

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

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ADIRONDACK PARK AGENCY,

Respondent.

JUDGMENT

ACTION NO. 1

Index No. 315-08
RJI No.: 15-1-2008-0109
Hon. Richard B. Meyer

ADIRONDACK PARK AGENCY,

Plaintiff,

-against-

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

Defendants.

ACTION NO. 2

Index No.: 332-08
RJI No.: 15-1-2008-0117
Hon. Richard B. Meyer

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

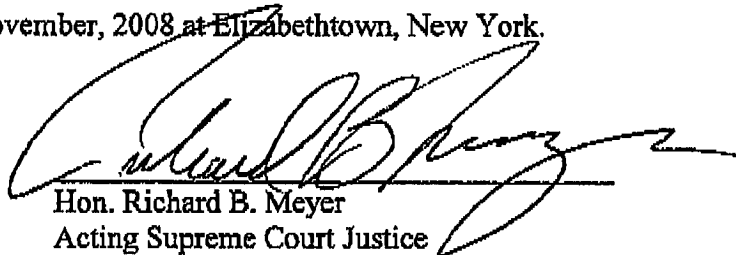
ORDERED, ADJUDGED AND DECREED, that the Amended Petition is hereby granted without costs and that the determination rendered by Respondent Adirondack Park Agency against Petitioner Lewis Family Farm, Inc. on March 25, 2008 is hereby annulled in its entirety pursuant to CPLR § 7806 on the ground that 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 without costs, 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 signed this 21st day of November, 2008 at Elizabethtown, New York.

ENTER


Hon. Richard B. Meyer
Acting Supreme Court Justice

ELIZABETH TOWN CLERK 12932

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