



STATE OF NEW YORK  
DEPARTMENT OF LAW

DENNIS C. VACCO  
Attorney General

(212) 416-8431

JOHN H. CARLEY  
Deputy Attorney General

21-NOV-96

MONTAUK FRIENDS OF OLMSTED PARKS INC  
P.O. BOX 2612  
MONTAUK, NY 11954

Re: MONTAUK FRIENDS OF OLMSTED PARKS INC  
Registration No. 057323

Dear Sir or Madam:

Your organization is now registered with the Charities Bureau of the Office of the Attorney General and has been assigned the registration number listed above. Please write this registration number on all future correspondence, annual reports and checks submitted to this office.

Your registration file has been opened in the name and address listed above. If any of the information listed above is incorrect in any way, please send us a copy of this letter and note the corrections.

An annual report and filing fee(s) are due from your organization within six months after the end of its fiscal year. The enclosed instructions describe the filing requirements of the Estates, Powers & Trusts Law (EPTL) and the Executive Law. The materials include the filing fee schedules. All checks should be made payable to the NYS Department of Law.

**PLEASE NOTE** that if your organization is required to register with the Attorney General pursuant to both the EPTL and the Executive Law, you should consult the instructions for dual registrants.

THIS LETTER IS SENT TO YOU FOR INFORMATIONAL PURPOSES ONLY. IF ALL INFORMATION LISTED IN THE HEADING IS CORRECT, NO RESPONSE TO THE LETTER IS REQUIRED.

Very truly yours,

Karin K. Goldman  
Registration Section Chief

06-A2



STATE OF NEW YORK  
DEPARTMENT OF LAW

DENNIS C. VACCO  
Attorney General

(212) 416-8430/8431

JOHN H. CARLEY  
Deputy Attorney General

November 15, 1996

NOTICE OF FILING DATE

REGISTRATION NUMBER	REPORT PERIOD	DUE DATE
EXEC 7A 65891	12-31-96	05-15-97

MONTAUK FRIENDS OF OLMSTED PARKS INC  
P.O. BOX 2617  
MONTAUK, NY 11954

Dear/Madam:

Your organization is now registered with the Office of the Attorney General pursuant to Article 7-A of the Executive Law and has been assigned the above registration number. **Please place this number on all correspondence and other materials, including checks, sent to this office.**

The Executive Law requires every registered charitable organization to file an annual financial report with the Office of the Attorney General. Reports are due at the Charities Bureau within four and one-half months after the organization's fiscal year ends.

Your report period and the next due date are shown above. An annual financial report form is enclosed. Please make copies of this form for future use. Please refer to the appropriately marked box below, for specific instructions:

- Send a copy of the IRS Form 990 for the above referenced report period. If a form 990 was not filed with the IRS, you may submit a copy of the organization's financial statements which must be filed within 20 days.
- Send your "Annual Financial Report" ( Form 497) and appropriate filing fee for the above-referenced period. This report must be filed within 20 days.
- The specified report is past due. Your organization has **Twenty (20) days** from the date of this letter to file this report. Failure to file the report and pay the filing fee within this time period may result in your registration being cancelled. It will then be necessary to re-register your organization. Re-registration requires the filing of the delinquent annual report, filing a Re-Registration Statement and payment of a re-registration fee of \$150.00.
- Annual Report(s) and filing fee(s) for the following years must be submitted immediately:



STATE OF NEW YORK  
DEPARTMENT OF LAW

DENNIS C. VACCO  
Attorney General

JOHN H. CARLEY  
Deputy Attorney General

(212) 416-8430 or 8431

November 26, 1996

MONTAUK FRIENDS OF OLMSTED PARKS, INC.  
P.O. BOX 2612  
MONTAUK, N.Y. 11954

Re: FEE

Registration No: UNDER EPTL LAW 8-1.4--05-73-23  
REGISTRATION No: UNDER EXECUTIVE LAW 7A--65891

Dear Sir or Madam:

Your check #64450363318 dated 8/16/96 is being returned for the reason (s) indicated below:

- ( ) No fee is required with the filing of registration forms when registering pursuant to the Estates, Powers & Trusts Law.
- ( ) Fees must be accompanied by an annual report. Your check was accompanied by a request for an extension of time to file your report.
- ( ) Payment of \$\_\_\_\_\_ has already been received for the year ending \_\_\_\_\_. No further fee is required.
- (X) No filing fee is required because the above organization is exempt from filing an annual report with the Attorney General for the year ending 12/95. NO FEE DUE UNDER EXECUTIVE LAW 7A AS THE FIRST THREE LINES OF YOUR 497 ARE UNDER \$25,000.00.  
**PLEASE NOTE:** You must request an exemption for each reporting year in which your organization claims exemption from filing.
- ( ) Your check is not made payable to "NYS Department of Law." Please send us another check for \$\_\_\_\_\_ payable to "NYS Department of Law."
- ( ) Your payment is incorrect. You paid \$\_\_\_\_\_. The correct fee is \$\_\_\_\_\_.
- ( ) Your check is not signed.
- ( ) NO FEE REQUIRED TO REGISTER UNDER EPTL LAW 8-1.4

If you have any questions concerning this matter, please call us.

Very truly yours,  
BARBARA HERNANDEZ  
REGISTRATION SECTION

06-B8

## Att A - MFOP Certificate of Incorporation

940413000358  
EIN# 11-3195781

**CERTIFICATE OF INCORPORATION**  
**OF**  
**MONTAUK FRIENDS OF OL MSTED PARKS, INC.**

Under section 402 of the Not-for-Profit Corporation Law

**IT IS HEREBY CERTIFIED THAT:**

- (1) THE NAME OF THE CORPORATION IS "MONTAUK FRIENDS OF OL MSTED PARKS, INC."
- (2) THE CORPORATION IS A CORPORATION AS DEFINED IN SUBPARAGRAPH (A) (5) OF SECTION 102 (DEFINITIONS) OF THE NOT-FOR-PROFIT LAW.
- (3) THE PURPOSE OR PURPOSES FOR WHICH THE CORPORATION IS FORMED ARE AS FOLLOWS:
  - 3(a) To protect, conserve, steward, and promote the parks, roadways, and other easements in Montauk shown on filed Olmsted subdivision maps of "Wompenanit" and "Hither Hills" and conveyed through covenanted agreements through the estate of Arthur W. Benson. Note: See "reservation" properties on filed maps #34 and #496 filed in Riverhead along with the covenanted agreements written "to run with the land" found in approximately 90 deeds between 1904 and 1956 beginning with Liber 546, cp. 524ff (Wompenanit) and Liber 585, cp 416ff (Hither Hills).
  - 3(b) To foster, encourage, and promote the fullest use and enjoyment of the Olmsted parks and other covenanted easements by the Montauk community and their guests.
  - 3(c) To maintain a non-partisan democratic caucus-process membership organization of Montauk residents to discuss and resolve issues, oversee and allocate funds, and build community as specified in the Bylaws of the organization. Voting membership will be limited to Montauk landowners or certified proxies as set forth in the Bylaws of the organization.
  - 3(d) To enter into and/or support any litigation which either (1) is explicitly to protect the rights of Montauk landowners to the use of the land-grant parkland and/or other easements arising from the Benson covenants; or, (2) is for the purposes of mutual conservation of Montauk scenic, recreational, and/or natural resources and is allowable under section 202 of the not-for-profit corporation laws of the State of New York.
  - 3(e) The MFOP will seek to consolidate title for the "reservation" lands under its name in order to facilitate conservation and stewardship. Where this is not possible, the MFOP will work closely with the fiducial title-holders of the "reservation" properties to ensure that the covenanted agreements are respected.
  - 3(f) To seek recognition for Montauk as a National Historic Site by the Federal government of the United States of America and coordinate and promote any programs which may benefit the Montauk community from such recognition.
  - 3(g) To seek financial assistance through grants, fund raising and private donations for the promotion and maintenance of the Olmsted park system in Montauk.
  - 3(h) To publish a newsletter and quarterly magazine and sponsor celebrations and events to enhance community awareness and to promote and celebrate the spectacular natural beauty of Montauk.
  - 3(i) It is not the intention or purpose of the MFOP to set itself up as an historical society, or to operate or function as a historical society.

Page 1 of 3  
02/18/94 BAF

6/29/98 Affidavit of Robert A. Ficalora  
Att A - MFOP Certificate of Incorporation

4.) THIS CORPORATION SHALL BE A TYPE B CORPORATION PURSUANT TO SECTION 201 OF THE NOT-FOR-PROFIT CORPORATION LAW.

The names and addresses of the initial directors are as follows:

Helen Ficalora  
P.O. Box 393 *40 Breakers Motel*  
Montauk, NY 11954 *Old Montauk Highway*

Louise Nielsen  
P.O. Box 301, *410 Twin Pond Motel*  
Montauk, NY 11954 *Old Montauk Highway*

Stella Bruhn  
9 South Devon Place  
P.O. Box 363  
Montauk, NY 11954

5.) THIS CORPORATION IS TO BE LOCATED IN THE UNINCORPORATED VILLAGE OF MONTAUK, TOWNSHIP OF EAST HAMPTON, COUNTY OF SUFFOLK, STATE OF NEW YORK.

6.) THE TERRITORY IN WHICH THE ACTIVITIES OF THE CORPORATION ARE PRINCIPALLY TO BE CONDUCTED IS THE UNINCORPORATED VILLAGE OF MONTAUK, TOWNSHIP OF EAST HAMPTON, COUNTY OF SUFFOLK, STATE OF NEW YORK.

7.) THE SECRETARY OF STATE IS DESIGNATED AS AGENT OF THE CORPORATION UPON WHOM PROCESS AGAINST IT MAY BE SERVED. THE POST OFFICE ADDRESS TO WHICH THE SECRETARY OF STATE SHALL MAIL A COPY OF ANY PROCESS AGAINST THE CORPORATION SERVED UPON HIM IS:

M.F.O.P.  
P.O. Box *2612*  
Montauk, NY 11954

8.) STATE AND FEDERAL EXEMPTION

*State and Federal exemption language for Type B and C corporations seeking tax exemption.*

*Notwithstanding any other provisions of these articles, the corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal Income tax under IRC Section 501(c)(3) or corresponding provisions of any subsequent Federal tax laws.*

*No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation.*

*No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by IRC Section 501(h)) or participating or intervening in (including the publication and distribution of statements), any political campaign or of any candidates for public office.*

Page *2* of *3*  
02/18/94 *RF*

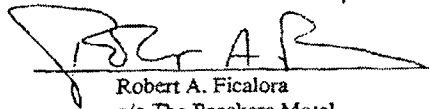
*In the event of dissolution, all of the remaining assets and property of the corporation shall, after necessary expenses thereof, be distributed to another organization exempt under IRC Section 501(c)(3), or corresponding provisions of any subsequent Federal tax laws, or to the Federal Government, or state or local government for a public purpose, subject to approval of a Justice of the Supreme Court of the State of New York.*

*In any taxable year in which the corporation is a private foundation as described in IRC Section 509(a), the corporation shall distribute its income for said period at such time and manner as not to subject it to tax under IRC Section 4942, and the corporation shall not: (a) engage in any act of self dealing as defined in IRC Section 4941(d), retain any excess business holdings as defined in IRC Section 4943(c); (b) make any investments in such manner as to subject the corporation to tax under IRC Section 4944; or, (c) make any taxable expenditures as defined in IRC Section 4945(d) or corresponding provisions of any subsequent Federal tax laws.*

9.) APPROVALS AND CONSENTS

All approvals and consents required by the not-for-profit corporation law or any other statute are endorsed upon or attached to this Certificate of Incorporation.

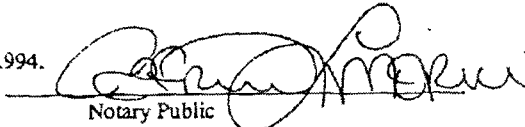
IN WITNESS WHEREOF, I have made this Certificate this 18 day of February, 1994, and I affirm the statements contained therein are true under the penalties of perjury.



Robert A. Ficalora  
c/o The Breakers Motel  
Old Montauk Highway  
P.O. Box 393  
Montauk, NY 11954

STATE OF NEW YORK            )  
COUNTY OF SUFFOLK        ) ss:  
TOWN OF EAST HAMPTON     )

Sworn to me this 18 day of February, 1994.

  
Notary Public

PATRICIA L. MORSE  
NOTARY PUBLIC, State of New York  
No. 017004221633  
Qualified in Suffolk County  
Commission Expires Aug. 31, 1995

Page 30 of 3 RF  
02/18/94

F 940413000358

CERTIFICATE OF INCORPORATION

OF

Montauk Friends of OLMSTED PARKS Inc.  
UNDER SECTION 402 OF THE NOT-FOR-PROFIT CORPORATION LAW

FILED BY:

Robert A Ficalora  
c/o The Breaters Motel  
P.O. Box 2612  
Montauk NY 11954

*[Handwritten signature]*

1cc  
STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED APR 13 1994  
TAX \$ \_\_\_\_\_  
BY: DSL  
Suffolk

4

840413000400

N. Y. S. DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS AND STATE RECORDS

162 WASHINGTON ST  
ALBANY, NY 12241

FILING RECEIPT

=====  
CORPORATION NAME: MONTAUK FRIENDS OF OLMSTED PARKS, INC.

DOCUMENT TYPE : DOMESTIC (NOT-FOR-PROFIT) CORPORATIO TYPE: B COUNTY: SHER

SERVICE COMPANY : \*\* NO SERVICE COMPANY \*\*

=====  
FILED: 04/13/1994 DURATION: PERPETUAL CASH #: 940413000400 FILM #: 9404130000

ADDRESS FOR PROCESS

-----  
THE CORPORATION  
PO BOX 2612  
MONTAUK, NY 11954

REGISTERED AGENT  
-----



=====	FILER	FEE\$	85.00	PAYMENTS	00
-----	ROBERT A FICALORA	FILING :	75.00	CASH :	00
	C/O THE BREAKERS MOTEL	TAX :	0.00	CHECK :	00
	PO BOX 393	CERT :	0.00	BILLED:	00
	MONTAUK, NY 11954	COPIES :	10.00		
		HANDLING:	0.00		
				REFUND:	00
				-----	

=====  
006-1025 (11/89)

6/29/98 Affidavit of Robert A. Ficalora  
Att A - MFOP Certificate of Incorporation



**Att. B - Declaration of Rights and Trusteeship**

**Declaration of Rights and Trusteeship**

We, the membership of the Montauk Friends of Olmsted Parks, Inc., in founding and lawfully assembly this 11th day of May, 1996, do hereby and herewith certify, declare and make duly known that:

Whereas, by deeds through the Montauk Tribe of Indians our predecessor proprietors claimed the rights of ownership of Montauk as tenants in common subject to certain agreed upon shared rights of common use with the Tribe of lands at North Neck and Indian Field; and,

Whereas, in a ruling by the New York State Supreme Court dated September 6, 1851, in the case of the several proprietors of Montauk vs. the Trustees of the the Town of East Hampton, it was ordered that the Town Trustees release and surrender all claim to Montauk and issue a deed to the proprietors under official seal (dated March 9th, 1852); and,

Whereas, on April 2nd, 1852, the New York State Assembly at Albany passed a law, at Chapter 139, which caused the proprietors to be incorporated. This act provides for a process of governance and provides that the proprietors, in lawfull assembly, "shall have the power to make such rules and regulations for improving, managing, governing, and using such lands as they may deem proper"; and,

Whereas, the Estate of Arthur W. Benson, for a time the sole proprietor of the undivided lands of Montauk, did further reserve to its successor proprietors certain rights of common use into and over real property through covenanted agreements in deeds which were found valid and enforceable by the judgement and order of the Supreme Court of the State of New York dated February 18th, 1994, and upheld on appeal by decision dated February 13th, 1996; and

Whereas, on April 13th, 1994, the aforesaid action caused to be incorporated under the laws of the State of New York a successor re-incorporation of the Proprietors of Montauk, known as Montauk Friends of Olmsted Parks, Inc., (MFOP) the charter, constitution and bylaws of which are to be amended to harmonize with Chapter 139 of the Laws of 1852; and,

It is herewith and hereby declared that the Montauk Friends of Olmsted Parks, corporation, as the not-for-profit re-incorporation of the Proprietors of Montauk, assumes any and all rights, title, priviledges, responsibilities or powers established in law under Chapter 139 of the Laws of 1852 and that notice of this declaration shall be provided to all Town, County, State authorities and to Montauk proprietors of record.

JUN 20 1996

EDWARD R. YARDELEY  
SUFFOLK COUNTY CLERK  
MAY 13 PM 3:49

RECEIVED

