

Michael (Mac) McNamara

From: Mark Strombotne [MLS@StrombotneLaw.com]
Sent: Monday, December 29, 2008 12:59 PM
To: 'HurleyLawOffice'
Subject: RE: Brush Road
Categories: External

Matthew,

Thank you for your response.

If your client feels this process has been unproductive, then perhaps he should offer his own proposal for the repair of the failing drainage structure, rather than just rejecting all proposals from Brush Road and offering no solutions of his own.

If the drainage easement proposed by Brush Road is the hang-up, then perhaps this can be avoided if your client provides written authorization for Brush Road Corp. to enter his property to perform the repairs. If he will do this and sign the settlement agreement with the State, then the problem is solved.

In response to your client's concern about the work on the drainage pipe uphill of your client's property, there was no installation of any new drainage structure but rather the repair of an existing drain pipe that has previously permitted the flow of surface water over your client's property for many years. Such repairs are permitted by the Brush Road By-Laws. As a member of Brush Road Corporation, your client has approved the By-Laws and authorized such repairs.

Mark

From: HurleyLawOffice [mailto:hurleylawoffice@aol.com]
Sent: Saturday, December 20, 2008 4:37 PM
To: Mark Strombotne
Subject: Re: Brush Road

Mark:

I have once again forwarded your email and letter attachment to my client. He has communicated his position to your clients previously and has had no change in that position to my knowledge.. I will let you know what, if any, his response is to your latest communication. He has not indicated any interest in mediation to this point.

He feels that he has been presented with a series of take-it-or-leave-it scenarios, none of which he is inclined to accept. He does not feel that he is being dealt with in either a good faith or a productive manner, so he will wait for the group to reconsider its position(s) prior to wasting any more of his time.....

Perhaps some time spent by you with your clients would be more productive. I suggest that there is, in fact, a way to provide for the permissive access to do what is necessary to repair the drainage structure without the conveyance of an easement. That subject will not likely be discussed however, until resolution of the situation wherein the new culverts installed by your clients have unlawfully increased drainage flows across my client's property without his permission. In fact, it is his contention that the increased drainage flows have contributed substantially to the undermining, inundation and deterioration of the structure in the area of disagreement.

Regards,

9/15/2009

M. Hurley

In a message dated 12/19/08 16:31:39 Pacific Standard Time, MLS@StrombotneLaw.com writes:

Matthew,

Please see the attached letter. I would appreciate the professional courtesy of a response.

Mark

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