

Instruction: This is a model letter. Adapt to fit your facts and circumstances.

DATE

VIA FACSIMILE
AND U.S. MAIL

NAME
ADDRESS LINE 1
ADDRESS LINE 2
CITY, STATE ZIP CODE

Re: Subdivision - Part I

Dear :

Our firm represents Profit Sharing Plan and Trust ("Trust") with regard to the above referenced matter. , trustees of the Trust, have forwarded your letter of to us for reply.

It is our position that the engineering with regard to does, in fact, meet all city, state and federal standards for drainage. If you have any information which establishes that these standards have not been met, we would be most appreciative if you would provide it to us so that we could discuss the matter with our engineer.

While we are aware that there have been some drainage problems in the subdivision, nevertheless, when there are abnormal amounts of rain within a short period of time. We do not believe that these problems have been caused by any action or inaction on the part of the Trust, in its capacity as developer. Rather, our investigation of the situation indicates that the problems are two fold. First, it appears that the downstream portion of the drainage system located on land owned by the City of is either blocked or for some other reason does not drain at an appropriate rate. This has caused a backup of water into the drainage ditches in the subdivision. Second, it appears that the drainage problems have been compounded by the actions of . It is my understanding that bulldozed the lots, effectively removing any soil cover. As a result, the recent rains have caused dirt, silt and other trash to wash from the these lots into the drainage ditches in the subdivision, thereby clogging them and preventing the water from draining from the property at the appropriate rate. Moreover, it is my understanding that failed to take any preventative measures, such as placing bales of hay so as to prevent the dirt, silt and trash from washing into the drainage system.

We do not believe that our client has any legal obligation to correct any of the problems set forth in your letter. My client has previously expended over \$ in placing a 27-inch concrete culvert between lots and to help with the drainage problem. In addition, as an act of

good faith but without admitting any liability or obligation, my client is willing to clean out the drainage ditches in the Subdivision - Part I, this one time only, as soon as it is practicable. My client has also talked with , Engineer for the City of , and he has verbally agreed to have the portion of the drainage system located on the City of property cleaned. Hopefully, these efforts will resolve the problem. However, to avoid a reoccurrence, we also respectfully request that take whatever actions are appropriate to prevent dirt and silk from the lots which he owns from washing into and filling the drainage system.

Should you have any questions or desire to discuss this matter further, please do not hesitate to contact me.

Sincerely,

By:

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cc: