



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CHARITIES BUREAU

September 12, 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 a revision to the attached Order Authorizing Sale of Real Property entered on August 28, 2012 (the "Auction Order"). The Auction Order requires that the land owned by Lower Esopus River Watch, Inc. ("LERW") be sold at auction by September 21, 2012. Exhibit 1 to the Order is a Legal Notice which scheduled the auction for September 14, 2012 and which ran in The Kingston Daily Freeman and the Times Herald-Record over the last two weeks.

As noted in the attachments to the original Order to Show Cause, several of LERW's parcels of land are considered protected wetlands. We understand that one or more land-trust organizations may be interested in purchasing these parcels as a method of additional open space protection, but will not be able to complete their due diligence by this Friday.

We believe that a postponement of the auction to October 5, 2012 will enable any such organizations to complete their due diligence, maximize opportunity for all bidders and facilitate a more successful auction. I have spoken with representatives of the County and LERW and they do not object to the postponement. I have also e-mailed Mr. Fritschler for his comments, but have not received a response.

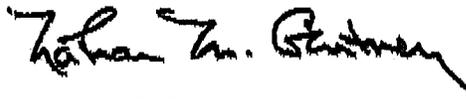
In order to publicize the postponement, the County will issue a press release and include a notice on the website of the County's Commissioner of Finance. In addition, the legal notice, attached as Exhibit 1 to the Auction Order, will be revised to include the

Hon. Henry F. Zwack
September 12, 2012
Page 2

new auction date and time and published in the Daily Freeman and Times-Herald-Record at least once prior to October 5, 2012. Finally, the Commissioner of Finance will take any other steps that he feels are necessary to adequately notify the public of the postponement of the auction.

As a result, we respectfully request that the Court so-order this letter to approve the adjournment of the auction date from September 14, 2012 to October 5, 2012. Thank you for the Court's time and consideration of this matter.

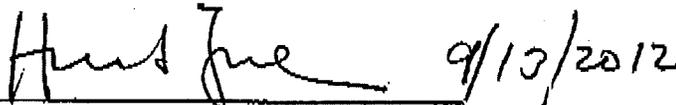
Respectfully Submitted,



Nathan M. Courtney
Assistant Attorney General

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

SO ORDERED:



The Honorable Henry F. Zwack
Acting Justice Supreme Court