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January 18, 2010

Hon. David B. Krogmann
Warren County Municipal Center
1340 State Route 9
Lake George, New York 12845

Re: *Richard and Smith V. Town of Cambridge, et al.*
Return Date: 1/26/10

Dear Judge Krogmann:

Enclosed herewith is the Answer to Petition of Respondent Audrey B. Hall Seelye in connection with the above.

Thank you

Very truly yours,

S/

John R. Winn

Cc:

Jacquelyn E. Poulos, Esq.
Miller, Mannix, Schachner & Hafner, LLC
P.O. Box 765
Glens Falls, New York 12801

✓ D. Alan Wrigley, Esq.
1 East Main Street
Cambridge, New York 12816

Mr. and Mrs. Terry E. Whitney, Sr.
104 Brownell Road
Cambridge, New York 12816

3. Denies the allegations contained in Paragraph "8" of the Petition, except that Respondent Audrey B. Hall-Seelye admits that Petitioner Richard and/or Smith did dump or place scrap metal on the parcel described as Tax Map No. 270.-1-33.8 until 2006-7 when Respondent Audrey B. Hall-Seelye directed that the scrap metal be removed from her property.

4. In answer to Paragraph "9" of the Petition, admits that Respondent Audrey B. Hall-Seelye does not presently own premises directly adjacent to or abutting Tax Map No. 270.-1-33.8, but, upon information and belief, denies that Respondents Whitney do not own property directly adjacent and states affirmatively that, upon information and belief, Respondents Whitney own the premises described as Tax Map No. 270.-1-33.6, which parcel is located directly across Brownell Road from Tax Map No. 270.-1-33.8.

5. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "10" and "11" of the Petition, but states affirmatively that Respondent Audrey B. Hall-Seelye at all times relevant to this proceeding believed that she was the owner of the premises described as Tax Map No. 270.-1-33.8 pursuant to the 1969 deed into Respondent Audrey B. Hall-Seelye.

6. Denies the allegations contained in Paragraph "12" to the extent that it is asserted by Petitioners that the resolution authorized conveyance of the parcel at issue and states affirmatively that the resolution was made for the purposes of confirming that the Town of Cambridge had no interest in the parcel at issue.

7. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "13" of the Petition.

8. In answer to Paragraph "14" of the Petition, Respondent Audrey B. Hall-Seelye admits that the Town of Cambridge executed the quitclaim deed dated September 8, 2008, and denies each and every other allegation contained in Paragraph "14".

9. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "15" of the Petition.

10. In answer to Paragraphs "16" of the Petition, admits that on or about October 3, 2008, Respondent Audrey B. Hall-Seelye sold Tax Map No. 270.-1-33.8 to Respondents Whitney, and that a copy of the deed is attached to the Petition as Exhibit E, and denies each and every other allegation contained in Paragraph "16"

11. In answer to Paragraph "17" of the Petition, Respondent Audrey B. Hall-Seelye states that the Respondents Whitney since October of 2008 have been clearing, cleaning up and otherwise improving the premises known as Tax Map No. 270.-1-33.8.

12. Respondent Audrey B. Hall-Seelye lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "18", "19", "20", "21" and "22" of the Petition.

IN ANSWER TO THE FIRST CAUSE OF ACTION

13. As to Paragraph "23" of the Petition, Respondent Audrey B. Hall-Seelye repeats and realleges her answers to Paragraphs "1" thru "22" of the Petition with the same force and effect as if more fully set forth herein.

14. Denies the allegations contained in Paragraphs "24", "25" and "26" of the Petition, except that Respondent Audrey B. Hall-Seelye admits that she made no payment to the Town of Cambridge.

15. Denies the allegations contained in Paragraph "27" of the Petition.

IN ANSWER TO THE SECOND CAUSE OF ACTION

16. As to Paragraph "28" of the Petition, Respondent Audrey B. Hall-Seelye repeats and realleges her answers to Paragraphs "1" thru "27" of the Petition with the same force and effect as if more fully set forth herein.

17. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "29", "30", "31", "32" and "33" of the Petition.

18. Denies the allegations contained in Paragraph "34" of the Petition.

IN ANSWER TO THE THIRD CAUSE OF ACTION

19. As to Paragraph "35" of the Petition, Respondent Audrey B. Hall-Seelye repeats and realleges her answers to Paragraphs "1" thru "34" of the Petition with the same force and effect as if more fully set forth herein.

20. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "36", "37", "38", "39", "40" and "41" of the Petition.

21. Denies the allegations contained in Paragraph "42" of the Petition.

IN ANSWER TO THE FOURTH CAUSE OF ACTION

22. As to Paragraph "43" of the Petition, Respondent Audrey B. Hall-Seelye repeats and realleges her answers to Paragraphs "1" thru "42" of the Petition with the same force and effect as if more fully set forth herein.

23. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "44" and "45" of the Petition.

24. Denies the allegations contained in Paragraph "46" of the Petition.

IN ANSWER TO THE FIFTH CAUSE OF ACTION

25. As to Paragraph "47" of the Petition, Respondent Audrey B. Hall-Seelye repeats and realleges her answers to Paragraphs "1" thru "46" of the Petition with the same force and effect as if more fully set forth herein.

26. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "48" and "49" of the Petition.

27. Denies the allegations contained in Paragraph "50" of the Petition.

IN ANSWER TO THE SIXTH CAUSE OF ACTION

28. As to Paragraph "51" of the Petition, Respondent Audrey B. Hall-Seelye repeats and realleges her answers to Paragraphs "1" thru "50" of the Petition with the same force and effect as if more fully set forth herein.

29. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "52" of the Petition.

30. Denies the allegations contained in Paragraphs "53", "54" and "55", "56", "57", "58" and "59" of the Petition.

IN ANSWER TO THE SEVENTH CAUSE OF ACTION

31. As to Paragraph "60" of the Petition, Respondent Audrey B. Hall-Scelye repeats and realleges her answers to Paragraphs "1" thru "59" of the Petition with the same force and effect as if more fully set forth herein.

32. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "61", "62" and "63" of the Petition, except that Respondent Audrey B. Hall-Scelye does admit that Respondents Whitney have been clearing, cleaning up and improving the parcel at issue for the past year or so.

33. Denies the allegations contained in Paragraph "64" and "65" of the Petition.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

34. The actions complained by the Petitioners all took place on or before September 8, 2008.

35. Section 217(1) of the Civil Practice Law and Rules provides that the Statute of Limitations period for commencing an Article 78 proceeding is four months.

36. Since all of the actions complained of occurred more than four months prior to the commencement of the action on or after January 12, 2010, the Petitioners' claims are barred by the Statute of Limitations. *See, Bullock v. Essex County Board of Supervisors*, 246 AD2d 806 (3d Dept. 1998).


AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

37. No personal jurisdiction, as required by Article 3 of the Civil Practice Law and Rules, has been obtained over Respondent Audrey B. Hall-Seelye.

WHEREFORE, Respondent Audrey B. Hall-Seelye demands judgment dismissing the Article 78 Petition of the Petitioners, together with such other and further relief as to the Court may seem just and proper.

Dated: January 18, 2010

Yours, etc.



JOHN R. WINN, ESQ.
Attorney for Respondent
Audrey B. Hall-Seelye
13 North Street
Granville, New York 12832
Tel: (518) 642-1365

VERIFICATION

STATE OF NEW YORK)
COUNTY OF WASHINGTON) ss.:

AUDREY B. HALL-SEELYE, being duly sworn, deposes and says: I am one of the Respondents in the above-entitled action; I have read the foregoing Answer to Pretition, know the contents thereof, and know that the same are true to my knowledge, except as to those matters which are stated to be alleged on information and belief, and as to those matters I believe it to be true.

Audrey B. Hall-Seelye
AUDREY B. HALL-SEELYE

Sworn to before me this 19th
day of January, 2010

[Signature]

Notary Public

JOHN R WINN
Notary Public - State of New York
No. 02WI4623551
Qualified in Washington County
My Comm. Expires May 31, 2011