



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CHARITIES BUREAU

September 28, 2012

By Fax
(518) 270-5435

The Honorable Henry F. Zwack
Rensselaer County Courthouse
80 2nd Street, 3rd Floor
Troy, New York 12180

Re: *Schneiderman v. Lower Esopus River Watch, Inc. et al.*
Index No. 08-5067, Ulster County Supreme Court

Dear Judge Zwack:

I write to request an adjournment of the auction, currently scheduled for October 5, 2012, of certain parcels of land (the "Property") owned by Lower Esopus River Watch, Inc. ("LERW") pursuant to the attached Revised Order Authorizing Sale of Real Property, entered September 19, 2012 (the "Revised Auction Order").

If this application for an adjournment is granted, the Attorney General will then follow with a motion to the Court for further changes to the Revised Auction Order as identified below.

As noted in my letter of September 12, 2012, which was so-ordered in the Revised Auction Order, certain land-trust organizations, as well as the NYS Department of Environmental Conservation, have expressed an interest in ensuring that certain parcels of the Property are acquired by a public or charitable entity that will ensure that these parcels are protected wetlands. The parcels of interest to these entities are the seven parcels located in the town of Esopus.

It appears that changes to the Revised Auction Order may be required to facilitate the acquisition of these properties by a public or charitable entity for conservation purposes. These changes may include the removal of the Esopus properties from the auction.

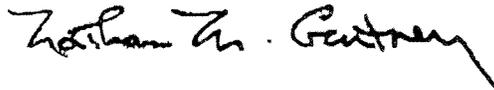
Ulster County, which is to receive the proceeds, if any, from the auction of the Property pursuant to LERW's settlement of the claims against it in this action, recognizes the value in the preservation of this land as open space and has consented to the request for an adjournment.

In order to publicize the adjournment of the auction, the County will issue a press release and include a notice on the website of the Ulster County Commissioner of Finance. Additionally, the Commissioner of Finance will take any other steps that he feels are necessary to adequately notify the public of the adjournment of the auction.

Accordingly, we respectfully request that the Court so-order this letter (i) to approve the adjournment of the auction to a date to be determined by the Commissioner of Finance and (ii) to give the Attorney General the opportunity to make a motion to the Court for additional changes to the Revised Auction Order.

Thank you for the Court's time and consideration of this matter.

Respectfully Submitted,



Nathan M. Courtney
Assistant Attorney General

cc. Frederick Fritschler, *pro se*, (by e-mail)
Edward G. Williams, Esq. (by e-mail)
Beatrice Havranek, Esq. (by e-mail)

SO ORDERED:



The Honorable Henry F. Zwack
Acting Justice Supreme Court