



*First American Title Insurance Company of New York*  
*635 Third Avenue, New York, New York 10017 Toll Free (800) 437-1234 Facsimile (646) 865-1660*

***UNDERWRITING  
BULLETIN***

*TO: ALL NEW YORK STATE AGENTS*

*CC: HELEN POWELL*

*FROM: JOHN CRUZ, MICHAEL ALFEERI & JAMES THANASULES*

*RE: CURRENT DEVELOPMENTS*

*DATE: April 6, 2005*

---

Please review the annexed attachment regarding the insurance of transaction in the area covered by a claim filed by the Onondaga Nation against the State of New York and others.

Please feel free to call us with any questions or comments.



*First American  
Title Insurance Company  
of New York*

**To: Managers, Counsel and Agents**  
**From: Michael J. Berey**  
**Senior Underwriting Counsel**  
**Dated: April 6, 2005**

**Re: The Onondaga Nation Land Claim**

Last month a lawsuit was filed in the United States District Court for the Northern District of New York by The Onondaga Nation (the "Onondagas") against the State of New York, Governor Pataki, Onondaga County, The City of Syracuse, and live corporate defendants. (the "Action"). The Complaint filed in the Action alleges that property owned by the Onondagas and the Haudenosaunee, a confederacy, originally, of five Indian nations including the Onondagas, was unlawfully acquired by the State of New York in violation of the federal Indian Trade and Intercourse Acts, the United States Constitution, The Treaty of Fort Stanwick in 1784 and the Treaty of Canandaigua of 1794. The Action seeks a declaratory judgment holding that conveyances made by the Nation to the State of New York under six treaties entered into in the late 1700s and early 1800s are null and void and that the land in question remains the property of the Onondagas and the Haudenosaunee.

Impacted by the case is a strip of land from ten to more than forty miles in width running from the St. Lawrence River on the north along the east side of Lake Ontario to the Pennsylvania border on the south. Properties in portions of each of the counties of Broome, Cayuga, Chenango Cortland, Jefferson, Lewis, Madison, Onondaga, Oswego, Tompkins, and Tioga are impacted. This strip of land (the "Onondaga Claim Area") includes the cities of Binghamton, Cortland, Fulton, Syracuse, Oswego and Watertown. The Indian Claim Area is generally identified on a sketch exhibited to the Complaint accompanying this Bulletin.

Also named as defendants are Honeywell International, Inc. Trigen Syracuse Energy Corporation, Clark Concrete Company, Inc., Valley Realty Development Company, Inc., and Hanson Aggregates North America.

First American has determined that it will continue to issue owners and loan policies of title insurance for residential property in the Onondaga Claim Area notwithstanding the lawsuit. Transactions involving commercial property in the Onondaga Claim Area must, however, be evaluated by the corporate office of First American - New York on a case-by-case basis. For applications for title insurance involving commercial property, please contact Stuart Cooper of our Public Abstract Division in Rochester who will relate the information to me for a determination of how to proceed.

**When a policy is issued involving property in the Indian Claim Area, the Action must be raised as an exception to title with affirmative insurance afforded as set forth below;**

**An action has been commenced in the United States District Court, Northern District of New York by The Onondaga Nation against The State of New York and other defendants (the "Action") seeking a declaratory judgment that certain lands remain the property of The Onondaga nation and the Haudenosaunee a confederation, originally, of five Indian nations.**

**Policy excepts any right, title or interest claimed by or on behalf of The Onondaga Nation of Indians or the Haudenosaunee or any successor in interest. However, this policy insures against loss or damage that the Insured may sustain by reason of the Action. Policy further insures the Insured against monetary loss or damage that may be incurred by reason of the unmarketability of title due to said Action but only the offer of any title insurance company licensed to transact business in the State of New York including this Company, to insure at regular rates the title to the land herein described in the manner set forth herein shall be conclusive evidence of the marketability of the title. The Company agrees. upon request of any mortgagee or vendee of the insured or a mortgagee of such vendee to issue its policy of title insurance containing the same affirmative coverage subject to the same limitation.**

**Please contact either Stuart Cooper or the undersigned if there are any questions.**

A handwritten signature in cursive script, appearing to read "Michael A. A.", with a long horizontal stroke extending to the right.

**cc: James Orphanides  
Paul Hammann  
Stuart Cooper  
Managers**

