

State of Vermont
Superior Court—Environmental Division

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ENTRY REGARDING MOTION

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In re Losier Variance Application
(Appeal from ZBA decision)

Docket No. 79-4-08 Vtec

Title: Motion for Writ of Attachment (Filing No. 10)

Filed: April 6, 2011

Filed By: William P. Neylon, Attorney for Appellee Town of Maidstone

Response in Opposition filed on 5/9/11 by Oliver L. Twombly, Attorney for Appellants/Applicants John and Paulette Losier

☐ Granted

☒ Denied

☐ Other

For the same reasons as those contained in our Entry Oder issued today denying the Town of Maidstone's ("Town") motion to enforce judgment, we also **DENY** the Town's motion seeking a writ of attachment against the real property owned by John and Paulette Losier.

There is no pending matter before the Court in regards to which the Town is likely to "recover judgment." See V.R.C.P. 4.1(b)(2) (authorizing a court to approve a request for a writ of attachment upon finding "that there is a reasonable likelihood that the plaintiff will recover judgment"). Consequently, this motion can be **DENIED** without a hearing.

Thomas S. Durkin, Judge

August 1, 2011

Date

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Date copies sent to: _____

Clerk's Initials _____

Copies sent to:

Oliver L. Twombly, Attorney for Appellants/Applicants John and Paulette Losier

William P. Neylon, Attorney for Appellee Town of Maidstone

Interested Person Brenda J. Tilton

Interested Person Norman A. Vashaw