



# City of Barre, Vermont

"GRANITE CENTER OF THE WORLD"

OLIVER L. TWOMBLY  
CITY ATTORNEY

P.O. Box 283  
BARRE, VT 05641  
(802) 479-2989  
(802) 479-2881 FAX

February 10, 2011

Elizabeth LaPerle  
Vermont State Employees Credit Union  
365 Paine Turnpike North  
Berlin, VT 05602

**Re: Carolyn S. Dawes**

Dear Elizabeth:

I am writing this letter to you at the request of Carolyn S. Dawes in connection with her pending mortgage loan application which you are handling for her. I understand that because Carol is named as a defendant in two law suits (Brenda Brown et al v. City of Barre et al and Wallace Nolen v. City of Barre et al) that her application has reached an impasse due to the speculation that there may be personal liability imposed against Carol.

I am writing to confirm that in my opinion Carol has no likelihood of personal liability in either case. For example, in the Brenda Brown case, Carol is named as defendant in her capacity as "Credit Supervisor" for purposes of delinquent water collection. Clearly she is being sued in an official capacity, and not in a personal capacity. Similarly, in the Wallace Nolen suit she is being sued in her capacity as a "Custodian of Public Records", and not in a personal capacity. Accordingly, it is my considered opinion that neither court considering these two cases would visit personal liability against Carol in the event that judgment went in favor of the Plaintiff.

Please let me know if you have any questions or if any of the above requires further clarification.

Yours truly,

Oliver L. Twombly, Esq.  
OLT/km

cc: Carolyn Dawes