

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

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Summons & Complaint
Complaint

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FRED W. THIELE, JR.
Assemblyman 2nd District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Committee on House Operations

COMMITTEES
Agriculture
Environmental Conservation
Election Law

June 26, 1996

Mr. Robert Ficalora
Acting President
MFOP, Inc.
P.O. Box 2612
Montauk, NY 11954

Dear Mr. Ficalora,

Thank you for the information you have continued to send to my office regarding the necessary purchase of Shadmoor and efforts to preserve our beautiful open spaces and protect fresh water reserves. I have reviewed all of the papers you sent and would like to assure you that I appreciate your continuing efforts to keep me apprised of the situation as developments occur.

Further, please be advised that I remain totally supportive and understand the necessity of this preservation effort. I have enclosed your copy of the Declaration of Rights and Trusteeship that was adopted May 11, 1996 by the Montauk Friends of Olmsted Parks, Inc. I have stamped it with the date of June 20, 1996, the date it was received by my office.

If I can be of any further help to you please feel free to contact me.

Sincerely,

Fred W. Thiele, Jr.
Member of Assembly

FT/keb
enclosure