July 8, 2022

Ketil Tjore
Austrheim Kommune
Meeting Secretary

Dear Mr. Tjore,

As I mentioned in my e-mail of 7/4/22, I just received your e-mail (originally dated 6/10/22) on 7/4/22, as it was apparently sent to my spam box. It is unfortunate that relevant documents could not be attached or sent to me by more secure mail, as I have limited access to the Internet and any attached documents until after I return to the States 7/21/22. Therefore, I will respond on behalf of the Arnum family with some of our complaints now, but wish to reserve the right to update them as necessary after we are able to fully review the documents and provide additional documentation that we have in our files in the U.S. I do request that any correspondence or documents sent in the future be done so in a more secure manner to ensure they are received.

In response to the documents received July 4, 2022 via e-mail only:

1. **Dato:** 10.06.2022
   Ref.: 20/4477-48
   Til familien Arnum – Oversending av vedtak til klagevurdering – Dispensasjon til rammeløyve – gjenoppbygging av Husmannsstove – gbnr. 152/29 – Snekkevika

2. **Saksnr:** 053/22
   Utvalg: Formannskapet
   Type: PS
   Dato: 02.06.2022
   Sakshandsamar: Christopher Marious Straumøy
   Arkiv: Gbnr-152/29, HistSak-17/515
   ArkivsakID: 20/4477
   Dispensasjon til rammeløyve – gjenoppbygging av Husmannsstove – gbnr. 152/29 – Snekkevika

The Arnum family was not advised of any meeting in Austrheim Kommune that took place on June 2, 2022 where decisions were apparently made on the case. Had we known, we could have sent a representative, assuming that this was indeed an open/public meeting. We are disappointed and disagree with the granting of dispensation by Austrheim Kommune and the limited conditions set forth for "reconstruction" of a "Husmannsplass." In our opinion, this case is clearly a desire for the building of a private recreational use "hytte" disguised as the cultural "reconstruction of a Husmannsplass."

In any event, new information has come to our attention regarding this case and our family has concerns with the decisions that have been made by Austrheim Kommune. I write in English to ensure we can express our thoughts and information fully and I'll try to focus on the main points individually for clarity, but some are inevitably intertwined as this is a complicated case. There may be additional concerns after full review the documents, which we will send once reviewed.

This particular property (Gbnr 152/29), has been a matter of dispute for many years. In our research and from discussions with the family and from past discussions with my father, Malven Arnum who was the Arnum family's representative for many years, we have significant concerns relative to this case. We challenge Mr. Nordøs claim that he is the rightful owner of the property identified as Gbnr 152/29 and intend to pursue this claim. The Arnum family makes no claim to the building itself, which was supposed to have be removed from the property several years ago.

When the Arnum family emigrated to the USA in 1948, overseas communications were difficult at best. Neighbors and relatives in Norway would make requests of the family for use of our property, by mail, often taking many weeks for the mail to travel overseas. In order to allow for timelier processing, various "tentative agreements" were drawn up and pre-signed with the ***full trust, faith and intention*** that if it was not accepted at the time it was received, that it would be discarded and destroyed. It is apparent to us that documents, that were ***never*** implemented, were saved for retrieval at a later date, signed and illegally executed years after original discussions and ***after*** the original signatories to the agreements were deceased. These documents were then apparently "tinglyst" without our family's knowledge or consent.

One such event, which still needs to be investigated and resolved, is how the Daae/Soldveit family was able to obtain Gbnr. 152/29. It is our determination, and in fact a claim of the Nordø family, that this was done in an (*"illegal and dubious way"*). There was ***never*** any deed ("skjøte") and there was ***never*** any payment or exchange of anything of value for the property, substantiating our claim that no contract was ever agreed to or executed properly.

In addition, there is a longstanding history of the Nordø family ignoring the rights and requests of the main property owners, the Arnum family, which continues to date. From the first time that Monrad Arnum told Julia & Solveig to take ***ALL*** the buildings associated with the Tennent Farmer's homestead away after the death of Kristian and Magdali, as was the initially established agreement for the Tennant Farmer. We ask: "Since when does a systematic process of ignoring someone's rights gain another person rights??" The Nordøs and others have taken full advantage of the Arnum family's emigration to the USA. This cannot be allowed to continue.

As stated previously, this particular property 152/29, has been a matter of dispute for many years. The Nordøs took the Daaes/Soldveits to court several years ago, but the Arnum family was not involved in this lawsuit. The Nordøs know themselves that the land transfer to the Daaes was not proper as indicated in a letter from Per Nordø to our family in May of 2012 (below).

> *The site on which Kristianhuset is placed was in [an] irregular way, unknown to your and our family and behind our backs, conveyed as [deed] to the Daae family in 1980. The Daaes [succeeded] in doing this with help from a judge in the local court «Norhordland Tingrett» that later, in other cases, also in the newspapers, was [characterized] as dubious (and later had to go according to information). The Daaes tactic was to wait [until] after the [death] of Monrad and fathers' mother. Shortly after Magnus came to Norway in [], hoping it was possible to nullify the deed. The Daaes had earlier been offered (by Monrad) their own ground another place in Snekkeviken but did not respond positive. Monrad reacted strongly and took our part when hearing in 1972 that the Daaes*

had changed the lock in Kristianhuset and refused to give us our key. The judges in the court («Gulating Lagmannsrett») in 2003 (the case about the ownership of the house) made comments in our [favor] when [discussing] the [dubious] way the Daaes succeeded in getting the ground in Snekkeviken on their hands.

IF, however, it should stand that Daae/Soldveit was the "rightful" owner of 152/29 as "tinglyst" in 1980, then our family maintains that this is when any "contract" was executed (as also indicated by Nordø in the letter above) and that the Arnum family should have had the right of first refusal for purchase of the property as it was to extend 50 years (until 2030). We were only contacted in January of 2022 ***after*** the sale of the property from Daae/Soldveit to Nordø, without any option of first right of purchase. We are currently pursuing this right of first purchase.

It must be emphasized that the Arnum family is extremely concerned with Mr. Nordøs ongoing lack of respect for our private property rights. In March of 2022, I confronted Mr. Nordø regarding his unauthorized use of our property, arranging for blasting matts to be placed for heavy machinery to drive over our property in order to remove several trees from our property. Mr. Nordø chose to deny directly as to the arrangements to cut down trees on the Arnum property, even after I explained to him that I had already spoken to the gentleman with whom such arrangements were made. Mr. Nordø told this gentleman that ("Alt er i orden"). During this discussion I also learned that Mr. Nordøs main motivation to rebuild "Kristianhuset" was more as a private recreational "hytte" for his eldest daughter Åsta than it was for any cultural heritage preservation.

It is our understanding both from Christopher Marius Straumøy and others who have been following the case, that Mr. Nordø intends to "rebuild" the interior of the proposed structure much higher than that of a typical "Husmannsplass" …as he and his family are rather tall and would have to bow down to stand in a true reconstruction of the "Husmannsplass." Mr. Nordø has previously sent in drawings that indicate the ceiling height will be higher in the "reconstructed" building, as he wants to be able to stand upright in the recreational "hytte!" This is not consistent with the original building and deteriorates significantly from any cultural value.

We also understand at the walls will not necessarily be constructed as a true representation of the original building due to potential extensive costs. It is our contention that if anything is to be reconstructed, it should be done so with the materials and techniques used in the original construction. We assume that the Østerøy Museum and Hordaland County Conservatory would certainly be aware of proper reconstruction materials and techniques and able to provide any necessary technical assistance.

We contend that ***IF*** there is to be any reconstruction of a Husmannsplass that it should be an ***exact replica***, using all the proper materials and techniques as would have been used at the time. "***As close as possible***" as stated in Austrhem Kommune's conditions of dispensation is not sufficient. Especially if the cultural museums have expressed an interest and have supported the project. This again suggests a private recreational "Hytte" vs. "Reconstruction." Once again, we doubt that the intent of financial support by the various cultural heritage agencies was intended to support use as a private recreational "hytte."

Why would a "reconstruction" of a "Husmannsplass" require a bio-do? Such a device didn't exist in the 1800's. Only a "hytte", planned to be used as a private recreational cabin would require such an accommodation. Any "reconstruction/replica of a Husmannsplass" for cultural heritage purposes would not require such a device.

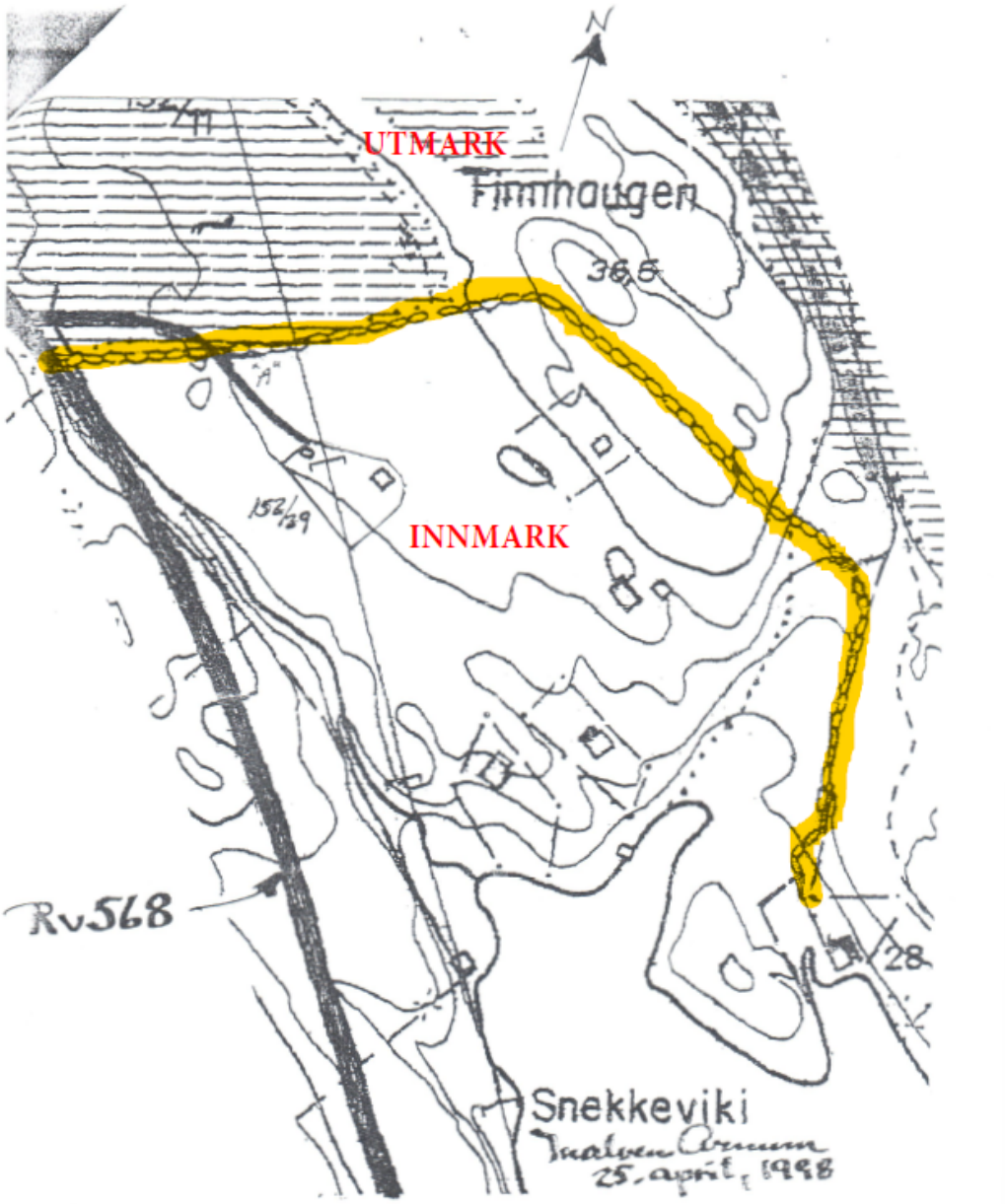
In the letter of decision for dispensation from Austrheim kommune, the assessment from the county municipality includes the statement that "***The house itself has been lost as a cultural monument***." Therefore, ***IF*** anything is to be rebuilt, it should be done so ***EXACTLY*** as it was originally.

We also have concerns as to water collection and waste water that will no doubt be generated by use of the proposed "reconstructed" building as a private recreational "hytte." This particular area of the property is heavily saturated with water. Waste water will no doubt be generated by private recreational "hytte" use. Is a cistern to be used to collect wastewater as well? If so, it would need to be emptied…how is that to be accomplished?

We have noted that, without communication, authorization nor any water rights, someone has created a path over our property to an old well (brønn) in the area. The path is directly across from the stairs to the former site of the "Husmannsplass."

It is unfortunately, our family's opinion, that Mr. Nordø has no respect for our private law rights and feels he can do whatever he pleases on our property. This cannot be tolerated.

Mr. Nordø has made a claim that he has free reign over our property as “utmark.” Relative to “innmark” vs. “utmark,” there is a stone wall that clearly delineates these two distinct areas on our property Gnbr. 152/11 (see photos and sketch below). “Innmark” includes, as we understand, cultivated land and cultivated pastures, including meadows and smaller pieces of uncultivated land within the same area. As a legal term, it also includes courtyard, house plot and the like. “Innmark” was supposedly originally used for the land that lies within the fences (home farm). Land outside this area is what we know as “utmark.” Mr. Nordøs claim that he has free right to roam within the area defined below as “innmark” is strongly disputed. Family members Monrad Arnum, Malven Arnum, Michael Arnum and relative Kjetil Lygre have all planted various fruit trees, bushes and plants within this area defined as “innmark.” As landowners, are we are not entitled to define “innmark” vs. “utmark” and to a private zone around buildings and within “innmark?” (see below)



East side of stone wall delineating innmark vs. utmark

West side of stone wall delineating innmark vs. utmark

Mr. Nordøs claim that the "Nabovarsel" was posted on March 18, 2022 and that the comments reached him more than two weeks after the deadline (two weeks after the posted date) needs to be addressed. Mail from Norway to the United States takes more than two weeks to be delivered, especially during the Covid Pandemic and since the Postmaster General Louis DeJoy ordered sorting machines removed from U.S. Post Offices! There was no possible way for the Arnum Family to even receive the "nabovarsel" before the deadline by the chosen route of delivery. In fact, one part-owner of 152/11, the family of Magnus Arnum, never received a "nabovarsel." Mr. Nordø could have sent the notice by express mail with a return receipt to ensure delivery. Or perhaps E-mail with a read receipt would have been another viable option. We are certain Mr. Nordø was aware of such delivery options and delays.

No one, other than the main property owners have parking rights on Gbnr. 152/11. The building law, as we understand it, requires access prior to building. Although access by sea may be an option, we find it highly unlikely that Mr. Nordø will access any reconstructed private recreational "hytte" ***only*** by the sea. We do not believe the building law takes into consideration use of public parking or a bus stop as an alternative to road access. We find it hard to believe that public parking in the area was designed or meant for use as private recreational "hytte" parking. Of some interest, after many years of having to use a bus stop much further up the road, how, why and when was a new bus stop placed at our driveway?? Who requested this??

There are additional claims made by Mr. Nordø relative to our property stated in this letter which are also in dispute, but these will have to be addressed in a follow-on response, after full review of the documents.

It should be noted that the Nordø family owns two other hyttes with in our property as well as a hytte in "Skarpenesset."

The question of whether the advantages of granting a dispensation will be "clearly greater than the disadvantages" is truly in the eye of the beholder. We ask, "Advantages for whom? Disadvantages for whom?" There are already three "hyttes" in use within the property Gbnr. 152/11, two of which are owned by the Nordø family. In our opinion, building of a fourth private recreational "hytte" should not be granted. This proposed "*reconstruction of a "Husmannsplass,*" is that of a building that was never intended for use as a private recreational "hytte." Members of the Arnum family are planning to return to the family homestead and reestablish our roots. Additional recreational activity on the property is not desired. In addition, the physical and mental health as well as safety of those on the property must be considered.

I myself am currently making plans to relocate to Norway to reestablish our family's cultural heritage. This will hopefully allow our family to better maintain our family homestead, in addition to protecting our private property rights. As stated, there are three hytte's within our property. LNF would certainly prevent any additional hytte's from being built today or for any hytte to be placed within another person's property, as was apparently done in the past on our property.

Additional concerns:
The Nordø family began cleaning, painting and restoration of "Kristianhuset" prior to the fire, possibly during the summers of 2015/2016 and it was our understanding that the building was in rather poor condition: termites having taken their toll on the structure and damage from animals that had gained entry during periods of non-use. A costly and difficult project to restore from such poor conditions. How convenient for it to have burned down to give an opportunity to rebuild.

As indicated in the letter from Austrheim kommune: "*Before the house burned down, homeowners received a grant from Hordaland County Municipality to make copies of the original windows in the building. These will be used in the reconstruction of the building."* As a Deputy Fire Chief and Fire Investigator in the U.S., I find it extremely interesting that the windows that were reconstructed prior to the fire, mysteriously were not at the property the night the structure burned, as they had reportedly been removed…was this in preparation for a rebuilding after the fire? Also, of note, one does not necessarily need to be in the area at the time of a fire to have had some involvement.

In the summer of 2017, the year after the fire, when I was again at our family homestead in Snekkevik, Mr. Nordø, on more than one occasion, was quite adamant to explain to me exactly what had happened and who was responsible for the fire. I did not even ask, he just insisted on telling me…this too is was what I would consider quite unusual behavior. While certainly not wishing to accuse anyone of any misgivings…these circumstances certainly bear additional investigation as motives exist for various parties.

Our family has always desired peace and harmony amongst all who have enjoyed Snekkevik over the years. However, our family has been severely taken advantage of over the years and we find this is the last straw. We do not wish for another private recreational use "hytte" to be built.

Mr. Nordø is well connected in the Austrheim community, having lived and worked in the community for several years. He has also utilized articles in the newspapers to draw interest to his cause. The Arnum family has been at a disadvantage to express our views, and we feel Austrheim Kommune has not given our family's concerns the same regard. For example, in the letter from Austrheim kommune it states "*There are some comments from owners of Gbnr. 152/11, the Arnum family living in the USA. They are made short here, but for a complete review see the appendix."* And then, primarily only the positive comments were selected for inclusion in the letter.

SHOULD DISPENSATION BE GRANTED, which the Arnum family strongly opposes, it should be known that neighbors have taken various "liberties" relative to the borders of the properties within the main farm property Gbnr. 152/11. Therefore, ***IF*** dispensation is to be granted, it is imperative that ***additional conditions*** be imposed on the developer to include:

- A proper survey of the properties 152/11 and 152/29 must be conducted by qualified professional and paid for by the developer.

- Removal of trees on the main farm Gbnr. 152/11 (as agreed upon by owners of Gbnr. 152/11) that could be claimed to be threatening to Gbnr. 152/29 to be paid for by the developer.

- Proper drainage (as assessed by a qualified professional) from "Tinnhaugen" across Gbnr. 152/11 and the walking path to Gbnr. 152/29 to the sea be installed and paid for by the developer. (the walking path right registered to 152/29 mentions drainage and maintenance)

- Any land on Gbnr. 152/11 previously disturbed by Mr. Nordø or disturbed during or after construction, must be restored to its original condition to the satisfaction of the landowner of Gbnr. 152/11 and paid for by the developer.

- If there is any unauthorized tree felling by Nordø (or arranged by Nordø) there must be compensation paid to the owners of Gbnr. 152/11 by the developer.

There have been years of conflict over this property and the structure placed upon it, which appears to have led to its eventual and unfortunate destruction by fire. The only beneficiaries of this conflict have been the lawyers involved in the case! It saddens us deeply to have to defend our rights in this manner. So, the question is, how do we resolve this long-standing conflict and restore peace and harmony in Snekkevik? When is this long-standing conflict to come to an end??

I propose the following possible solution for consideration:

- The disputed property Gbnr. 152/29 should be restored to the main farm Gbnr. 152/11, as it was never legally obtained by any party from the Arnum family.

- If the museum/community/cultural heritage group wishes to rebuild "Kristianhuset" ***EXACTLY*** as it was originally (not for use as a private recreational hytte), the Arnum family, owners of Gbnr. 151/11 would agree to allow this, provided it is done just as it would have been in the past…by leasing the land from the main farm owned by Arnum (Gbnr.152/11) who would agree to a long-term lease to the community.

- Neither of the "warring parties" Nordø or Soldveit (or Arnum) would own the structure, it would belong to the museum or the community on leased land, just as it would have been back in the 1800's.

- There would be a need for annual funding to be provided by the community or the cultural organizations to support any necessary maintenance to be done by Arnum, the museum authorities, Austrhiem kommune or an agreed upon neutral party.

- There would be no need for a cistern, bio-do, parking or any of the other modern requirements of building a private recreational "hytte" (We doubt funding/grants provided to date were meant to subsidize the building of a private "hytte")

- If this project is of such cultural heritage significance, it should ***not*** be owned by any one individual, it should belong to the community.

This proposal would serve the current stated purpose of the "reconstruction of a Husmannsplass" and hopefully bring an end to a long history of dispute among all parties.

Again, we wish to preserve the right to comment further once we have the opportunity to review all the documents and will do so after returning to the U.S. We will be sure to send in additional comments and documentation no later than August 1, 2022.

Thank you for your consideration,

Anita Arnum on behalf of the Arnum family, owners of Gbnr. 152/11

c/c **Statsforvaltaren** at sfvlpost@statsforvalteren.no