

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

PROBATE AND FAMILY
DEPARTMENT OF THE
TRIAL COURT
No. ES09E0094QC

APPEALS COURT
SINGLE JUSTICE NO.:

ALEXANDER B.C. MULHOLLAND, JR.,
PETER FOOTE, DONALD WHISTON,
JAMES FOLEY, ELIZABETH
KILCOYNE, PATRICK
J. MCNALLY, and INGRID MILES,
as they are the Feoffees of the
Grammar School in the Town of
Ipswich,

Plaintiffs,

v.

ATTORNEY GENERAL OF THE
COMMONWEALTH OF MASSACHUSETTS,
IPSWICH SCHOOL COMMITTEE, and
RICHARD KORB, as he is
Superintendent of Schools in
the Town of Ipswich,

Defendants.

AFFIDAVIT OF MARK E. DIXON IN SUPPORT OF INTERVENERS'
MOTION TO STAY JUDGMENT

I, Mark E. Dixon, being duly sworn depose and say as follows:

1. I am a ninth-great grandson of William Payne. A record of my lineage is attached hereto at Exhibit A.

2. I make this affidavit in support of the Motion to Stay Judgment filed in the Appeals Court by the Applicants for Intervention.

3. I am familiar with the terms of William Payne's will and have been following the legal controversy concerning it in the Massachusetts courts.

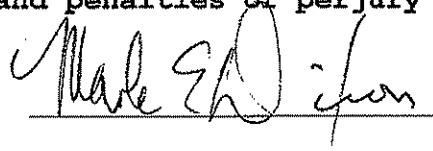
4. My ancestor's unambiguous purpose in his will was to provide a perpetual gift of land to benefit the public schoolchildren of Ipswich. I would expect that his wish would be followed.

5. I would further expect that any deviation from his will would require an explanation and judicial findings justifying that deviation.

6. I understand that, due to a settlement agreement entered into by the Feoffees, the School Committee, and the Attorney General and approved by the Probate Court judge, no findings permitting deviation from my ancestor's will have ever been made.

7. I am saddened to learn that, after more than 350 years, my ancestor's gift of land will be sold to create condominiums, unless this Court steps in to defend my ancestor's will.

Signed and sworn under the pains and penalties of perjury
this 29th day of February, 2012



Mark E. Dixon

EXHIBIT A

Name of Compiler Mark E. Dixon

FOUR GENERATION ANCESTOR CHART

Address 757 Upper Gulph Road

Person No. 1 on this chart is the same person as No. 8 on chart No. D54.

City, State Wayne, PA 19087

Chart No. D13

Date 26 Dec., 1998

8 William Payne
b. 1532 (Father of No. 4. D13
Cont. on chart No. D13)
p.b. Lavenham, Suffolk, England
m.
p.m.

4 William Payne (Father of No. 2)
b. 2 Dec., 1565
p.b.
m. 28 Dec., 1584
p.m. Lavenham, Suffolk, England
d. 21 Nov., 1648
p.d. Lavenham, Suffolk, England

d. 17 Nov., 1587
p.d. Lavenham, Suffolk, England

9 (Mother of No. 4. Cont. on chart No. D13)
b.
p.b.
d.
p.d.

2 William Payne (Father of No. 3)
b. 20 Feb., 1596/97
p.b. Lavenham, Suffolk, England
m.
p.m.
d. 10 Oct., 1660
p.d. Ipswich, Suffolk, Mass.

10 (Father of No. 5. Cont. on chart No. D13)
b.
p.b.
m.
p.m.
d.
p.d.

D134/2-3 came in "The Increase," 1635

5 Agnes Neves (Mother of No. 2)
b. 1563
p.b.
d. 8 Oct., 1645
p.d. Lavenham, Suffolk, England

11 (Mother of No. 5. Cont. on chart No. D13)
b.
p.b.
d.
p.d.

1 William Payne
b. 1625
p.b.
m. 1645
p.m. New Haven, CT
d. 11 Jan., 1683/84
p.d. New Haven, CT

12 (Father of No. 6. Cont. on chart No. D13)
b.
p.b.
m.
p.m.
d.
p.d.

6 William North (Father of No. 3)
b. ca. 1540
p.b. Co. Suffolk, England
m.
p.m.
d.
p.d.

13 (Mother of No. 6. Cont. on chart No. D13)
b.
p.b.
d.
p.d.

3 Anna North (Mother of No. 1)
b. 1595
p.b. Lavenham, Suffolk, England
d.
p.d.

14 (Father of No. 7. Cont. on chart No. D13)
b.
p.b.
m.
p.m.
d.
p.d.

7 Agnes (Mother of No. 3)
b.
p.b.
d.
p.d.

Mary Edwards
b. 1615 Spouse of No. 1.
p.b.
d.
p.d.

15 (Mother of No. 7. Cont. on chart No. D13)
b.
p.b.
d.
p.d.

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All pre-1752 dates are O.S.
FOUR GENERATION ANCESTOR CHART

Name of Compiler Mark E. Dixon

Address 5502 Victor St.

City, State Dallas, Texas 75214

Date 15 February, 1985

Person No. 1 on this chart is the same person as No. 8 on chart No. D6.

Chart No. D5

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b. Date of Birth
 p.b. Place of Birth
 m. Date of Marriage
 p.m. Place of Marriage
 d. Date of Death
 p.d. Place of Death

4 John Payne
 (Father of No. 2)
 b. ca. 1649
 p.b.
 m.
 p.m.
 d. 4 June, 1729
 p.d. New Haven, Connecticut

2 William Payne
 (Father of No. 1)
 b. 5 November, 1695
 p.b. New Haven, Connecticut
 m. 21 September, 1720
 p.m. New Haven, Connecticut
 d. 1784
 p.d. New Haven, Connecticut

5 Mary Little
 (Mother of No. 2)
 b. 28 July, 1669
 p.b. New Haven, Connecticut
 d.
 p.d.

1 William Payne
 b. 10 September, 1728
 p.b. New Haven, Conn.
 m.
 p.m.
 d. June, 1805
 p.d. New Hartford, Conn.

6 Thomas Carnes
 (Father of No. 3)
 b.
 p.b.
 m.
 p.m.
 d. 1735
 p.d. New Haven, Connecticut

3 Esther Carnes
 (Mother of No. 1)
 b.
 p.b.
 d.
 p.d.

7 Anna
 (Mother of No. 3)
 b.
 p.b.
 d.
 p.d.

Spouse of No. 1.
 b.
 p.b.
 d.
 p.d.

8 William Payne
 (Father of No. 4. Cont. on chart No. D1)
 b. 1625
 p.b.
 m. 1645
 p.m. New Haven, CT
 d. 11 Jan., 1683/84
 p.d. New Haven, Connecticut

9 Mary Edwards
 (Mother of No. 4. Cont. on chart No. D1)
 b. 1615
 p.b.
 d.
 p.d.

10 Richard Little
 (Father of No. 5. Cont. on chart No. D1)
 b. ca. 1630
 p.b. New Haven, CT
 m. 15 December, 1664
 p.m. New Haven, Connecticut
 d. 1689
 p.d. New Haven, Connecticut

11 Joan Walker
 (Mother of No. 5. Cont. on chart No. D1)
 b. 1630
 p.b. New Haven, CT
 d. 1692
 p.d. New Haven, CT

12
 (Father of No. 6. Cont. on chart No. D1)
 b.
 p.b.
 m.
 p.m.
 d.
 p.d.

13
 (Mother of No. 6. Cont. on chart No. D1)
 b.
 p.b.
 d.
 p.d.

14
 (Father of No. 7. Cont. on chart No. D1)
 b.
 p.b.
 m.
 p.m.
 d.
 p.d.

15
 (Mother of No. 7. Cont. on chart No. D1)
 b.
 p.b.
 d.
 p.d.

Name of Compiler Mark E. Dixon

FOUR GENERATION ANCESTOR CHART

Address 5502 Victor St.

Person No. 1 on this chart is the same person as No. 12 on chart No. D1

Chart No. D6

City, State Dallas, Texas 75214

Date 8 April, 1983

8 William Payne

b. 10 September, 1728 (Father of No. 4, D54)
Cont. on chart No. D54

p.b. New Haven, Connecticut

m.

p.m.

d. June, 1805

p.d. New Hartford, Connecticut

9

b. (Mother of No. 4, Cont. on chart No. D54)

p.b.

d. 12 September, 1802 ?

p.d.

2 Abraham Payne

b. 21 August, 1790 (Father of No. 1)

p.b. New Hartford, Connecticut

m. 7 April, 1814

p.m. Marietta (Washington Co.), Ohio

d. 22 February, 1870

p.d. Big Island Twp., Marion County, Ohio

10 Oliver Lewis

b. 28 Nov., 1736 (Father of No. 5, D81)
Cont. on chart No. D81

p.b. Farmington, Conn.

m.

p.m.

d. before 1760

p.d.

5 Hannah Lewis

b. 13 January, 1759 (Mother of No. 2)

p.b.

d. 10 January, 1849

p.d. Salem Twp., Wash. Co., O.

11 Hannah Eldridge

b. 1738 (Mother of No. 6, D15)
Cont. on chart No. D15

p.b. Farmington, Conn.

d.

p.d.

1 Stephen Payne

b. 1816

p.b. Marietta, Ohio

m. 12 April, 1845

p.m. Madison County, Ohio

d. 30 June, 1889

p.d. Exeter, Nebraska

12 Noah Pixley II

b. 1746/7 (Father of No. 6, D22)
Cont. on chart No. D22

p.b.

m. 5 November, 1774

p.m. Southampton, Massachusetts

d. 10 June, 1800

p.d. Hawley, Massachusetts

6 Argalus Pixley

b. 25 April, 1775 (Father of No. 3)

p.b. Southampton, Mass.

m. 12 February, 1797

p.m. Ashfield, Massachusetts

d. 2 January, 1850

p.d. Marietta, Ohio

13 Lydia Clapp

b. 25 August, 1752 (Mother of No. 6, D22)
Cont. on chart No. D22

p.b. Southampton, Massachusetts

d.

p.d. Charlemont, Massachusetts

3 Philomela Pixley

b. 2 July, 1797 (Mother of No. 1)

p.b. Hawley, Massachusetts

d. 25 February, 1870

p.d. Big Island Twp., Marion County, Ohio

14 Barnabus Alden

b. 10 Sept., 1732 (Father of No. 7, D23)
Cont. on chart No. D23

p.b. Bridgewater, Massachusetts

m. 21 November, 1758

p.m. Ashfield, Mass.

d. 26 December, 1793

p.d. Ashfield, Mass.

7 Abigail Alden

b. 17 May, 1776 (Mother of No. 3)

p.b. Ashfield, Massachusetts

d. 18 February, 1857

p.d.

15 Elizabeth Patterson

b. 12 December, 1739 (Mother of No. 7, D23)
Cont. on chart No. D23

p.b. Ashfield, Mass.

d. 8 July, 1803

p.d.

Catherine Dunn

b. Spouse of No. 1.

p.b. Hampshire County, W.Va.

d. 1865

p.d. Canton (Fulton County) Illinois

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Name of Compiler Mark E. Dixon

FOUR GENERATION ANCESTOR CHART

Address 2012 Coronado Dr., SE

Person No. 1 on this chart is the same person as No. _____ on chart No. _____.

Chart No. D1

City, State East Grand Rapids, MI

Date 16 November, 1979

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b. Date of Birth
p.b. Place of Birth
m. Date of Marriage
p.m. Place of Marriage
d. Date of Death
p.d. Place of Death

4 Charles Sumner Dixon

b. 10 July, 1864 (Father of No. 2)
p.b. Volinia, Cass Co., Michigan
m. 6 January, 1886
p.m. Benton Harbor, Michigan
d. 15 July, 1907
p.d. Benton Harbor, Michigan

2 Willis L. Dixon

b. 7 June, 1890 (Father of No. 1)
p.b. Dodge City, Kansas
m. 23 February, 1918
p.m. New York City, N.Y.
d. 13 March, 1948
p.d. Corbin, Kentucky

5 Isadore Moody

b. 6 June, 1866 (Mother of No. 2)
p.b. Berrien County, Michigan
d. 23 August, 1957
p.d. Benton Twp., Berrien Co., Mich

1 Willis L. Dixon

b. 6 November, 1922
p.b. Grand Rapids, Michigan
m. 20 March, 1948
p.m. Valley Forge, Pennsylvania
d. 1 July, 2008
p.d. Grand Rapids, Michigan

6 George Washington Payne

b. 24 January, 1861 (Father of No. 3)
p.b. Canton, Illinois
m. 5 August, 1888
p.m. Bushnell, Illinois
d. 9 December, 1935
p.d. Grand Rapids, Michigan

3 Bessie Alice Payne

b. 17 August, 1889 (Mother of No. 1)
p.b. Bushnell, Illinois
d. 1 February, 1979
p.d. Grand Rapids, Michigan

7 Mary Luetta Gick

b. 7 June, 1868 (Mother of No. 3)
p.b. Bushnell, Illinois
d. 8 March, 1954
p.d. Grand Rapids, Michigan

Ruth Elaine Kenworthy

b. 10 Sept., 1922 (Spouse of No. 1)
p.b. Richmond, Indiana
d.
p.d.

8 Willis Lathrop Dixon

b. 28 March, 1821 (Father of No. 4. D2)
Cont. on chart No. _____
p.b. Mentz Tp., Cayuga Co., N.
m. 21 December, 1848
p.m. Berrien County, Michigan
d. 30 January, 1893
p.d. Spearville, Kansas

9 Marion Elizabeth Olds

b. 4 November, 1832 (Mother of No. 4. D3)
Cont. on chart No. _____
p.b. New York
d. 23 January, 1900
p.d. Benton Harbor, Michigan

10 Solomon S. Moody

b. 1827 (Father of No. 5. D4)
Cont. on chart No. _____
p.b. Fort Plain, New York
m.
p.m.
d. 5 September, 1874
p.d. Hagar Tp., Berrien Co., M

11 Alvina Connine

b. 11 October, 1832 (Mother of No. 5. D5)
Cont. on chart No. _____
p.b. Herkimer County, New York
d. 14 October, 1905
p.d. South Bend, Indiana

12 Stephen Payne

b. 1816 (Father of No. 6. D6)
Cont. on chart No. _____
p.b. Marietta, Ohio
m. 12 April, 1845
p.m. Madison County, Ohio
d. 30 June, 1889
p.d. Exeter, Nebraska

13 Catherine Dunn

b. ca. 1823 (Mother of No. 6. D7)
Cont. on chart No. _____
p.b. Hampshire County, W. V
d. 1865
p.d. Illinois

14 Henry Gick

b. 30 April, 1832 (Father of No. 7. D8)
Cont. on chart No. _____
p.b. Liverpool, England
m. 4 July, 1855
p.m. Peoria, Illinois
d. 20 November, 1896
p.d. Bushnell, Illinois

15 Mary McNamara

b. 15 August, 1837 (Mother of No. 7. D9)
Cont. on chart No. _____
p.b. Newcastle, Ireland
d. 25 February, 1900
p.d. Bushnell, Illinois