

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, Deborah Kopald. being duly sworn, deposes and states:

1. On September 11, 2020 I went to my scheduled appointment at the Orange County Clerk’s Office and reviewed the file for Case Number 2019/007757.

2. In the case file I found the following three *ex parte* documents:

- An undated Letter from David, Deborah and Jaidin Tonneson “To the Honorable Robert A. Onofry” with 14 numbered points noting Index Number 2019/007757. (Exhibit 1)
- A letter dated October 3, 2019 from David, Deborah and Jaidin Tonneson “to the Hon. Robert A. Onofry, JSC”. (Exhibit 2)
- A letter dated October 3, 2019 from Hannah J. Alter, stating that she works from 35 Hemlock Street, the Tonnesons’ home (at the start of this litigation). (Exhibit 3)

These documents were stamped filed by the Orange County Clerk on February 20, 2020.

3. On September 12, 2020, I received the following in an envelope from Orange County Supreme Court:

- A letter from the Court from Principal Court Attorney Michael W. O’Brien to the Tonnesons (Exhibit 4)

This letter contained the following enclosure:

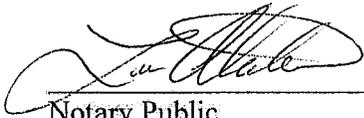
- A copy of an *ex parte* fax dated September 2, 2020 from the Tonnesons sent to the Attention of “Michael O’Brien”. (Exhibit 5 herein)

This *ex parte* fax had the fax number cut off. The exhibit referenced in the fax was not provided by the Court. The fax referenced Index No. 2019-007757. I have not received a consent to change attorney by the Tonnesons and their current attorney, Stephen Honan, for this index number. As of 4:30 p.m., Friday, September 11, 2020, no consent to change attorney had been filed with the Court. Nowhere in Mr. O’Brien’s letter did he direct the Tonnesons not to communicate *ex parte* to the Court or not to communicate to the Court without counsel.



Deborah Kopald

Sworn to before me this
14th day of September 2020



Notary Public

LISA ALVARADO
Notary Public, State of New York
No. 01AL6101150
Qualified in Orange County
Commission Expires November 3, 2023

Notarization was made pursuant to NY Governor's Executive Order 202.7, as extended.

EXHIBIT 1

To the Honorable Robert A. Onofry:

From David, Deborah, and Jaidin Tonneson
SEC.BLK.LOT: 11-1-1.52

Index# 2019007757

1. Deborah Kopald filed this Article 78 right AFTER I spoke out at a Town of Highlands Board meeting about a proposed noise ordinance that she proposed. (David spoke out not because of her constant harassment with phone calls and visits to our property ordering him to contact her before he started up ANY of my equipment, but because the ordinance would be too restrictive to every citizen in our community.) When he refused to OBEY her and obtain her permission to work on September 20th, 2019, Dave was finishing the cement garage floor at approximately 6:30 P.M. and she called the police. (There is no sound ordinance in our community; however, he is always conscious of other people, including Ms. Kopald.) That night Dave claimed that he is an admitted noise maker, (that everyone who lives in a house) there was noise when it was built, and that in his 49 years of being a builder, that was his very first noise complaint, and he has created over 16 million dollars in assessed evaluation revenue for our community. We were served with court papers days later. Many of Ms. Kopalds statements are out of context or completely untrue.
2. I have legally obtained three building permits and have submitted numerous documentation to our building inspector, Bruce Terwilliger. (845-446-4280)
3. Page 2 claims I stripped the entire 15 acres of trees from my land, which is FALSE. Exhibit A photo clearly shows the only area that trees were removed was a meadow like level site in which I removed dead, diseased, falling trees, and brush in order to construct a 38' by 28' home with attached garage. That includes a short driveway, an area for a legally licensed engineered septic system, and a fire apparatus turn around which was designed by a licensed land surveyor.
4. A fifty foot wide right-of-way was constructed by the previous owners in the 1970's. The previous owners were Deborah Kopalds father and Uncle. This same land was sold to us recently by Sue Kopald (Ms. Kopald's mother) and Ned Kopald, (Ms. Kopald's uncle.) with the clear intention that we planned to develop it. (Jealousy?)
5. The ROW was cleared of brush and prepped for paving. The size is 16' wide by 250' long as a driveway to the single home site. No permits are required for paving.
6. The area where the foundation and house now sit was leveled and graded in the 1970's when the Hemlock Street ROW was constructed.
7. The Town of Highlands Building Inspector issued a permit to drill a water well which is required.
8. A building permit application was submitted with the appropriate fee of \$1500. (Exhibit B)
9. The building inspector indicated he could issue a building permit in two parts: first part was for the foundation and the second part was when provided documentation of insurance by the modular home manufacturer and the licensed electrician was submitted. When the foundation was completed and an "as built" provided by the licensed surveyor, the building inspector inspected and approved its construction. On October 4th, 2019 the modular manufacturer (Bill Lake Homes) installed the home on the permitted foundation.
10. (Page 2. #3) The building inspector clearly and certainly has the authority to issue a building permit for a modular home. No erosion problems have EVER existed on the

To the Honorable Robert A. Onofry:

property and erosion control methods have been installed. i.e. silt fences. There are NO WATER streams or courses on this property which was confirmed during the design of the septic system by a licensed engineer.

11. Deborah Kopald's home is in excess of 260' of the building site.

12. Because an additional new home is currently under construction on Forest Hill Road approximately of equal distance from our site, and has not been cited under an Article 78 proceeding, we feel we are being singled out and harassed.

13. On October 6th, 2019, Deborah Kopald contacted the Town of Highlands Police Department TWICE to report noise. The first at approximately 10:00 AM....(We were cleaning on the INTERIOR of the house). The second time at approximately 1:00 PM...(We were blowing the leaves in the front-of the house).

**The police found no violations which prove we are being bullied, harassed, and severely restricted to live a normal life in peace and harmony.

14. It is clear from the photos Deborah Kopald submitted to the court of our property that she trespassed by foot and by air with a drone. (We feel afraid and violated.)

We respectfully ask the court (the Honorable Robert A. Onofry) to dismiss the Article 78 proceedings, place a restraining order on the Petitioner: Deborah Kopald to have no physical, telephone calls, or email contact with us, and to reimburse to us the \$3,500 we paid to obtain our attorney to defend this frivolous case.

Respondents: David, Deborah, and Jaidin Tonneson
35 Hemlock Street, PO Box 183, Fort Montgomery, NY 10922
914-213-2986 or 845-401-7099

EXHIBIT 2

David, Deborah, and Jaidin Tonneson
P.O. Box 183
35 Hemlock Street
Fort Montgomery, NY 10922
914-213-2986
845-401-7099

Hon. Robert A. Onofry, JSC
Orange County Supreme Court
Goshen, NY 10924

Index: 2019/007757

Dear Justice Onofry,

We are attempting to have a voice and be heard, however, we cannot find an attorney as of yet. We need more time to respond. We feel Deborah Kopald has been harassing us because we purchased 15 acres of land recently from her mother and uncle, and she does not want us building on our own property. We are building a small house for our daughter who is getting married next summer and this should be a joyous occasion. Ms. Kopald has call my husband numerous time and he has always been kind to her because her deceased father was his best friend. Her mother Sue, who lives in Florida to recently gifted her the home on Forest Hill Road. Her mother has tried to help us, but claims Deborah just hangs up on her. Deborah Kopald demanded Mr. Tonneson OBEY her demands and call her before operating ANY equipment. When Mr. Tonneson eventually refused, she called the police and filed an article 78. We are in fear of physical harm by the hands of this woman and need an order of protection. She comes on our property which is obvious by the pictures she has submitted. We do not want her near us. We feel she is unstable and is in need of mental evaluation by a professional. We have been in talks with the Town of Highland Police Chief, Frank Pierri. He is compiling information about her erratic behavior.

As owners of this parcel of property in the Town of Highlands, we need time to put our response together. We are seeking an attorney as we mentioned. We strongly object to her entering our property. She only wants to hurt us and cause us anxiety and harassment. She is succeeding!

The Article 78 proceedings will answer her complaints as to the Town's Building Inspector issuing us three permits in which we property obtained. She has already trespassed to take photos and used a drone over our property without permission. We feel so violated at this time.

We respectfully request that Deborah Kopald be denied access to our property. We also request an order of protection against her.

Respectfully Submitted,

David Tonneson
Deborah Tonneson
Jaidin Tonneson (Our 22 Year old daughter)

October 3, 2019

EXHIBIT 3

10/3/2019

To Whom It May Concern,

I have been living next door to Debbie and Dave Tonneson at 35 Hemlock Street since August 30, 2019. Since my arrival, the two have been the kindest neighbors. Debbie and Dave are personable and thoughtful, engaging and open. I believe that their actions have the best interests in mind for all of those around them, all neighbors included.

I am well aware of the construction that has been taking place. Debbie and Dave bought the land up the hill from 35 Hemlock Street with the purpose of developing it and planting a house. I have seen a majority of the development take place from the well diggers and cement trucks driving up, paving equipment creating the driveway, and many other vehicles driving up the hill to plot the foundation in preparation for the home. While I have seen a lot of the action, I have not unduly heard it.

I work in the technology industry with the company, Fevo, as the Executive Vice President of Strategy and Operations. I work generally from 9am – 5pm. I work from the home at 35 Hemlock Street 3-4 days per week. Many of the windows (5 of 8 windows) in the home are open to allow for airflow on the hot days. My days are filled with calls and video meetings with team members to discuss the minute detail of their departments in relation to metrics, desired insights and growth. I have to be able to clearly present findings and also pay close attention to get my next action items. I also work much in spreadsheets and data research which requires deep concentration. Never has the construction been a nuisance or interruption to my work. I have not had one coworker say there was too much background noise, nor have I had to ask anyone to repeat themselves, and neither have I had to relocate in order to finish my work due to mental interruption from noise. After work, I will read from the upstairs bedroom with all of the upstairs window open. There have been no issues with too much ambient noise.

The construction has had no degradation to quality of life. I lived in New York City for 7 years where jackhammers right outside your window on the sidewalk would wake you up at 7am or people would be outside at 3am drunk and screaming, causing a ruckus. Those noises were a disruption and alerted the routines I chose to live. In addition to noise not being a concern, Debbie and Dave have gone out of their way to reduce any other possible points of contention by creating a blanket of land (on the property that they own) that is nestled a healthy distance from surrounding neighbors and established boundaries to construction operating hours. When the home is

completed, the only difference I believe I will see is the types of vehicles going up and down the driveway, in hopes that the new homeowners will have a happy, healthy life with plenty of friend and family visitors.

Best Regards,
Hannah J. Alter
hjalter@gmail.com

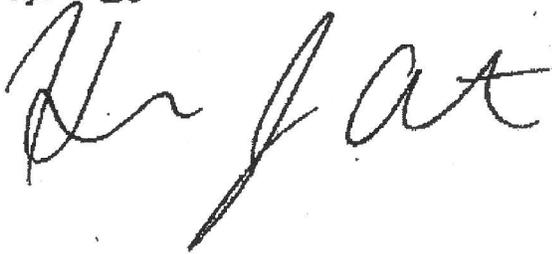
A handwritten signature in cursive script, appearing to read 'Hjalter', written in black ink.

EXHIBIT 4

ORANGE COUNTY SUPREME COURTHOUSE

**285 Main Street
Courtroom # 3
Goshen, New York 10924
(845) 762-5903
Fax (845) 791-3551**



**CHAMBERS OF
Hon. Robert A. Onofry
Supreme Court Justice**

September 3, 2020

Dear Tonnesons:

The Court is in receipt of your facsimile dated September 2, 2020, in which you express concern that you are the targets of vexatious and excessive litigation by Deborah Kopald. You seek "clarification" of the Court's February 7, 2020, Amended Decision, Order and Judgment.

The Amended Decision, Order and Judgment, by its terms, precludes Ms. Kopald "from filing any further or additional actions concerning [the Tonnesons] and the subject property without the prior written permission of the Court." Whether Ms. Kopald will file or seek to file such an action may only be decided as the occasion arises. The Court can offer no advisory opinions about potential actions prior to that time. Otherwise, what legal and other actions, in general, may taken as to anticipated vexatious, harassing or frivolous proceedings or conduct requires legal advice, which the Court may not provide to any party.

Please be advised accordingly.

Sincerely,


Michael O'Brien
Principal Court Attorney

TO: David Tonneson, Deborah Tonneson
and Jaidin Paisley Tonneson
35 Hemlock Street
P.O. Box 183
Fort Montgomery, New York 10922

cc: Deborah Kopald
Pro Se Petitioner
88 Forest Hill Road
Fort Montgomery, New York 10922

EXHIBIT 5

David, Deborah, and Jaldin Paisley Tonneson
35 and 38 Hemlock Street
P.O. Box 183
Fort Montgomery, New York 10922
845-401-7099 and 914-213-2986 **Docket No: 2019-007757**
Appeal Docket No: 2020-02351

Attention: Michael O'Brien

As Respondents in the Article 78 filed by Deborah Kopald in September of 2019, (as well as an obnoxious number of voluminous other litigation which we find utterly impossible to manage), we respectfully request clarification of Judge Onofry's ruling restricting further vexatious/ hyper litigious actions against the Tonneson's and our property (11-1-1.52) without prior court permission.

We must, {for financial reasons due to the abundant and daunting legal costs our family has incurred this past year}, sub-divide a large portion of the 14 acre parcel and sell. Our concern is that Deborah Kopald will certainly file additional actions to try to maintain control of the property that was sold to us by her mother and uncle; (Sue and Ned Kopald own Canterbury Forest Corporation), and to continue her illegal harassment, stalking, and bullying our family has been shockingly subjected to.

Our question: Does The Honorable Judge Onofry's restriction limit her ability to file a new Article 78 against the Tonneson's/ Town of Highlands Planning Board without permission should the TOH Planning Board approve a proposed sub-division of our property? We feel trapped and controlled by Deborah Kopald's unhinged actions and have certainly been prevented from enjoying our own property which we should have the right to do. If she is permitted to continually file litigation against us, our life is over. We are in our "Golden Years" and cannot live the remainder of our lives in peace.

We assert we have done NOTHING wrong and have followed the directives of the TOH building inspector explicitly. We lawfully constructed a simple single family home for our youngest daughter who was recently married. NOTE: (We were recently notified that the TOH Building Inspector is resigning because of Deborah Kopald's incessant bullying and bazaar shenanigans. Everyone in this community seems to be in fear of her behavior.

The Town of Highlands Zoning Board of Appeals Determination Resolution dated August 19th, 2020 is included for the courts review.

The court's guidance is the major factor in our decision on how to proceed with this unfortunate and nightmare situation. We are making an attempt to proceed PRO SE due to the financial burden our family has been forced to endure.

Respectfully Submitted,
David Tonneson, Deborah Tonneson, and Jaldin Paisley Tonneson (Kilner)
September 2, 2020