

I just received your email and we have not had a chance to review it yet. So there is no confusion, attached is a copy of our fax confirmation sheet showing that your office received our letter on August 16, 2012. The letter clearly stated that it was sent by fax and mail. All of our clients' rights remain reserved.

Marsha D. Brilliant, Esq.

SILVER & ARSHT

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**From:** Karen Jacobs [mailto:kjacobs@davis-stirling.com]

**Sent:** Friday, August 31, 2012 3:37 PM

**To:** Marsha Brilliant

**Cc:** 'Alicia Camarillo (acamari@)'; 'dis@

**Subject:** RE: Wood Ranch Sycamore Canyon Village Association/Sullivan

Ms. Brilliant,

First, it is incorrect that our office received your letter on August 16, 2012. I do not comprehend why you would allege this when I specifically indicated to you in my August 21 email below that your letter was received by my office on August 20. Regardless, I don't see how we could have received it on August 16 when it wasn't mailed out until August 17 as evident on the attached envelope. Moreover, I indicated to you that I was replying from outside the office and that I would be on vacation until August 22. Adding to this, the Association's manager is out of the office until after Labor Day. Thus your suggestion that my client has been sitting on your letter since August 16 is without merit.

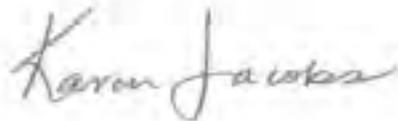
Second, I reiterate the Association's position that it will not approve removal of any of the trees at this time and will not reimburse your clients for removal of any such trees. To answer your question below, "at this time" means as of the date of this email. As you can appreciate, the Board consists of multiple individuals who need to confer and make decisions as a group. Per Civil Code, prior to meeting the Board has to give requisite notice of meetings and their ability to confer via email is limited. The Association needs more time to consider the facts, your client's request, and the Association's position. Further, the issues raised by your August 18 letter are those that are the subject of the pending lawsuit between your clients and the Association. As you are well aware, the Association is represented by another office with regard to that lawsuit. Both the Board and I need to confer with Mr. David Gomey prior to responding to your letter. All this takes time. Your five day deadline is insufficient. Since forced to make a rash decision the Association must maintain the status quo and refuse the request to remove the trees until a determination can be made. To that end, I will be recommending to my clients

(that they participate in mediation in hopes of reaching an amicable resolution to this matter. Please advise whether your clients would be willing to participate.

Finally, the Association does not agree to reimburse your clients for the cost of trimming any of the trees described in your email below. Should your clients be willing to trim the trees as they did last year, it is at their own expense. The issues and claims raised in your August 16 letter and your email below regarding the cost of trimming the trees are integrally related to the issues to be resolved in the pending lawsuit, which will hopefully result in a final agreement between the parties (whether through settlement or trial) as to ownership and maintenance responsibilities for the trees.

The Association is satisfied that it has sufficiently responded to your inquiries below. Thank you.

Very truly yours,



Karen Jacobs, Esq.

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