

**Cause No. DC-19-06573**

H-160 JUDICIAL DISTRICT

## i\_9199569v.1

action for declaratory relief, a temporary restraining order, temporary and permanent injunctions to establish its ownership of the Flag and to enjoin HERITAGE from causing imminent and irreparable harm by auctioning the Flag to an unsuspecting buyer, thereby preventing the Flag from being returned to the Club. Because the Estate of Neil Armstrong is represented by his second wife, Carol Held Armstrong, the Club has joined her to the extent she or the Estate claim that the Flag was given to her late husband rather than loaned to him, as is the case with the Club's other flags.

## **II. DISCOVERY CONTROL PLAN**

1. EXPLORERS intends to conduct discovery pursuant to a Level 3 Discovery Control Plan. Pursuant to Texas Rule of Civil Procedure 47, EXPLORERS seeks non-monetary injunctive relief, and other relief to which it is entitled.

## **III. PARTIES**

2. Plaintiff THE EXPLORERS CLUB is a not-for-profit, 501(c)(3) organization formed under the laws of the state of New York with its headquarters located in New York, New York.

3. Defendant HERITAGE AUCTIONS, INC. is a Texas corporation with its principal place of business in Dallas, Texas. Heritage Auctions, Inc. may be served by service upon its Registered Agent, Ronald Steven Ivy at 3500 Maple Ave., 17th Floor, Dallas, Texas 75219-3941, or wherever he may be found.

4. Defendant CAROL HELD ARMSTRONG is the Executor of the Estate of Neil A. Armstrong, and may be served with process at her residence at 4635 Drake Road, Cincinnati, Ohio 45243, or wherever she may be found.

#### **IV. VENUE & JURISDICTION**

5. Venue is appropriate in Dallas County, Texas because all or a substantial part of the events pertaining to this action occurred or are scheduled to occur in Dallas County, Texas and because Defendant has an office and its principal place of business in Dallas County, Texas.

6. This Court's jurisdiction over HERITAGE is proper because it conducts business in Texas and the acts or omissions giving rise to this lawsuit occurred in Texas.

7. This Court's jurisdiction over Executor is proper because she is conducting business in Texas through HERITAGE and the acts or omissions giving rise to this lawsuit occurred in Texas.

#### **V. FACTUAL BACKGROUND<sup>1</sup>**

8. Plaintiff EXPLORERS is a not-for-profit, international society dedicated to the advancement of field research and to the ideal that it is vital to preserve the instinct to explore. Since its inception in 1904, the Club has served as a meeting point and unifying force for explorers and scientists world-wide.

9. EXPLORERS was founded in New York City in 1904, and "promotes the scientific exploration of land, sea, air, and space by supporting research and education in the physical, natural, and biological sciences." Club members include explorers who were "first to the North Pole, first to the South Pole, first to the summit of Mount Everest, first to the deepest point in the ocean, first to the surface of the moon."

10. In addition to the foregoing, the Club funds exploration and provides grants in amounts typically ranging from of \$150,000.00 to \$250,000.00 annually.

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<sup>1</sup> The facts contained herein are verified by the Affidavit of Will Roseman, Executive Director of the Club, which is attached as Exhibit A, and incorporated by reference.

### **The Flag**

11. A central symbol of the Club is THE EXPLORERS CLUB flag (the “Flag”). Although Club members embark on hundreds of expeditions annually, on only approximately 40 to 60 of those annual expeditions does a Club member carry the Flag of THE EXPLORERS CLUB with him or her on an exploration. Throughout its history, the Flag has been carried on hundreds of expeditions by Club members. The Club Flag has flown at the North and South Pole, to the peaks of mountains, the depths of the ocean, to the surface of the moon, and into outer space. At the present time, there are 222 numbered Flags.

12. According to the Club’s Bylaws, and as explained in the Club’s public journal, the Explorers Journal going back to no later than 1925 (relevant pages of which are attached as Exhibit 1 to Exhibit A), the Club Flag is loaned to explorers to accompany them on the most significant explorations. The Club’s Bylaws provide that Flags are to be returned to the Club, and explorers who are loaned Club Flags are informed that the Flags are being loaned only and are to be returned to the Club. As a result, one Flag may accompany a number of explorers on many explorations throughout the Flag’s existence.

### **EXPLORERS CLUB Flag Accompanies Neil Armstrong on the Apollo 11 Mission**

13. Sometime prior to July 1969, THE EXPLORERS CLUB loaned one of its Flags to Neil A. Armstrong (“Armstrong”), the astronaut who was the first person to walk on the moon. The Flag was flown in the lunar module The Eagle and accompanied the Apollo 11 astronauts, including Armstrong, back to earth. [Another Flag was loaned to and carried by Astronaut Buzz Aldrin. In accordance with the Club’s Bylaws, Aldrin’s Flag was returned to the Club.]

14. According to minutes of THE EXPLORERS CLUB from September, 1969, Neil Armstrong (and the remaining two Apollo 11 astronauts) expressed their desire to join THE

EXPLORERS CLUB as official members, and further expressed their intention to return the Flag to the Club in the near future (Exhibit 2 to Exhibit A). Armstrong did, in fact, join the Club and attended Club events. Recently, the Club dedicated a room in its headquarters' building to Armstrong and to the Apollo astronauts. However, Armstrong neglected to return the Flag to the Club even though he was expected to do so and, according to the Club's records, expressed the desire and intention to do so.

15. Armstrong died in 2012. Executor, Armstrong's second wife, is the official representative of Armstrong's Estate.

### **The Flag is Put Up For Auction By Defendant Heritage**

16. Recently the Club, through the knowledge of one of its members, became aware that one of its Flags was being put up for auction through the Dallas auction house of HERITAGE AUCTIONS. Attached as Exhibit 3 to Exhibit A is a copy of the website listing of THE EXPLORERS CLUB Flag flown in the Apollo 11 Lunar Module that had been loaned by the Club to Armstrong in 1969. According to Heritage's website, a "proxy auction" is to expire on the afternoon of Thursday, May 9, 2019, and a live auction session is to commence on the evening of Thursday, May 9<sup>th</sup> and run through Saturday May 11<sup>th</sup>.

17. Once aware of the intended auction of this item, Mr. Will Roseman, Executive Director of the Club, reached out to HERITAGE to explain the nature of the loan of the Flag by the Club to Armstrong, and requested that HERITAGE take the Flag down from its auction site and return it to the Club. Mr. Roseman was advised by a representative of HERITAGE that HERITAGE had no intention of complying with this request, but instead intended to proceed with the auction as scheduled on its website. In subsequent communications between counsel for the

Club and representatives of Heritage, Heritage has reiterated its intent to move forward with the auction of the Flag.

## **VI. CAUSES OF ACTION**

### **Count One: Request for Declaratory Judgment**

18. EXPLORERS incorporates by reference all the allegations set forth in the paragraphs above as if fully set forth herein.

19. The Flag is the property of Plaintiff EXPLORERS. EXPLORERS does not, and has never given HERITAGE nor Executor ownership of the Flag. Nor has EXPLORERS given HERITAGE authority to put the Flag up for auction. Thus, HERITAGE is planning to auction property which it has no right or authority to place at auction.

20. Pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code, EXPLORERS seeks a declaration that it is the owner of the Flag. EXPLORERS further seeks a declaration that HERITAGE does not have the right or authority to auction the Flag for sale.

21. EXPLORERS further seeks recovery of its costs and reasonable and necessary attorneys' fees pursuant to Texas Civil Practice & Remedies Code § 37.009.

### **Count Two: Conversion**

22. EXPLORERS incorporates by reference all the allegations set forth in the paragraphs above as if fully set forth herein.

23. EXPLORERS is the owner of the Flag, and has the right to immediate possession of the Flag, which is personal property.

24. HERITAGE and Executor are wrongfully exercising dominion over the Flag by seeking to sell it at auction.

25. By selling the Flag at auction, EXPLORERS will be permanently and irreparably harmed.

## **VII. APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

26. EXPLORERS incorporates by reference all the allegations set forth in the paragraphs above as if fully set forth herein.

27. EXPLORERS seeks a Temporary Restraining Order, Temporary Injunction, and Permanent Injunction enjoining HERITAGE from conducting an auction of the Flag at the currently scheduled time or at any future time. EXPLORERS has a probable right to the relief it seeks. EXPLORERS is the owner of the Flag. Armstrong was a member of EXPLORERS. Pursuant to EXPLORERS' Bylaws, the Flag provided to Armstrong to take with him on the Apollo 11 mission was loaned and was, at all times, intended by both EXPLORERS and Armstrong to be returned to EXPLORERS.

28. If the auction is not enjoined, EXPLORERS will suffer immediate irreparable injury. A subsequent purchaser of the Flag at auction may refuse to return the Flag to EXPLORERS, and/or may demand a sum of money for its return that is beyond the ability of the Club to pay and that the Club should not be required to pay for return of its own property. The risk of sale of the Flag at auction is imminent, since the Flag is currently listed to be auctioned between May 9 and May 11, 2019. Further, there is no adequate legal remedy if the auction is not enjoined. For EXPLORERS, the loss of one of its Flags is not a matter that is capable of being redressed through the payment of money to the Club. A monetary payment in lieu of the Flag will not restore the Flag to the Club's collection of Flags in its possession and ownership. Moreover, the harm is imminent because, notwithstanding EXPLORERS attempts to speak with HERITAGE in an attempt to resolve the issue, HERITAGE has advised EXPLORERS that it intends to put the Flag up for auction on the dates currently listed on HERITAGE'S website.

29. Plaintiff EXPLORERS is entitled to a Temporary Restraining Order to enjoin the auction from occurring because the auction is currently scheduled to begin on Thursday, May 9, 2019, and there is insufficient time to serve notice on HERITAGE and hold a hearing prior to the commencement of the auction.

30. EXPLORERS is willing to post a bond as security for the Temporary Restraining Order requested.

### **VIII. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests:

- a. a temporary restraining order, and after further proceedings, a temporary injunction and permanent injunction as described above;
- b. a declaration that EXPLORERS is the owner of the Flag; and
- c. all other relief, whether at law or in equity, to which it may be entitled.

Respectfully submitted,

/s/ Richard Rohan

Richard Rohan

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*Attorneys for Plaintiff*

**THE EXPLORERS CLUB**



### **LOCAL RULE 2.02 CERTIFICATIONS**

Pursuant to Local Rule 2.02, the undersigned counsel certifies that he has notified counsel for Heritage of the filing of this Application for Temporary Restraining Order, and has provided a copy of the Application and the proposed Order. The undersigned will not present the Application to the Court until at least two hours after providing it to Heritage's counsel. The undersigned further certifies that to the best of his knowledge, the case in which the application is presented is not subject to transfer under Local Rule 1.06.

/s/ Richard Rohan

Richard Rohan

**AFFIDAVIT OF WILL ROSEMAN**

STATE OF NEW YORK           §  
  §  
COUNTY OF NEW YORK       §

Before me, the undersigned notary, on this day, personally appeared Will Roseman, a person whose identity is known to me, who being by me duly sworn, on his oath stated as follows:

1.       My name is Will Roseman. I am over the age of twenty-one (21) years, suffer no legal or mental disabilities, and am fully competent to make this Affidavit. The facts stated herein are based on my personal knowledge, and are true and correct.

2.       I am the Executive Director of The Explorers Club, a not-for-profit, international society dedicated to the advancement of field research and to the ideal that it is vital to preserve the instinct to explore. It is through my position with the Club, including my review of the Club's records, that I have personal knowledge of the facts stated in this Affidavit.

3.       Since the Club's inception in 1904, the Club has served as a meeting point and unifying force for explorers and scientists world-wide. Club members include explorers who were "first to the North Pole, first to the South Pole, first to the summit of Mount Everest, first to the deepest point in the ocean, first to the surface of the moon." The Club also funds exploration and provides grants in amounts typically ranging from of \$150,000.00 to \$250,000.00 annually.

4.       A central symbol of the Club is the Explorers Club flag (the "Flag"). Although Club members embark on hundreds of expeditions annually, on only approximately 40 to 60 of those annual expeditions does a Club member carry the Flag of the Explorers Club with him or her on an exploration. Throughout its history, the Flag has been carried on hundreds of expeditions by Club members. The Club Flag has flown at the North and South Pole, to the peaks of mountains,

the depths of the ocean, to the surface of the moon, and into outer space. At the present time, there are 222 numbered Flags.

5. According to the Club's Bylaws, the Club Flag is loaned to explorers to accompany them on the most significant explorations. The Club's Bylaws provide that Flags are to be returned to the Club, and explorers who are loaned Club Flags are informed that the Flags are being loaned only and are to be returned to the Club. As a result, one Flag may accompany a number of explorers on many explorations throughout the Flag's existence. I have attached as Exhibit 1 to my Affidavit a true and correct excerpt of Club's *Explorers Journal* from 1925 that explains the nature of the Club loaning a Flag to accompany an explorer on an exploration. The *Explorers Journal* specifically states that only the explorer to whom a Flag is loaned may possess have the Flag: "No other persons are to own or carry it."

6. The official records of the Explorers Club reflect that sometime prior to July 1969, the Explorers Club loaned one of its Flags to Neil A. Armstrong ("Armstrong"), the astronaut who was the first person to walk on the moon. The Flag was flown in the lunar module The Eagle and accompanied the Apollo 11 astronauts, including Armstrong, back to earth.

7. According to minutes of the Explorers Club from September, 1969, Neil Armstrong (and the remaining two Apollo 11 astronauts) expressed their desire to join the Explorers Club as official members, and further expressed their intention to return the Flag to the Club in the near future. I have attached as Exhibit 2 is a true and correct copy of those minutes. Armstrong did, in fact, join the Club and attended Club events. However, Armstrong neglected to return the Flag to the Club even though he was expected to do so and, according to the Club's records, expressed the desire and intention to do so. Mr. Armstrong died in 2012. Recently, the Club dedicated a room in its headquarters' building to Armstrong and the Apollo astronauts.

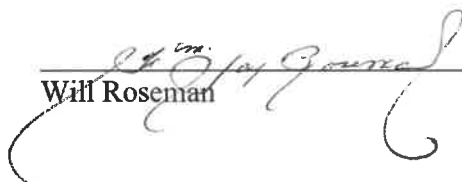
8. Recently the Club, first through the knowledge of one of its members, became aware that one of its Flags was being put up for auction through the Dallas auction house of Heritage Auctions. Attached as Exhibit 3 are true and correct copies of images taken from the website listing of the Explorers Club Flag flown in the Apollo 11 Lunar Module that had been loaned by the Club to Armstrong in 1969. According to Heritage's website, a "proxy auction" is to expire on the afternoon of Thursday, May 9, 2019, and a live auction session is to commence on the evening of Thursday, May 9th and run through Saturday May 11th.

9. Once aware of the intended auction of this item, I reached out to Heritage's Director of Space Exploration, Michael Riley, to explain the nature of the loan of the Flag by the Club to Armstrong, and requested that Heritage take the Flag down from its auction site and return it to the Club. Mr. Riley advised me that Heritage had no intention of complying with this request, but instead intended to proceed with the auction as scheduled on its website.


10. If the auction goes forward as planned, the Explorers Club will suffer immediate irreparable injury. A subsequent purchaser of the Flag at auction may refuse to return the Flag to the Club, and/or may demand a sum of money for its return that is beyond the ability of the Club to pay. The Club should not be required to pay for return of its own property. The risk of sale of the Flag at auction is imminent, since the Flag is currently listed to be auctioned between May 9 and May 11, 2019. For the Explorers Club, the loss of one of its Flags is not a matter that is capable of being redressed through the payment of money to the Club. A monetary payment in lieu of the Flag will not restore the Flag to the Club's collection of Flags in its possession and ownership. I am not aware of a Club Flag being sold in the Club's history. Allowing the sale of this unique property may also signal to future explorers to whom the Club loans a Flag that they can likewise

retain and sell a Club Flag. This would cause the Club immeasurable harm by, among other things, depriving it of one of its signature hallmarks..

FURTHER AFFIANT SAYETH NOT.

  
Will Roseman

SWORN TO AND SUBSCRIBED before me on the 8th day of May, 2019.

  
Notary Public, State of New York

Notary's printed name: David N Hoffman

My Commission expires:

5/13/22

DAVID N. HOFFMAN  
NOTARY PUBLIC, State of New York  
No. 02HO5025072  
Qualified in New York County  
Commission Expires May 13, 2022

Vol. IV

April-June, 1925

No. 2

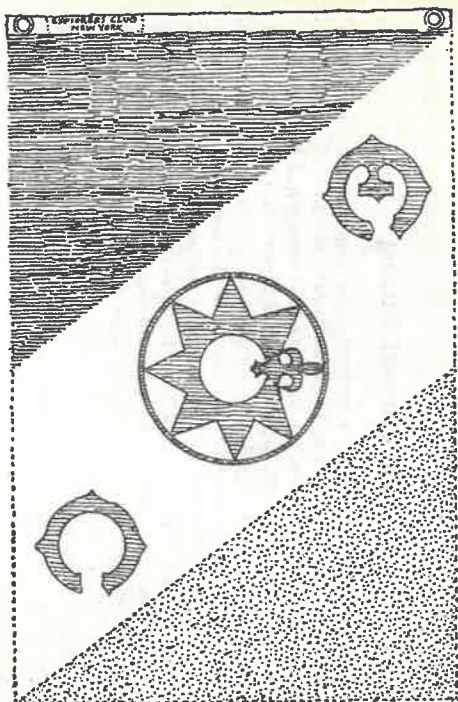
# THE EXPLORERS JOURNAL

THE EXPLORERS CLUB  
NEW YORK



Published by the Explorers Club, New York  
For the Information of Its Members

EXHIBIT 1



### The New Flag of The Explorers Club

The need of a new flag for the Explorers Club has long been felt and, thanks to the initiative of our vice-president, Mr. F. S. Dellenbaugh, that need has now been filled. Some time ago he set himself the task of designing a flag that would meet with the approval of the Board of Directors and the members. He made a number of sketch designs and finally settled on the one that seemed to meet all the main requirements. This was submitted to the Board in a rough model and the design found favor. Then a better model was made, which was adopted March 13, 1925. This was turned over to Annin & Co., flag makers, and a specimen banner made by them was subsequently exhibited at one of the meetings of the Club. The design won general approval and thereupon eleven duplicates of the flag were ordered.

The design consists of a diagonal white stripe half the width of the flag running from left to right, with the flanking stripe next to the hoist end red and the other flanking stripe blue. On the white ground at the top is the letter E and at the bottom the letter C, while in the middle is a simplified compass card. The regulation size is 20 x 30 inches.

The flag is to be registered with Lloyds. By a vote of the Board of Directors, it is ruled that the flag may be carried only by those to whom it is loaned by the Board. No other persons are to own or carry it.

### Illustrated Talks

Since the last issue of the *Explorers Journal* made its appearance the members have been privileged to listen to the following speakers: Mr. Gerard H. Mathes, who on April 10th showed how aerial photography may be of aid in exploration; Mr. Lewis R. Freeman, a member of the expedition of the U. S. Geological Survey down the Grand Cañon in 1923, whose entertaining talk on April 24th was illustrated by the motion pictures taken by Mr. E. C. La Rue; Dr. Roy Waldo Minor, who on May 8th presented beautiful colored slides and motion pictures of coral-hunting in the Bahamas; and Judge F. De Witt Wells, who on May 22nd told the thrilling adventures of the last cruise of the "Shanghai," the smallest boat ever to undertake a trip over the route believed to have been followed by Leif Ericson in the eleventh century.

### What Our Members Are Doing

For four anxious weeks the world listened with tense nerves for the faint hum from the North that might announce the returning airplanes of the Amundsen-Ellsworth Expedition. Those familiar with conditions in the Arctic and the caliber of the men who had staked their lives in the alluring adventure tried not to lose hope, and yet, as the days went by, they too began to reveal their anxiety by elaborating plans for relief. Then, on June 18th, word flashed around the globe that the explorers had returned after attaining a point one hundred fifty miles from the Pole. But for the buffeting of adverse winds, the goal might have been achieved and, even so, valuable information regarding the North has been won. Failure paves the way to success. Centuries of persistent endeavor preceded Peary's conquest of the Pole by sled, and when it is considered that the present attempt was made along the untried paths of the air, the wonder is not that the adventure failed of its object but that it succeeded so gloriously. The point reached has been passed only by Peary and Bartlett and the men of their parties, and with the experience just gained, Amundsen and Ellsworth should on their next attempt win the coveted prize. Meanwhile the congratulations of the Explorers Club are extended to its two members for their present achievement—to Roald Amundsen, who, already immortalized through his conquest of the South Pole and his navigation of the Northwest Passage, is unwilling to rest on his laurels but seeks with indomitable zeal new arenas for conquest, and to Lincoln Ellsworth, who has adventured grandly in choosing as the goal of his ambition the exploit which perhaps more than any other act of daring holds the imagination enthralled.

The MacMillan Arctic Expedition has set out from Wiscasset, Maine, for Etah, Greenland, which will be its base during the months when Commander Donald MacMillan and the scientists associated with



36

EXECUTIVE COMMITTEE MEETING  
September 16, 1969

THE EXPLORERS CLUB

Present - Messrs. Becker, Gurnee, Phelps, Randol, Van Deusen, Voorhees and Wood. Mr. Summers, Chairman of the Washington Group, was present by invitation.

Excused - Dr. Korff.

SECRETARY'S REPORT:

The following resignations were accepted with regret -

John Breed, FNR'47  
Kenneth L. Heyman, MR'64  
Mundy I. Peale, MNR'64  
William A. Radlinski, FNR'66

The following deaths were reported -

Vincent Roth, Corr.'61  
Carl L. Swenson, FR'62

The following gifts were received from Walter N. Pharr, FR'66

The Encyclopedia of Oceanography, edited by Rhodes W. Fairbridge, valued at \$25.00 and a leather Gucci wastebasket for the Map Room valued at \$45.00.

TREASURER'S REPORT:

Mr. Phelps requested the following corrections be made to the Executive Committee minutes of August 20th:

Page 1, insert, "with the exception of Mr. Pistelli's" after "All major pledges have been paid".

Page 2, third sentence, World Center paragraph should read June 1969.

Mr. Phelps reported that the budget had been exceeded by the end of August. He specifically pointed out that the following items exceeded the budget by these amounts:

Printing & Stationery	\$2,401.
Postage	660.
Telephone	535.
New Equipment & Repairs	2,000.
Insurance & Protection	741.
Legal Fees	3,380.
Salaries - Administration	3,550.
Explorers Journal printing	3,675.
World Center Miscellaneous	4,455.

**EXHIBIT 2**

Copies of the 1968 audit are being distributed to the directors.

Mr. Randol was requested to look into the overruns and report back to the Board at the October meeting with recommendations as to how to specifically stay within the approved budget.



TREASURER'S REPORT CONT'D

The latest regulations from New York State require the listing of all contributions made during the year including material items. Therefore, the Librarian will record all books received by the Club and Miss Roy will record material gifts received by the Club. A report of these gifts will be prepared for each Board meeting. All pledges must be reported at the end of the year and a date given when payment is anticipated.

The Committee authorized Mr. Randol to write to those persons who have outstanding pledges. Dr. Wood will write to Dr. Miller reminding him that a written report will be expected in time for the October 14th Board of Directors meeting.

Mr. Phelps suggested the appointment of a Financial Committee to review the Club's portfolio. This suggestion was well received and Dr. Wood said he would look into the matter.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Randol reported that the Club has received 187 small contributions totaling \$6,412.50.

The Executive Director was authorized to send out 1970 dues bills immediately to be accompanied by a letter outlining the advantages of purchasing a Life Membership. Mr. Randol volunteered to write to Mr. Richard C. Pistell, who made a pledge of \$100,000., telling him that the Club has incurred expenses on the assumption that his pledge would be paid.

Cookbook - Mr. Randol reported that the publication of an Explorers Club cookbook was suggested by Mrs. Luther Douglas. A publisher has indicated willingness to assume the cost of publication and to give the Club royalties. A letter to the membership soliciting recipes and suggestions has been mailed.

A possible Explorers Club cruise to Alaska is being investigated by Mr. Randol.

The Library card catalogue material should be ready in two or three months. It is hoped that the Club will receive \$35,000. through sales.

COMMITTEE REPORTS:

Annual Dinner - Mr. Gurnee reported that Jim Fowler will be the toastmaster for the April 10th Explorers Club Annual Dinner at the Waldorf-Astoria. The cost of the dinner to the Club will be \$10.25 -- an increase of 75¢ over last year. This price was secured through the efforts of Mr. Steel.

Flag & Honors - Flag #141 was awarded under the emergency procedures to Mr. Lowell Thomas for his expedition to New Guinea.

OTHER BUSINESS:

Apollo 11 Astronauts - Dr. Wood reported that Colonel William Anders had told him that Neil Armstrong, Edwin Aldrin and Michael Collins desire to join the Explorers Club and that they would like to return the Explorers Club Flag, that was carried on the Apollo 11 mission, possibly at the 1970 Annual Dinner. Dr. Wood said that all three men had been sent applications for membership and that he will submit their names to the Board of Directors at the October meeting for election to membership.

OTHER BUSINESS CONT'D

The 1969 and 1970 dues of Tracey B. Perry, MNR'67, were remitted. Mr. Perry is pursuing a Ph.D. at McGill University. The Committee recommended that his dues be remitted until he has completed his studies, however, they recommended that this matter be considered annually.

Newsletter - Dr. Wood reported that he had spoken with Miss Mabel Ward about assuming the responsibility for compiling the newsletter and that she agreed.

Fund Raising Dinner - The possibility of a fund raising dinner, a SALUTE TO ALASKA, was discussed. Mr. Gurnee will investigate the availability of suitable dates with the Waldorf-Astoria and notify the President.

Circumnavigator's Club - Mr. Burks Summers suggested a possible merger between the Explorers Club and the Circumnavigator's Club. He was asked to obtain more information on the proposal and report to the Board at its next meeting.

Hunting World - Details of the exhibit of Clark Bronzes proposed by Mr. Lee of Hunting World were discussed. Mr. Randol agreed that there should be no sales solicitation on the Club's premises. In outlining promotion of the exhibit, Mr. Randol said that Mr. Lee planned to advertise the exhibit in the "New Yorker" magazine and in the "New York Times". It was the Committee's unanimous feeling that the advertisement should take the same form as the announcement to the membership. The Committee requested Mr. Randol to obtain legal advice on the Club's liability.

There being no further business, the meeting adjourned at 7:10PM.



Respectfully submitted,

  
The Secretary



Imaged by Heritage Auctions, HA.com

### Auction Info

Proxy Bidding Ends  <b>MAY</b> <b>9th</b> Thursday 5:20 pm CT	Auction Dates <b>MAY</b> <b>9th-11th</b> Thursday-Saturday	Proxy Bidding Time Remaining  <b>1 Day</b> 1h 5m	Bid - Registered Phone Bidders  Lot Tracking Activity: <b>28</b> Page Views: <b>209</b>
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**Buyer's Premium per Lot:**  
 25% on the first \$300,000 (minimum \$19) plus 20% of any amount between \$300,000 and \$3,000,000, plus 12.5% of any amount over \$3,000,000 per lot

EXHIBIT 3