

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

INDEX NO: 04-27553

Town of Montauk, Inc.
Petitioner
-against-

1. **Hon. George E. Pataki, Esq., Governor of the State of New York, and**
2. **The People of the State of New York Met in General Assembly, and**
3. **The Town Board gov't of the Town of East Hampton, and**
4. **The Trustees of the Freeholders and Commonalty of the Town of Easthampton, and**
5. **The Suffolk County Water Authority, Inc., and**
6. **The County of Suffolk, and**
7. **The Brooklyn Historical Society, Inc., and**
8. **511 Equities, Inc., and**
9. **The Nature Conservancy, Inc.**

Respondents

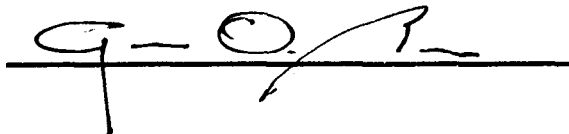
Amended Attorney's Affirmation

GENE D. BARR, ESQ., P.C.
- Attorney for the Petitioner -
80 Meford Avenue,
Patchogue, New York, 11772
Phone: (631) 654-5050
Fax: (631) 207-0023

COMPLIANCE PURSUANT TO 22 NYCRR § 130 - 1.1 -a

To the best of the aftersigned's knowledge, information and belief formed after an inquiry reasonable under the circumstances, the within document(s) and contentions contained herein are not frivolous as defined in 22 NYCRRS 130 - 1.1 -a

2004 NOV 29 AM 11:33
SUPREME COURT
SUFFOLK COUNTY



**Supplemental Affirmation
of
Gene D. Barr, Esq.**

11/29/04

Index no. 04 - 27553

Hon. Elizabeth Hazlitt Emerson, J.S.C.

Town of Montauk, Inc.

Petitioner

-against-

Hon. George E. Pataki, Esq., Governor of the State of New York
and, The People of the State of New York Met in Assembly,
and The Town Board gov't of the Town of East Hampton, and
The Trustees of the Freeholders and Commonalty of the Town
of Easthampton, and The Suffolk County Water Authority, Inc.,
and The County of Suffolk, and The Brooklyn Historical
Society, Inc., and 511 Equities, Inc., and The Nature
Conservancy, Inc.

Respondents

**STATE OF NEW YORK :
COUNTY OF SUFFOLK:**

I, **GENE BARR**, an attorney at law, duly admitted to practice before the Courts of the State of New York, and affirm under penalty of perjury that I am retained and authorized to represent your Petitioner pursuant to resolutions of the Montauk Friends of Olmsted Parks/Montauk Trustee Corporation on behalf of the Incorporated Township of Montauk. This affirmation supplements my November 22nd, 2004, "Attorney's Affirmation" in support of the annexed Order to Show Cause and Petition, and I incorporate them as if fully set forth herein.

A prior application for the instant show-cause order (OSC) was made on the 24th day of November, 2004, before Hon. John J. Jones, Jr., J.S.C. subsequent to service of the OSC, petition and record upon the town of East Hampton the prior day at 10:16 a.m. Justice Jones demurred, however, and returned the OSC marked "NOT SIGNED" with instructions to return to Special Term for a different judge.

I am bound by written agreements and oral understandings with my client whereby I have no independent authority to submit any documents, or to initiate or reply to motions, or to enter into any stipulations or agreements, unless in writing and also signed by Mr. Robert A. Ficalora, CEO of MFOP/Montauk Trustee Corporation.

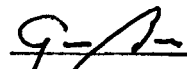
Attached is a folio of certified maps and deeds to real property from the Suffolk County records.

Wherefore, it is respectfully requested that the OSC be entered as submitted and the Petition herein granted in all respects.

Dated this 29 day of **NOVEMBER**, 2004

Riverhead, New York

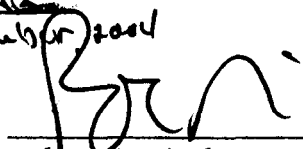
Respectfully,



GENE BARR, ESQ.
Attorney for the Petitioner
80 Medford Avenue,
Patchogue, New York, 11772
Phone:(631) 654-5050
Fax:(631) 207-0023

*SIGNED TO BE ME THIS
29th day of November 2004*





Robert A. Ficalora, CEO
signed per paragraph no. 2 in:
Nov. 22nd 2004
Attorney's Affirmation
of Gene Barr, Esq.

Affirmation of Gene D. Barr, Esq. - November 22nd, 2004