From: Marty MEISSNER

Sent: Wednesday, May 02, 2007 9:56 PM

To: DOSHCA_Gibraltar

Subject: please deny the proposed amendments to the Gibraltar Conservation Easement

Dear Director Slavin,

Attached is my letter objecting to the proposed amendments to the Gibraltar Conservation Easement. This letter, along with a binder of related documents, was hand delivered to your office today. I am also forwarding the documents which correspond to the first three tab sections of the binder as I discovered several errors after the binder was delivered. Please replace the corresponding documents with the revised attachments. My letter was also slightly modified and this updated electronic version should replace the hard copy.

If you have any questions I can be reached at . Thank you for allowing public comment on this issue which is so important to my community.

Marty Meissner

RECEIVED
DELAWARE STATE HISTORIC
PRESERVATION OFFICE

2007 MAY -2 PM 4:45

May 1, 2007

Director Timothy Slavin
Delaware Division of Historic and Cultural Affairs
21 The Green
Dover, DE 19901

Dear Director Slavin:

I am writing to ask that you deny the proposed amendments to the existing conservation easement on the Gibraltar Estate in Wilmington. Attached to this letter is a binder containing a summary of my objections to the plan and many other related documents which corroborate those objections and question Preservation Delaware's hardship claim.

To this layman, it appears that your division of State government is standing at the top of a "slippery slope" should the Gibraltar easement be modified to suit PDI's wants and desires. After all, if the easement is broken to accommodate construction of an office building on protected open space, how can the State refuse similar future requests from others? How can any landowner trust the permanence of a conservation easement when considering how to best preserve their scenic and/or historic property for the enjoyment of future generations?

In 1997, Delaware's Open Space Council paid $1 million to preserve the Gibraltar estate in its "scenic and open condition forever" so that it could be enjoyed by "this generation and generations to come" "in perpetuity". This action was taken after much convincing by elected officials and with the support of Highlands residents, many of whom sought to limit dense new home construction by preserving the estate as open space.

The public trusted PDI to preserve the estate while respecting the surrounding historic residential community. After a decade of lost opportunities and with the house in even worse shape than when the group took ownership, PDI now expects its Highlands neighbors to simply accept this radical, potentially community altering solution without question. I cannot help but see this as a betrayal of public trust.

I am baffled as to why Preservation Delaware, a group that presumably relies on the permanence of conservation easements to accomplish its mission, should expect to be given special treatment. If they cannot live within the restrictions of an easement, why should they expect others to? It is hard to imagine the group supporting such a request from a private citizen.

I urge you to uphold the original language and intent of the easement. I also encourage your office to conduct a thorough review of the property's condition and to question PDI's future relationship with the estate. Highlands homeowners who quietly work to preserve their individual pieces of Delaware's history deserve more than this group has delivered.

Thank you for your thoughtful consideration of this matter.

Sincerely,

Marty S. Meissner

Marty S. Meissner

Additional Documentation submitted with letter from Marty S. Meisner received May 2, 2007

Scanned for inclusion here:

Why the Gibraltar Conservation Easement Should NOT Be Amended (Introduction to additional documentation)

Petition Opposing the Office Park Proposal and associated correspondence (Summer 2006)

Open Space Objections to Requested Changes to Gibraltar Conservation Easement (with supporting documents)

Why Did PDI Fail to Deliver on the B & B Promise? (with Letter from Roberta Mann, President, Preservation Delaware, to neighbors in Highlands Community dated July 25, 2005)

Letter from to Representative Joseph G. DiPinto from Wendie C. Stabler (June 17, 2005)

Referenced only:

Wilmington News Journal Articles related to Gibraltar:

- Gibraltar May Tumble (08/07/94)
- Wilmington's Secret Garden (08/14/95)
- Preservation Delaware seeks funds to save estate (03/02/96)
- Mansion-buying plan inches ahead (04/02/96)
- The Secret Gardener (05/13/96)
- Open Space Council should add city to its preservation record (09/23/96)
- Estate saved from developers (03/13/97)
- Gibraltar latest piece of du Pont family's growing legacy (04/18/97)
- Gibraltar won't tumble, thanks to Durham's help (12/28/98)
- It'll be glary days again at mansion and gardens (04/25/99)
- Mansion renovation revived (12/14/02)
- New use sought for venerable mansion (11/27/04)
- Potential developers take tour of Gibraltar (12/04/04)
- Gibraltar awaits developer – Group hopes to find right plan to restore historic home (09/06/05)
- Yorklyn company hopes to turn Gibraltar into offices (02/25/06)
- Gibraltar mansion proposal debated – Historic home could become office park (08/12/06)
- This may be Delaware's last chance to save Gibraltar mansion (08/26/06)

Article from Greenville Community News on Mount Cuba (04/10/07)
Article from Delaware Online on Wilmington's office market (04/13/07)

Letter from Roberta Man, President, Preservation Delaware, seeking letters of interest for the re-development and re-use of the Gibraltar Mansion and property (October 20, 2004) with attachments

Preservation Delaware Return of Organization Exempt From Income Tax (2005)

Resolution of the Wilmington City Council (August 24, 1995)

Minutes of the Highlands Community Association

- November 12, 2003
- May 4, 2004 (Roof repaired at Gibraltar. PDI still hoping for bed and breakfast at property.)
- October 27, 2004 (Bed and breakfast plan at Gibraltar withdrawn. PDI developing new guidelines for development of mansion. PDI will accept new proposals in the spring. Mansion zoned commercial in 1999. Use of mansion must preserve historic character. Three private residences being built on adjacent property.)
- May 18, 2005 (after participating in the review of proposals to PDI, Highlands Assn. VP Chris Waissen reported that PDI is in discussion with potential tenants the future use of the mansion & grounds)
- November 30, 2005

Marty Meissner

April 29, 2007

Why the Gibraltar Conservation Easement Should NOT Be Amended

In February of 2006, I started hearing rumors that Preservation Delaware, Inc. (PDI) had plans to convert the Gibraltar estate to an office park including significant new construction, parking and a driveway at West 16th and Greenhill Avenue. This was confirmed soon after with a letter from Wendie Stabler (attorney for developer CCS Investors), an article in the Wilmington News Journal, and neighborhood meetings to review the plan.

Shocked is the best description for my reaction to the nature of the project and the amount of new construction planned for the site as I understood the estate was protected from new development. I could not understand how a commercial office park could now be built on a site zoned R-1, protected from development and surrounded by a residential community. Later investigation showed that the Delaware Open Space Council had paid $1 million for the estate's development rights in 1997.

Discussions with neighbors indicated that others shared my concerns with the proposal's size, commercial nature and possible impact on our quality of life and home values. An ad hoc group organized a simple petition to gauge community opposition and quickly found many others who disliked the plan. The big question was how to prevent what we perceived to be a community tragedy. Over the last year, we've worked hard to understand the many issues in this complex situation.

This binder contains sections for several different subjects: the first few include a page describing why certain documents have been included and why I believe they should be taken into account as the State considers Preservations Delaware's restatement of the Gibraltar Conservation Easement.

Thank you for your thoughtful consideration in this matter.

Marty Meissner

Notes on How the Petition Opposing the Gibraltar Office Park Proposal Was Conducted
Marty Meissner
April 30, 2007

During the summer of 2006, an ad hoc group of neighbors opposed to the Gibraltar Office Park plan circulated a petition to gauge community sentiment toward the project. A copy of the petition follows. Relevant details of the petition drive are:

- Most signatures were collected in May and early June of 2006.

- Our canvass focused on the following areas (also collected signatures from other Highlands neighbors)
  West 17th from Greenhill Ave. to Bancroft Parkway
  West 16th from Greenhill Ave. to Bancroft Parkway
  West 14th from Greenhill Ave. to Woodlawn Ave.
  Riverview Ave. from PA Ave. to West 17th St.
  Hamilton St. from 14th to 16th
  Woodlawn Ave. from Pa Ave. to West 17th
  Greenhill Ave. from PA Ave. to West 17th

- We collected 200 signatures. (Additional homeowners sent emails indicating their opposition, but were not counted in this total.);
- At some homes, more than one individual asked to sign and this was allowed. As a group comprised of mothers and others inexperienced in such matters, we assumed that every Highlands resident was entitled to let their voice be heard;
- We found residents overwhelmingly opposed to the office park plan – nearly everyone we approached was willing to sign;
- We simply did not get to each home, so one should <u>not</u> assume that the addresses without a signature support the project.

To provide a visual representation of the homes which signed the petition, a member of our group recently matched the signatures to the City tax parcel map. A copy is attached for your inspection. The tax parcel map is not 100% accurate, but our member tried to be as precise as possible. In short, this is a good faith effort to provide a visual approximation of the volume of residents who signed the petition against the Gibraltar office park plan. Lots shaded in green show homes where one or more residents signed.

Please note that this petition effort was essentially a snapshot in time as some individuals have moved since the petition was circulated.

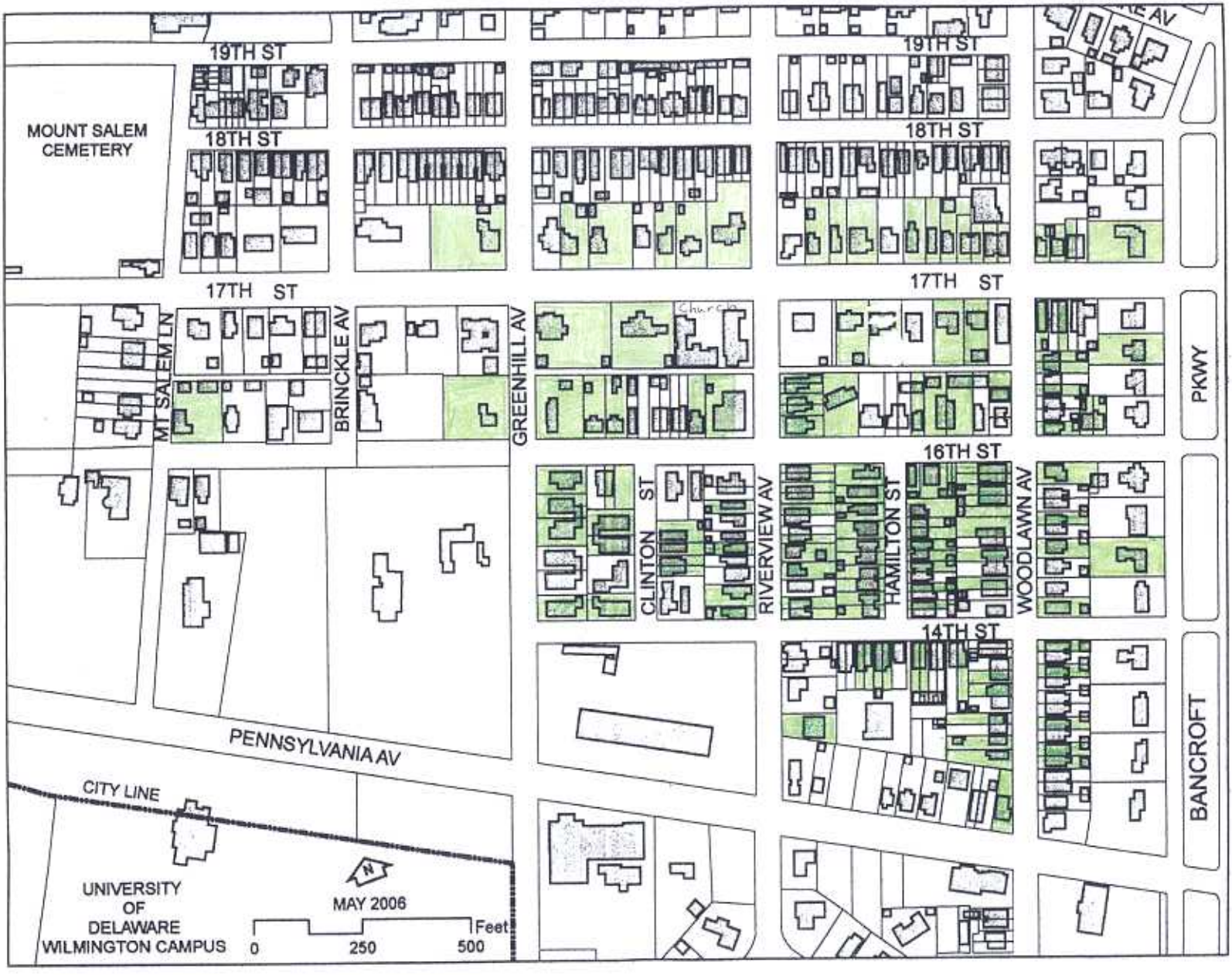
The validity and relevance of our petition was challenged by the developer's attorney, Wendie Stabler back in August 2006. The petition (without the recently complete tax parcel map) was submitted to the Wilmington Zoning Board of Adjustment prior to their August 9, 2006 hearing on Gibraltar. Approximately 3 hours before that hearing, we received the enclosed letter and attachments from CCS Investors' attorney, Wendie Stabler, questioning the validity of the signatures and circulation method.

Needless to say, members of our group, conducting a grass-roots effort as fairly and honestly as possible, took exception to the tone and accusations contained in her letter. Ms. Stabler presented three emails as evidence of wrong doing. A quick bit of research revealed the following:

1. Mr. Jon Schmidt asked to have his name removed on June 7th, which was done promptly and politely. His email, the reply, the petition page he signed and the email sign-up list from the meeting are all attached. The petition and email sign-up list were the only materials presented at the time he signed the petition so the source of his confusion is unclear. Note that NOTHING says "Friends of Gibraltar" and we have never tried to be deceptive as to our intentions.

2. Mrs. Karen Healy's email to Mr. Drake Cattermole (CCS partner) was the first inkling of her wish to have her name removed from the petition. If she had simply asked, her name would have been crossed out promptly. Mr. John Kurtz is the group member who collected Mrs. Healy's signature and his response to her email to Mr. Cattermole is attached.

3. The third complaint seemed to imply signature forgery. Ms. Stabler attached an email from Mr. Jimmy Horty **III** saying he had never signed the petition. He was correct. The person who DID sign the petition was his father, Mr. Jim Horty **II**, who lived at the designated address. A simple phone call to Mr. Horty III quickly cleared up the matter. His email is attached.


19TH ST
19TH ST
MOUNT SALEM CEMETERY
18TH ST
18TH ST
17TH ST
17TH ST
MT SALEM LN
BRINCKLE AV
GREENHILL AV
Church
PKWY
16TH ST
CLINTON ST
RIVERVIEW AV
HAMILTON ST
WOODLAWN AV
14TH ST
PENNSYLVANIA AV
BANCROFT
CITY LINE
UNIVERSITY OF DELAWARE WILMINGTON CAMPUS
N
MAY 2006
0
250
500
Feet

Attachment to M. Meissner Letter

Zone 9

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Marty Meissner		
Carol H. Pugh		Ok with appeal to develop property for residential use.
Mark R Wilkinson		STRONGLY OPPOSED
Rachel Heinle		Strongly opposed
Anne McNamara		Strongly opposed
Thomas Earnest		Strongly opposed
M. Kate Collins		Strongly opposed
[illegible]		
Robert L. Meissner		
[illegible]		Opposed
[illegible]		Strongly opposed
		" "

GIBRALTAR PROPERTY

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Name	Address	Any Comment
Christine G. Kirkpatrick		
Lynn H. Wang		
Lydia J. Turner		
Sarah J. Boylin		
Mike Solty		
[illegible]		
P. JAMES HAHN		
John R. Hahn		
Peter Hahn		
Jon Boylin		
Ari Abel		
Valene Holslayer		

Attachment to M. Meissner Letter

Zone 2

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Michael McLean		
Lana LaRochelle		
Alex Bradley		
Melissa Nielsen		
Marie Capito		
Kevin Hearn		
Ann Marie Acker		
Richard Dawson		

Attachment to M. Meissner Letter

Zone 3

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Cara Williams		A BETTER USE
Charles T. Williams, III		SHOULD BE FOUND
Ralph Marshall		FIND A USE THAT
Troy Bockius		CONFORMS WITH THE NEIGHBORHOOD
Ellen Bockius		
Tom BAUER		
Anne Beatty		
Megan A. Majewski		
Steven Adams		
Peter S. Marsala		No
Steven Haas		
Kelli Cunningham		
Jason Dunn		

Attachment to M. Meissner Letter

Zone 3

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Audrey Danner		too much traffic!!!
Michael Dowler		
B. Proud		
[illegible]		
Peg McGowan		
[illegible]		
Vanessa Donnelly		
Lydia Bauer		

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
THOMAS F. BAYARD		NO COMMERCIAL DEV.
Anthony L. Grello		
[illegible]		
[illegible]		
[illegible]		
Stefanie Marshall		
[illegible]		

Attachment to M. Meissner Letter

tone 15

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
LOUISE CRAIGEN		
[illegible]		
[illegible]		
[illegible]		
Barbara Wise		
[illegible]		
Susie Lynum		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
Barbara Hana		

Attachment to M. Meissner Letter

Zone 5

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Mark H. Goldman		
Elena Goldman		
Billy Ferrari		
Reid Huber		
Margaret Knotts		
HELEN BALICK		
BERNARD BRADY		
David McBride		
Bernard Balick		
[illegible]		
Graham Dougherty		
[illegible]		
[illegible]		

Attachment to M. Meissner Letter

Zone 8A

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Kathryn A Pincus	Kathryn A Pincus	
[illegible]		
Claire Patoski		
[illegible]		
[illegible]		
[illegible]		
Matthew Pincus		
Lynette L. Abrams		
Clarence Freed		
Richard Morse		
[illegible]		

Zone 8A

Attachment to M. Meissner Letter

Zone 7

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

M

Name	Address	Any Comment
RICHARD BOCKRATH		
Edwina Michael		
Eva Dickey		
Kara Hyman		
Andrew Milligan		
Gary Johnson		
JIM HORTY		

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
AMYL. MILLIGAN		No to Commerical growth

Attachment to M. Meissner Letter

Zone 6

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Melissa & Dale Richmond		
[illegible]		
[illegible]		
Amy & Anthony Libonate		

Attachment to M. Meissner Letter

Cv

Zone 4

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Joe O'Neill		Keep Residential
Virginia L. Way		Keep Residential
Reid R Coppock		No Change!
SEBASTIAN POPESCU		
[illegible]		Keep Residential
Leonard Wallace		No Change!
[illegible] Gallagher		No Change
[illegible]		" "
Jennifer Meeker		
[illegible]		Please Keep as is
Elsie K. Briggs		

Attachment to M. Meissner Letter

Zone 5

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Mara Carmean		Keep Residential
Laura Q Mulrenin		Keep Residential
Betsey Corrigan		Keep Residential
Moira McGuinness		Keep Residential
[illegible]		" "
Kate Collins		Keep Residential
Lauren Wilkinson		"
Diane Drake		Keep residential
Louise R. Eleasin		Keep residential
Jessica J Burns		Keep Residential
A McAllist		Keep Residential

Attachment to M. Meissner Letter

Zone 13

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Tim Reed		
Tim Reed		
Lee Terebangh		
Maria + William LaFond		
David Aschheim & SHARI LITOW		
[illegible]		
John Gulbert		
Michael McDermott		
Adeline [illegible]		
Susan Davis		
[illegible] Kelly		
[illegible] Jones		
Suzanne Jones		
Barbara C Reed		

Attachment to M. Meissner Letter

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Patricia Dill		
Michael Harkins		
Marie Harkins		
PAUL KUCHMA		
Jane Smith		
Mike Wilson		
Mary Thomas		
Claire Reynolds		
Peter Murphy		
William Smith		
Janet & Jim Laffert		
Rita Mulrooney		
Bridin Reynolds		

Attachment to M. Meissner Letter

~~Zone~~ 12

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Jeri Kuchma		Very opposed
Nancy DeNisio		
Ann Tobin		
LARRY Tobin	"	
Kim Merkl		Very opposed !!
Elise Garofalo		
Karen Narwold		
C. D. [illegible]		very opposed !!
Priscilla B. Rahestrao		

Kim

Attachment to M. Meissner Letter

Zone 13

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Mary McDermott		

Attachment to M. Meissner Letter

Zone 14

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Gary Ventresca		
Paul King		
Pandra Mraz		

GIBRALTAR PROPERTY

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Name	Address	Any Comment
Kevin McKenzie		—
Dale McKenzie		—

Attachment to M. Meissner Letter

Zone 14

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
[illegible]		traffic impact to residential area in Highl
Patricia Bartley		" " "
[illegible]		" " "
[illegible]		concern over impact of commercial in neighborhood

Attachment to M. Meissner Letter

Zone 8B

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Meg Holden		The zoning of the Propert should not be changed!
Rob & Janice Holden		STRONGLY OPPOSE
[illegible]		TOTALLY OPPOSE

Attachment to M. Meissner Letter

GIBRALTAR PROPERTY

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Name	Address	Any Comment
Nancy Carr		
Kathleen Warren		
James Yurasek		"No" commercial Developer
Ellen Kurtz		
John Kurtz		
[illegible]		

Attachment to M. Meissner Letter

Zone 5

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Hugh Horning		Preserve History
Athena Vekkos		FORTY Acres Asse
Maureen Engelbert		
Carl Engelbert		
[redacted]		
Kelly Furman		
JEFFREY FURMAN		
Joseph Prendergast		
Linda Knox		
David Bowman		
George BARBER		
Tim Ratsep		
Jennifer Curry		

~~Zone~~ 9

GIBRALTAR PROPERTY

We are residents in the vicinity of Gibraltar and are opposed to any rezoning or zoning variance that would permit commercial, office use development of the property. The Highlands neighborhood has been residential in character for years, and introduction of a commercial use there should not be allowed, with the changed character and traffic it would create.

Name	Address	Any Comment
Marilyn Freda		

GIBRALTAR PROPERTY

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Name	Address	Any Comment
[illegible]		
[illegible]		