cc: ZBA

BOH

Planning Board

James B. Lampke, Esq., Special Counsel

Sarah Turano-Flores, Esq.

Jay Theise, Esq.

Jay Frederic Theise Law Associates LLC  
19 Locust Lane, Aquinnah, MA. 02535  
Mailing Address: PO Box 755, Chilmark MA. 02535  
P:617-482-8300; M:617-930-1575; F:617-391-3027  
E-mail: [jft@theiselw.com](mailto:jft@theiselw.com)

Zoning Board of Appeals  
1059 State Road  
PO Box 278  
West Tisbury, MA 02575

December 22, 2022

**RE: APPEAL OF BUILDING INSPECTOR'S DECISION OF DECEMBER 5, 2022  
140 Sarita Walker Road, West Tisbury, Massachusetts**

Dear Sir or Madam:

Please be advised that Jay Frederic Theise of Jay Frederic Theise Law Associates, LLC represents Myron Garfinkle, Trustee, MBG Realty Trust. As the owner of 39 Sarita Walker Road (Map 38, Lot 7-2), my client is a direct abutter and is aggrieved by the determination of Joseph K. Tierney, Jr., Inspector of Buildings, Town of West Tisbury ("Mr. Tierney"), that was issued on December 5, 2022, concerning the Application for permits for 140 Sarita Walker Road, Parcels 38.7.1 and 38.7.12 (the "Determination"). This decision is wrong.

The decision is wrong because it does not consider fully, completely or at all, the so-called "Fee-in-the-Way" law/Derelict Fee Statute as found in Massachusetts General Laws, c. 183, § 158. Simply put, the applicant's counsel's cover letter of August 31, 2022 and its enclosures filed before the Building Inspector on September 2, 2022 are unbuildable as they depend upon a 6.3 acre lot that does not and cannot exist because of the Derelict Fee Statute, General Laws, c. 183, § 158 let alone the letter's erroneous calculation of "as of right buildable square footage without Planning Board Approval."

The word "Fee" as used in the statute means "title" and "way" applies to any and all "private ways." Sarita Walker Road, as clearly shown on this Sourati Engineering ANR (approval not required) Plan of November 2, 2021 (the Sourati Plan of 2021) attached to applicant's application is such a Private Way.

The fee-in-the-way statute automatically gives title in a Private Way to a buyer whose lot is cut out from a larger lot by deed that describes one of the boundaries as the Way. All of the lots on Sarita Walker Private Road (Way) were cut out by various Coffin entity deeds, all of which used Sarita Walker as one of the bounds. The statute goes further and recites the seller can eliminate automatic title passage to the buyer only by the inclusion in the deed of very specific language. Merely granting a right of use to the Way is not sufficient language to create the exception. The statute continues that the buyer automatically owns to the mid-point of the Way for the length of the property bound on the Way. This is precisely what occurred here. Further, if the seller owns the land directly across from the buyer on the Way, then the seller owns the other side to the mid-point. Otherwise, if two-facing buyers have lots bounded by the same way, each owns to the mid-point, but the seller retains no ownership. That is exactly the case here.

All of the seller-Coffin deeds include Sarita Walker Road as a bound, none include the necessary exclusionary language to prevent the statute from passing the Way title to the buyer, and as clearly shown on the Objector depiction, attached hereto, a portion of the Gund and Walsdorf lots face each other on Sarita Walker Private Road (Way), cutting off the 6.3 acres shown on the Sourati Plan of 20021.

In support of this objection, you will find an unequivocal opinion letter dated November 18, 2019 from Attorney Erik M. Greene, Certified to by the Chief Justice of the Land Court of the Commonwealth of Massachusetts as a Land Court Title Examiner qualified to give expert opinions concerning land-use matters, and the Affidavit of Brian Murphy, a licensed Massachusetts Professional Land Surveyor, signed under the pains and penalties of perjury dated April 26, 2019 which states in paragraph 14 that the fee-in-the-way applies to the land in question. The Greene opinion and Murphy Affidavit are also before you attached to these materials with other exhibits on file at the Building Department Office. These materials dated December 10, 2021, are attached hereto as Exhibit 1 and incorporated by reference herein.

I further point out that the Applicant's Sourati 2021 Plan, 30 foot wide Private Way creates a significant intrusion on to several portions of land owned by in addition to Mr. Gund and the Walsdorfs at the cut-off point, Gund at another point, Valenti, and Benjamin Coffin III.

The Applicant's counsel's cover letter to the Building Department refers to the Sourati 2021 Plan showing the 6.3 acres. Massachusetts Law is crystal clear the plan does not grant title to the Way. See Tatten v. Kurlan, 32 Mass. App. Ct. 239 (1992), holding the fee-and-way statute requires words of express reservation to prevent the automatic conveyance of some or all of the way and that the instrument of conveyance (the deed) is the only evidence with respect to the operation of the fee-in-the-way, **and plans are not sufficient or admissible evidence.** Further, when the entire way is properly measured and deducted (see discussion below) and the lot properly viewed by the disconnect as the two separate lots there actually are, the barn lot buildable area is at best 2.3 acres and the pool lot 2.5 acres, both non-conforming in this 3-buildable acre district.

The law, the unequivocal authority of the Land Court Examiner's opinion, and a licensed land surveyor's affidavit were before the Building Department and are before you. As stated at the beginning of this it is the position of the objection that the applications before you depend upon the existence of a 6.3-acre lot. No such lot exists. No permits, therefore, should be granted, and the decision of the Building Department should be revoked.



## **I. LEGAL STANDARD**

Landowners are entitled to an honest, uninfluenced opinion rendered in good faith by a town official charged with deciding whether, under a by-law, a building or comparable permit shall issue. See *Castelli v. Selectmen of Seekonk*, 15 Mass. App. Ct. 711 (1983) citing *Ouellette v. Building Inspector of Quincy*, 362 Mass. 272, 276–278 (1972). A building inspector is under a “duty to act in a fair, judicial, and reasonable manner upon the evidence ... presented ... keeping in mind the objects of the by-law.” *Id.* A building inspector cannot with propriety “act in an unreasonable, arbitrary, whimsical, or capricious manner.” See *Butler v. East Bridgewater*, 330 Mass. 33, 38 (1953).

G.L. c. 40A, § 7 provides as follows:

The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

For a use that is permitted as of right, a landowner must obtain a building permit from the building inspector. The building permit serves two functions: (i) zoning and (ii) compliance with the building code. Here, the permits issued by Mr. Tierney fail to comply with the requirements of the RU Zoning District the West Tisbury Zoning Bylaws (“Bylaws”).

The Zoning Act permits an aggrieved person (whether an abutter or another with standing) who knows about the grant of a building permit to appeal to the Zoning Board of Appeals. See *Vokes v. Lovell*, 18 Mass. App. Ct. 471 (1984). If because an abutter gets no required notice of the issuance of a building permit and he or she has not learned of its issuance until the time for appealing to the ZBA has elapsed, the abutter (or another person aggrieved) may apply in writing to the building inspector for revocation (at least within the six-year period provided in G.L. (2000 ed.) c. 40A, § 7), and he or she may appeal to the ZBA from the building inspector's failure or refusal to revoke. *Vokes v. Lovell*, 18 Mass. App. Ct. at 482-83. (This is effectively a codification of the interpretation of the prior Zoning Enabling Act in *Kolodny v. Building Commissioner of Brookline*, 346 Mass. 289 (1963) and *Brady v. Board of Appeals of*



Westport, 348 Mass. 515 (1965), under which a person aggrieved by the issuance of a building permit who has not appealed to the ZBA might bring a collateral action of mandamus.)

Enforcement by the building inspector, or the building inspector's failure or refusal to take requested enforcement, is treated procedurally as is the issuance of a building permit. Danielle Andrews Long, Esq., *Litigating Residential Real Estate Disputes in Massachusetts* (2<sup>nd</sup> 2014) If a building inspector perceives a zoning violation and issues a cease and desist order *sua sponte*, a landowner's appellate avenue is through the zoning board of appeals. G.L. c. 40A, § 8. Likewise, any person may request a building inspector to take enforcement action and, upon his or her failure or refusal to do so, may seek review of a building inspector's decision from the ZBA. G.L. c. 40A, §§ 7, 8. A person seeking enforcement of the zoning bylaw against a perceived violation must apply to the building inspector for action and, in the absence of a favorable response, appeal to the zoning board of appeals. The procedure on such appeals is spelled out in G.L. (2000 ed.) c. 40A, § 15. A greater-than-majority vote is required to reverse the challenged action of the building inspector. *See Leominster Materials Corporation v. Board of Appeals of Leominster*, 42 Mass. App. Ct. 458-59 (1997) (landowner brought appeal of building inspector's interpretation of the bylaw to ZBA with 5 members, landowner convinced 3 out of 5, the majority, that building inspector's interpretation was incorrect, but appeal was denied for want of the required fourth vote.)

Section 7 of G.L. c. 40A provides that the building inspector “shall notify, in writing, the party requesting ... enforcement [of the zoning by-law] of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of [a] request” for enforcement. Under § 8 of G.L. c. 40A, a person aggrieved “by reason of his inability to obtain ... enforcement action” has a right of appeal to the permit granting authority, here the board. Under § 15 of c. 40A, any such appeal must be taken “within thirty days from the date of the order or decision which is being appealed.” The language of the proviso in the second paragraph of § 7, however, establishes a six-year limitations period for actions seeking to remedy zoning violations arising out of alleged unlawful activities conducted pursuant to an “original building permit.”<sup>8</sup> *Vokes v. Lovell*, 18 Mass. App. Ct. at 476 (1984).

G.L. c. 40A § 8 – Appeals to permit granting authority – provides as follows:

An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this chapter, by the regional planning agency in whose area the city or town is situated, or by any person including an officer or board of the city or town, or of an abutting city or town aggrieved by an order or decision of the inspector of buildings, or other administrative official, in violation of any provision of this chapter or any ordinance or by-law adopted thereunder.

A party aggrieved by a building inspector's decision may seek administrative relief. *See Vokes v. Lovell*, 18 Mass. App. Ct. 482-83 (1984) (“ . . . remedy for zoning violations committed under color of a building permit became a right to request the officer charged with enforcing local zoning to enforce the by-law under G.L. c. 40A, § 7, and, if the requesting party is aggrieved by the inspector's decision, a right to seek administrative relief from the board under G.L. c. 40A, §§ 8 and 15, and, after exhausting \*483 administrative remedies, a right to obtain judicial review pursuant to G.L. c. 40A, § 17.”) *See Neuhaus v. Building Inspector of Marlborough*, 11 Mass.App. at 232–235 (9181).

## **II. BUILDING INSPECTOR'S DECISION OF DECEMBER 5, 2022 WAS ARBITRARY AND CAPRICIOUS**

On December 5, 2022, Joseph K. Tierney, Jr., Inspector of Buildings, Town of West Tisbury (“Mr. Tierney”), issued his determination concerning the Application for permits for 140 Sarita Walker Road, Parcels 38.7.1 and 38.7.12 filed under cover of August 31, 2022, and received by the West Tisbury on September 2, 2022, by or on behalf of Try and Kimberly Stanfield. Mr. Tierney determined the following:

1. Guest House: Foundation only- The proposed Guest House (Subordinate Dwelling) foundation meets the required setbacks and the lot size exceeds that required by Section 4.4-1B(2) of the West Tisbury Zoning Bylaws (WTZBL). Once item (5.) is addressed, I will be able to issue the "Foundation Only" Building Permit for the proposed Guest House.
2. Barn: Foundation only- The existing Barn is a pre-existing, non-conforming structure that does not meet current setbacks. In accordance with Section 11.1-3(A) of the WTZBL, a Special Permit would be required, for the alteration of the existing barn, prior to the issuance of a Building Permit.
3. Barn: Demolition-Due to the condition of the existing barn, in accordance with Section 10.1-2B(1) of the WTZBL, I am allowed to issue a Building Permit to demolish the barn. Once item (5.) is addressed, I will be able to issue the Building Permit for the demolition of the existing barn.
4. Shed: Foundation only- The proposed shed foundation meets required setbacks and is less than 200sqft in floor area. In accordance with 780 CMR Section 105.2(1) one-story detached accessory structures, with a floor area does not exceed 200sqft, do not require a building permit.
5. Boundary Monuments: There do not appear to be boundary monuments in place at all changes of direction as required by Section 10.1-1 of the WTZBL. I will accept a letter from a surveyor indicating he has been retained to install

the remaining boundary monuments and will complete the installation prior to the issuance of a Certificate of Occupancy.

As you know, there has been an objection to the issuance of permits for this property. You are advised, and through you your clients are advised, that any permits, determinations or work are done at your clients and your risk. The issuance of any permit or the providing of any suggested guidance or information shall not be construed to be explicit and specific assurances of safety or assistance.

*See Tierney's Determination dated December 5, 2022, attached hereto as "Exhibit A."*

The Town of West Tisbury Zoning Board of Appeals ("ZBA") should overturn Mr. Tierney's Determination as it was arbitrary and capricious where his decision granting permits was based solely upon the Sourati Engineering ANR (Approval Not Required) Plan of November 2, 2021 (the "Sourati Plan of 2021") attached to Applicant's Application, which "... merges Lots 2A-1.1 and 2A-1.2 as shown on Plan Book 18 Page 63 into one lot" having a lot area of 6.3 acres. A copy of the Sourati Plan of 2021 is attached hereto as Exhibit B. The Sourati Plan of 2021 further notes that "[t]he lots shown on this plan are subject to other easements and restrictions of record." Mr. Tierney's Determination should be overturned and the permits should be revoked because Mr. Tierney based his decision entirely upon the Sourati Plan of 2021; and Sourati Plan of 2021 erroneously represents 6.3 acres. Mr. Tierney failed to objectively consider the implications of G.L. c. 183, § 158 (the "Fee In The Way Law") despite the Sourati Plan of 2021's depiction of "Sarita Walker Private Road (the "Way")", which is 30 feet wide. Since the entire 30-foot-wide private way is non-buildable acreage, the property's net lot area does not contain 6.3 acres. However, Mr. Tierney simply accepted as true the conclusions of the Applicants' counsel, without giving due consideration the non-buildable acreage that must be deducted in accordance with G.L. c. 183, § 158 and Bylaw 4.2-1A(3), which is set forth in detail in the Objection of MBG dated September 18, 2022, filed with Mr. Tierney's office. *See Objection of MBG dated September 18, 2022, attached hereto as Exhibit C.* Mr. Tierney ignored the straight forward calculation wherein (a) the entire 30-foot Way amounts to 1.01 acres of square footage; (b) one acre is defined by the West Tisbury Bylaws as 43,650 square feet; and (c) 6.3 acres shown on the plan minus 1.01 acres equals 5.29 acres of buildable land (6.3 acres - 1.01 acres = 5.29 acres) (5.29 acres x 43650 s.f. = 230,908.5 s.f. Per the new Bylaw the correct buildable measurement of 5.29 acres only permits as of right 4,072 square feet and up to 5,500 Max with a Special Permit. Therefore, before this application which calculates an RFA of 4,261.5 s.f., which is overstated by 189 s.f. is in order to be acted upon it must be brought before the Planning Board prior to any application for a building permit of any kind, and otherwise must now be denied. Further Objection of MBG to the Application for Foundation Permits is attached hereto as Exhibit D.

West Tisbury Zoning Bylaw Article IV, Section 4.2-1 states that "[t]he following Dimensional Table is adopted as part of this bylaw. Except as provided in Sections 4.2-2 through

4.5 below, development in the Town of West Tisbury shall conform to the requirements of the Dimensional Table.” The Dimensional Table requires a minimum lot size of 3 acres in the RU Zoning District.

Bylaw 4.2-2 – Interpretation of Dimensional Requirements – states as follows:

A. Requirements for Lot Area Calculations

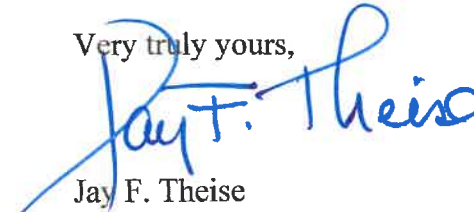
For lots endorsed by the Planning Board after March 22, 1989, the following standards shall apply in calculating minimum lot area:

1. In the RU District, the minimum lot area must include in one contiguous parcel a minimum of one hundred thousand square feet of land which is not under any body of water (including watercourses) or wetland as defined in G.L. Section 40, Chapter 131;
2. In other districts, no land which is wetland as defined in G.L. Section 40, Chapter 131 shall be included in the determination of the lot area required for zoning compliance; and
3. ***For lots in all zoning districts, no part of a public or private way may be included in the lot area required for zoning compliance.***

In contrast to the plain language of both G.L. c. 183, § 158 and Bylaw 4.2-2, Mr. Tierney has disregarded the applicable statutes and bylaws to include portions of the private way depicted on the Sourati Plan of 2021 not owned by the Applicants making it impossible for the creation by inadmissible Plan of one 6.3 Acre lot clearly cut off by intervening owners. As a result, Mr. Tierney has issued permits for the construction of foundations in violation of the Bylaws. Mr. Tierney’s decision should be overturned and the permits must be revoked.

Thank you.

Very truly yours,



Jay F. Theise