

McNamee, Lochner, Titus & Williams, P.C.

ATTORNEYS AT LAW

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November 20, 2008

VIA FEDERAL EXPRESS & FACSIMILE – (518) 873-3376

Hon. Richard B. Meyer
Essex County Courthouse
7559 Court Street
Elizabethtown, New York 12932

RE: Lewis Family Farm v. Adirondack Park Agency (Index No. 315-08/332-08)

Dear Justice Meyer:

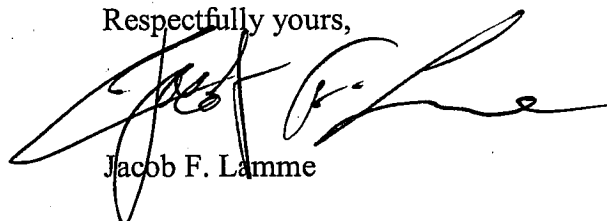
Pursuant to the Court's Decision and Order of November 19, 2008, enclosed please find the Lewis Family Farm's proposed judgment. The attorneys for all parties are on notice as they are being provided with the proposed judgment by copy of this letter. Additionally, I e-mailed a previous draft of this proposed judgment to the Agency's counsel yesterday requesting comments, if any, to which I have not received a response.

We have added a specific clause to the proposed judgment in order to secure the release of the \$50,000 currently being held in escrow by the County Treasurer pursuant to Your Honor's stay of April 11, 2008, as modified by the Appellate Division. According to Your Honor's Order of yesterday, the Agency's determination is annulled and the stay is vacated as moot. For these reasons, there is no basis for the County Treasurer to continue holding the funds, and the judgment is crafted to provide clear guidance in this regard. We were told the funds would be released today, but there now appears to be some confusion.

Kindly execute the proposed final judgment so that I can have it entered in the Essex County Clerk's office and served on the parties.

I am enclosing a postage-paid envelope for the return of the executed judgment. Thank you for your prompt attention to this matter.

Respectfully yours,



Jacob F. Lamme

{M0201754.1}

Enclosures

cc: Loretta Simon, Esq. (via facsimile to 518-473-2534)
Cynthia Feathers, Esq. (via facsimile to 518-587-0128)

PRESENT: Hon. Richard B. Meyer, Acting J.S.C.

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

JUDGMENT

Petitioner,

-against-

ACTION NO. 1

ADIRONDACK PARK AGENCY,

Index No. 315-08

RJI No.: 15-1-2008-0109

Hon. Richard B. Meyer

Respondent.

ADIRONDACK PARK AGENCY,

Plaintiff,

-against-

ACTION NO. 2

LEWIS FAMILY FARM, INC., SALIM B. LEWIS
and BARBARA LEWIS,

Index No.: 332-08

RJI No.: 15-1-2008-0117

Hon. Richard B. Meyer

Defendants.

Upon the Notice of Petition, dated April 7, 2008 and Amended Petition filed in this Article 78 proceeding in the office of the Clerk of Essex County on or about April 14, 2008 (Index No. 315-08), and all proceedings thereon;

And upon the Amended Summons and Amended Verified Complaint filed in this action in the office of the Clerk of the Essex County on or about May 14, 2008 (Index No. 332-08), and all proceedings thereon;

NOW, ON MOTION OF McNAMEE, LOCHNER, TITUS & WILLIAMS, P.C.,
attorneys for Petitioner-Defendant Lewis Family Farm, Inc., and in accordance with the Decision and Order executed by the Honorable Richard B. Meyer, J.S.C. on November 19, 2008, it is

ORDERED, ADJUDGED AND DECREED, that the Amended Petition is hereby granted and that the determination rendered by Respondent Adirondack Park Agency against Petitioner Lewis Family Farm, Inc. on March 25, 2008 is hereby annulled in its entirety pursuant to CPLR § 7806 on the ground that said determination is affected by an error of law, and it is further

ORDERED, ADJUDGED AND DECREED, that the Amended Verified Complaint of Plaintiff Adirondack Park Agency is hereby dismissed in its entirety, and that each and every cause of action stated therein against Defendant Lewis Family Farm, Inc. is hereby dismissed, with prejudice, and it is further

ORDERED, ADJUDGED AND DECREED, that the Decision and Order of this Court, dated April 11, 2008, as modified by the Appellate Division on April 28, 2008 and May 19, 2008, which granted a partial stay to Petitioner Lewis Family Farm, Inc. pursuant to CPLR § 7805 is hereby vacated as moot, and therefore there is no basis upon which the Essex County Treasurer may continue to hold the \$50,000 paid in to the Court and Trust Fund of the Essex County Treasurer by the Lewis Family Farm, Inc.

JUDGMENT entered this ____ day of November, 2008.

SO ORDERED!

WITHOUT COSTS

Hon. Richard B. Meyer
Acting Supreme Court Justice

ENTER

Dated: November ____, 2008