

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK
TOWN OF MONTAUK, INC.**

Petitioner,

-against-

Affirmation of Service

Index No.: 04-27553

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 government 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 } ss:
COUNTY OF SUFFOLK }

I, the undersigned, an attorney duly admitted to practice law in the Courts of the State of New York, affirms under the penalties of perjury and in accordance with CPLR 2106, that:

1. I am not a party to the action, and am over 18 years of age.
2. At 10:16 am, on 23rd day of November, 2004, I served the Clerk of the Town of East Hampton, by personally delivering a true copy of
 - A. ORDER TO SHOW CAUSE / with attached exhibits, to wit:
 1. Exhibit "A", May 6, 2004, Decision of the New York State Court of Appeals, People of the State of New York v. Stewart Vorpahl, Town of Montauk, Inc., Intervenor; and
 2. Exhibit "B", Restraining Order, Henry P. Hedges, et al. V. The Trustees of the Freeholders and Commonalty of the Town of Easthampton; and
 3. Exhibit "C", Certified Deed, Suffolk Liber 63 of deeds, pp. 171 - 177; and
 4. Exhibit "D", "An Act to incorporate the proprietors of Montauk Lands", and
 5. Exhibit "E", Dongan Patent of the Town of East Hampton; and
 6. Exhibit "F", Chapter 2 of the Laws of 1691 (First Assembly); and
 7. Exhibit "G", New York State Constitution, Article I, Section 14; and
 - B. NOTICE OF PETITION, and
 1. PETITION,
 2. CLIENT VERIFICATION, and
 3. ATTORNEY VERIFICATION; and
 - C. ROBERT A. FICALORA, 2004 affidavit, and
 - D. ROBERT A. FICALORA, November 2001 affidavit, and
 - E. MEMORANDUM OF STUART BENNETT VORPHAL, and
 - F. MONTAUK (the book) filed 04/1925, and
 - G. MONTAUK GAZETTE, 11/2003, and


H. FOLIO OF CERTIFIED MAPS AND DEEDS

1. Certified Maps
 - a. #6,
 - b. #34,
 - c. #496,
 - d. #575,
 - e. #583,
 - f. # A-585, and
 - g. # A-587
2. Certified Deeds
 - a. Liber 63, p. 171, 03/15/1852,
 - b. Liber 246 of deeds p. 256, 12/01/ 1879,
 - c. Liber 261, p. 92, 01/03/1882,
 - d. Liber 276, p. 256, 05/01/1883,
 - e. Liber 322, p. 592, 12/19/1889,
 - f. Liber 396, p. 262, 11/9/1887, and
 - g. Liber D00012253, p. 87, 05/27/ 2003

In Witness Whereof, I hereunto subscribe to and affirm under penalties of perjury that the foregoing statements are true.

Date this 24th day of November, 2004
Patchogue, New York

Respectfully,



GENE BARR, ESQ.
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