

In the Matter of the Application of

**MARY ANNE RICHARD and DANIEL  
SMITH,**

Petitioners,

-against-

**THE TOWN OF CAMBRIDGE; THE  
CAMBRIDGE TOWN BOARD; AUDREY  
B.HALL; SALLY J. WHITNEY; and  
TERRY E. WHITNEY, SR.;**

Respondents,

**AFFIRMATION OF  
JACQUELYN E. POULOS  
INDEX NO.: 16168  
RJI NO.:**

For a Judgment Pursuant to Article 78 of the New York Civil Practice Law and Rules and Declaratory Judgment Ordering the Town Board to Revoke its Resolution Authorizing the Conveyance of the Disputed Property and Declaring the Town of Cambridge the Record Owner of the Disputed Property.

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STATE OF NEW YORK    )

) ss.:

COUNTY OF WARREN    )

JACQUELYN E. POULOS, ESQ., hereby affirms under penalty of perjury:

1. I am an attorney with the law firm of MILLER, MANNIX, SCHACHNER & HAFNER, LLC, attorneys for Petitioners Mary Anne Richard and Daniel Smith.
2. On or about December 7, 2009, an Order to Show Cause and Verified Petition were filed in the Washington County Clerk's Office in this action.
3. Upon information and belief, Hon. David B. Krogmann was assigned to this action.
4. Upon information and belief, Hon. David B. Krogmann received the Order to Show Cause on January 4, 2010.

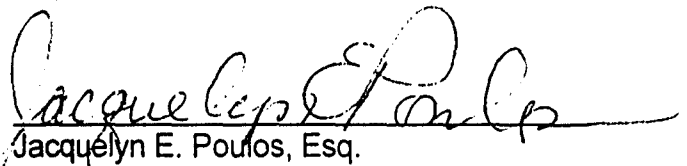
5. Petitioners' attorneys provided Respondents Town, Town Board and Audrey Hall with sufficient notice of the application seeking interim relief by sending, via facsimile and overnight mail, Town Counsel C. Alan Wrigley and attorney for Audrey B. Hall, John R. Winn, a letter and copies of the Order to Show Cause and Verified Petition on January 5, 2010.

6. Petitioners' attorneys provided Respondents Whitney, *pro se* litigants, with sufficient notice of the application seeking interim relief by sending them, via overnight mail, a letter and copies of the Order to Show Cause and Verified Petition on January 5, 2010.

7. On January 5, 2010, Petitioners' attorneys also spoke with both Sally J. Whitney and Terry E. Whitney, Sr. by telephone notifying them of the action; that a letter, the Order to Show Cause, and Verified Petition were being sent to them by overnight mail; that interim relief was being sought; that they should contact the Court if they wish to be heard; and that they should contact an attorney if they had any questions. Respondents Whitney indicated they would not obtain counsel at this time. Terry E. Whitney, Sr. provided Petitioners' attorneys with an e-mail address to send the letter of notice, Order to Show Cause and Verified Petition. Several attempts to e-mail respondents at that address were unsuccessful.

8. The letters sent to all Respondents informed them to notify the Court and Petitioners' attorneys, no later than Friday, January 8, 2010, if they wished to be heard regarding the interim relief requested in the Order to Show Cause.

Dated: January 6, 2010

  
Jacquelyn E. Poulos, Esq.

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