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# Mohonk Preserve and Financial Duress on Fink and Pardini

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**Twenty One Years and Counting**



*This photo shows the back of Fink and Pardini's home (AKA Barn House) with the original farmhouse behind and on the left of the photo. The cliffs above the house are part of the land in dispute.*

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Michael Fink - April 14, 2016

## Introduction

Fink and Pardini have been forced to protect their property in court from greedy land trusts for over 21 years. The history of harassment goes back even further. The prior land



owner, Wilber “Smitty” Smith, was threatened by the same people who were determined to get his land no matter what. By 1977 Mohonk and their associates/ friends (Smitty’s closest neighbor and head Mohonk Ranger Robert Larson) forced Smitty in to bankruptcy by creating roadblocks at the Town Planning Board level. This prevented Smitty from expanding his business and to make ends meet. Smitty sold 21 acres of his land to CNYE Realty

Corporation. Mohonk sued Smitty and CNYE claiming Smitty never owned the land he sold. This ended up in the first lawsuit concerning Smitty’s Dude Ranch. See *George R. Cooley v CNYE Realty Corporation, Inc.* Mohonk tried to sue Fink and Pardini with the same index number from the original case in 1977. Mohonk lost on appeal. Currently the land is surrounded on all sides by the Mohonk Preserve and the landowners are considered “in-holders.”

### Potential Business Opportunities

The former Clove Valley Dude Ranch and the latter Smitty’s Dude Ranch was a place people came from far and near. With a Smitty’s Bar and Inn, live music every Saturday, horseback rides, two swimming holes with waterfalls, hiking and being free, the property is without question some of the most beautiful 300 acres in the Shawangunk Mountains. It’s location alone is prime land for conservation easements and the fact that it is privately owned scares some people. It is also traditionally zoned as an agricultural/ commercial property.

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Since the early 1970's there is evidence showing the Mohonk Preserve's interest in the property. Not long after hostile threats of taking the property began.

### **Cabral, Finger , and Robert Anderberg**

In the 1990's the Cabral family who had owned 200 acres on the ridge since the 1950's got involved in a law suit over the historical access to their land. There had never been a problem until Robert Anderberg had moved into the area and suggested to Gloria Finger that the Cabral's access should be closed off to protect the Cabral's property, by preventing any development. Cabral's historic access road crossed over a portion of Fingers 300 acres. So a law suit ensued. The Cabral's did not prevail. Mohonk preserve was able to pick up the Cabral land for less the \$ 1000 an acre. But now Gloria Finger owed money to the lawyers for her five years of litigation.

Anderberg suggested to Finger that she could sell some of her land to Mohonk to pay off her bill. Van Valkenberg was hired by Mohonk to survey the land that Finger would sell. The 70 acres that was sold by Finger to Mohonk was entirely owned by Karen and I. Finger did not sell a single acre that she owned. The line chosen to separate out what she would sell is the exact line that separates her land from our land. What a coincidence.

Robert Anderberg always has said "I'll get that land by hook or by crook." The Finger 70 acre land deal to Mohonk was brokered by Robert Anderberg. He was the notary, the mail back for the deed and the witness on the deed.

At the same time that Robert Anderberg and Norm Van Valkenberg where buying our 70+ acres from Gloria Finger (land that is located in a old tract called Lot 1 of the Nineteen Partners Tract) They where also buying our land from other people and making up claims for our adjacent lands on the ridge in lots 2, 3, and 4. They made a grab for all of our land on the ridge. We have been in one law suit or another ever since the first one was filled In 1995.

Mike and Karen always dreamed of re-opening the Inn and building a small house on the mountain away from Clove Valley Road and the Inn. Meetings with the neighbors resulted in threats and promises that they "will not build one single house on the ridge." Since then they have been in court non-stop.

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Following is testimony from trial. (Note: For unknown reasons the first line of each page was not copying into this Document). First is Anita Gherke.

2 road. I see the junk side, so it was quieter.

3 Q. The portion that's in dispute, back in the 1970s and early  
4 1980s up until the time when Mike and Karen purchased Smitty's  
5 Ranch, did you ever see any posted signs for Finger, lands of  
6 Finger?

7 A. I don't think I saw posted signs ever but I don't recall.  
8 Perhaps I saw an old remnant of things but I would never have  
9 remembered a sign. It wouldn't have any pertinence to me.

10 Q. Did there come a time when Smitty discussed selling his  
11 ranch with you?

12 A. Yes.

13 Q. Can you tell us about that incident?

14 A. Oh, I will probably remember it until I die or I'm senile  
15 because I was walking down Clove Valley Road, I may have been  
16 running, I don't remember. I was stopped by Smitty going by in  
17 a station wagon. The first thing I remember is being concerned  
18 about, he parked on a hill and got out of the car and his pants  
19 weren't all the way on. He was pulling his pants up and very  
20 eager to come talking to me telling me his property was for  
21 sale, did I know anyone who might be interested.

22 Q. What did you say?

23 A. I said, actually I think I do.

24 Q. Who did you have in mind?

25 A. Bob Vanderberg.

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2 A. Someone I knew to be on the board of Mohonk who had  
3 solicited my help in obtaining easements and rights of first  
4 refusal for Mohonk and someone who told me he basically coveted  
5 that piece of property.

6 Q. Did you ask Smitty at that time what was he selling?

7 A. Yes.

8 Q. What did he tell you?

9 A. He said my entire property, three hundred acres going from,  
10 and again gave me the same description he had initially.

11 Q. Did that include the portion that's in dispute in this  
12 case?

13 A. Absolutely.

14 Q. What did you do in response to Smitty's information he was  
15 selling the ranch?

16 A. I phoned Bob Vanderberg. Guess what I just heard. And he  
17 was very, very interested in owning it and said he had heard  
18 that Smitty hated him and anything to do with Mohonk and would I  
19 buy it and then turn it over to him.

20 Q. What did you say?

21 A. I said I will think about it. He also offered me a  
22 finder's fee and it was very exciting to me the idea that I  
23 might have enough money to purchase the log kit that I wanted to  
24 buy. And I couldn't do it and did not and called him and told  
25 him I could not do it.

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2 A. It was deceitful. It was just wrong and I liked Smitty  
3 and, you know, you don't do that. Not to mention I don't think  
4 I ever saw Smitty without his shotgun. It was just wrong.

5 Q. What did you do?

6 A. I told my brother about the property and my brother and  
7 Karen approached Smitty.

8 Q. Now going back to, did you ever relay to Mr. Vanderberg  
9 that you weren't willing to act as an entrepreneur?

10 A. Absolutely. Didn't go over very well. He said I was not  
11 doing it because I was getting a better deal with my brother.  
12 And I was not doing it to get a better deal with my brother. He  
13 was concerned I did because I eventually built my log cabin  
14 which came from my aunt's money, not my brother's. He told me  
15 to pass along to my brother a threat.

16 MR. CONNOR: I object to relevance. I'm not  
17 sure what the relevance of some conversation she had  
18 with some member of the Mohonk Preserve years ago.

19 MS. GRAFF: Statement against interest.

20 THE COURT: I will take it. Overruled. Subject  
21 to weight.

22 A. Actually Bob Vanderberg told me to tell my brother that he  
23 was going to watch every single thing he did and do everything  
24 in his power to take that land from him.

25 Q. Your brother and Karen were able to purchase the ranch?

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2 Q. Do you recall that to be about 1987?

3 A. I would have said late '80s. I don't remember what year.

4 Q. When they purchased the land did you assist them in any way

5 on their land?

6 A. Yes.

7 Q. Tell us what you did?

8 A. Well, I wish I had done more, but I helped clean up glass,

9 car bodies, lug out things that had been left behind by all of

10 Smitty's visitors.

11 Q. The clean-up, was any of that involving the area in

12 dispute?

13 A. Yes.

14 Q. And you participated in that?

15 A. Yes, and my mother and my sister.

16 Q. Since Mike and Karen have purchased the property did you

17 continue to use the lands?

18 A. Yes, but less so.

19 Q. Tell us what types of things you have done on the land

20 since they purchased it?

21 A. Hiking, swimming, I bike up there, sometimes I hike up

22 there, but the change was that I became a new mother at that

23 time and just wasn't able to hike when I had babies so I hiked

24 less but I hiked.

25 Q. You mentioned you have two grown children?

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Karen Pardini:

2 A. Yes, it does.

3 Q. Have you pointed out that portion to your friends and  
4 family, it's something they may go on because it's yours?

5 A. Yes.

6 Q. Is that something you have done since you bought the place  
7 in 1987?

8 A. Yes.

9 Q. Is there any part of your property, Smitty's Ranch, that  
10 you don't use?

11 A. There's no part that I don't use. My property is my  
12 property.

13 Q. So I understand it, where you live is on sort of a flat  
14 area close to the road?

15 A. Correct.

16 Q. Close to Clove Valley Road I should say. And now let me  
17 ask you this, when you bought the land in 1987 did you know who  
18 Gloria Finger was?

19 A. I was introduced to Gloria after we bought the land.

20 Q. How, in what circumstances were you introduced to Gloria?

21 A. We were invited to her apartment in New York City with Bob  
22 Vanderberg and some other people, they wanted to discuss with us  
23 what our plans were for the land.

24 Q. Did Mrs. Finger tell you where her land was?

25 A. She told us that she owned land that was next to ours on

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2 Q. Was that consistent with where you understood the bounds c  
3 the ranch lands to go to?

4 A. Yes.

5 Q. Did she tell you where her house was over there?

6 A. Yes, she said it was on the other side of the mountain on  
7 the Lawrence Hill side.

8 Q. What did Mrs. Finger say to you with regard to your plans  
9 for the land?

10 A. We didn't really have a lot of plans for the land except  
11 that we wanted to make sure that the land was taken care of,  
12 cleaned up and that eventually we wanted to build a house on the  
13 top of the mountain on the northwest side on the mountain side  
14 and other than that it was our intention to keep the land  
15 pristine and improve it.

16 Q. You mentioned that you and Mike wanted to build a house or  
17 the mountain side of the property?

18 A. Yes.

19 Q. At that time did you make that indication to Mrs. Finger?

20 A. Yes.

21 Q. Did you have a spot picked out where you wanted to put your  
22 house?

23 A. We didn't know exactly where we wanted to put it but we had  
24 told the group that we were with, there were some neighbors she  
25 had invited, that because we wanted to be neighborly we would

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2 putting a house and see what they thought about our position  
3 because we didn't want to offend anybody or put anybody in a  
4 position where we would be seen and we would see them. We  
5 wanted to show them we were being conscious about a large piece  
6 of land and where we would situate our home if we were to build  
7 it up top which was our plan and is still our plan hopefully  
8 someday in the future.

9 Q. Were you worried that maybe where you wanted to put the  
10 house was not on your land, it was on someone else's land? Why  
11 would you check with the neighbors?

12 A. Only because we wanted to be neighborly. And I recognize  
13 that everybody was so concerned about Smitty's because I don't  
14 know why but everybody was concerned about Smitty's. Also it's  
15 an incredibly beautiful piece of land when you are on top and  
16 you overlook the Catskill Mountains but if you were to go too  
17 close to the cliff edge everybody down below would see you. To  
18 prove to people we were being conscious about where we would  
19 place our home we told them we would show them once we had  
20 picked a spot, we would show them where we were putting it to  
21 see we were not trying to impact on anybody's view or the beauty  
22 of what people looked up at when they looked up at the cliffs.

23 Q. Fair to say it was out of respect for the view-shed?

24 A. Yes.

25 Q. Did there come a time when somebody, when you learned that

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2 tape on your property?

3 A. Yes.

4 Q. Do you remember about when that was?

5 A. It was in the early '90s somewhere maybe around '93 I  
6 believe.

7 Q. Tell me how you found out about it.

8 A. Jimmy Cosmos who was the caretaker on the property who  
9 lived in the little cabin which we eventually took down called  
10 me and he said -- I had just been there and I went home. He  
11 called me and said, you better come back down here. There is  
12 somebody putting flags up on the cliff above the farm house. I  
13 said, what? He said, well, you better come down check it out.  
14 I said, well, did you see a car? Did you see anybody? He said,  
15 I saw a truck. So it turned out it was Brooks and Brooks. I  
16 called and it was Norm Van Valkenburgh. I said, you put flags  
17 up on the cliff. What is that about? Why are you putting flags  
18 on my property? He said, oh, I just put some flags there in  
19 reference to the Finger property. I just was putting them there  
20 for reference point. I said, really? I find that really,  
21 really strange and I want you to take them down immediately. He  
22 apologized. He said, okay, I will. I am sorry. And we didn't  
23 wait for that. We were like, this is not happening. We went up  
24 there and took the flags down. That was it, done, finished.

25 Q. Over the years that you have owned what was Smitty's Ranch

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