



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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September 4, 2008
via FedEx

Bruce L. Maas, Esq.
Harris Beach, PLLC
Attorneys at Law
99 Garnsey Road
Pittsford, NY 14534

Re: Walton Oaks Subdivision

Dear Bruce:

In my letter to you dated March 21, 2008, I explained that if your client, Lexon and/or its insured W.H. Dorris, do not take substantial steps towards remedying the default situation and the problems with the lacking infrastructure in the Walton Oak Subdivision within 90 days of the date of that letter, then the Metropolitan Government would have no other choice but to file the lawsuit (draft enclosed with that letter) and pursue all available remedies including specific performance damages, costs, and fees, including attorneys fees against Lexon and W.H. Dorris jointly and severally.

The 90-day deadline came and went on June 19, 2008. As you will recall, by that time, your office and this office had exchanged further correspondence with details about the most recent punchlists from the Stormwater Division as well as the Public Works Department. In addition, by June 19, 2008, your office and I had been in further telephone contact with one another about the current status of the situation. Lexon's contractors (two separate contractors) had contacted Stormwater Division and the Public Works Department, and site visits with those contractors and our inspectors were scheduled. I explained over the telephone that your office and any potential contractors could contact the Stormwater Division and the Public Works Department directly in order to obtain detailed, up-to-date information about what exactly was required and what further inspections were needed as work progressed.

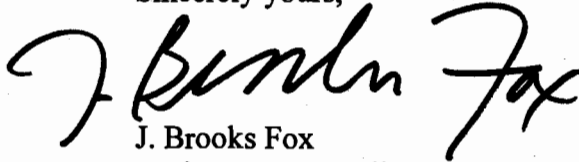
Through July and August, my clients in the Stormwater Division and Public Works Department explained that those site visits did occur and detailed information in the form of punch lists and other oral instructions on-site had been given to the contractors hired by Lexon.

Unfortunately, to date, there has been no actual work performed towards completion of the required infrastructure.

The Metropolitan Government recognizes that it takes time to coordinate such efforts with two separate contractors in order to get work such as this completed. However, please understand that since no work has commenced to date whatsoever, we feel it necessary to set another deadline in order to keep this project moving. If we do not see some substantial steps taken by the contractors on-site and work progressing within **thirty (30) days** of the date of this letter, then we will have no other choice but to file the lawsuit that was previously sent to you in draft form and pursue in court our claims for specific performance, damages, costs, and fees including attorney fees.

If anything in this letter is unclear, please feel free to contact me.

Sincerely yours,

A handwritten signature in black ink that reads "J. Brooks Fox". The signature is written in a cursive, flowing style.

J. Brooks Fox
Assistant Metropolitan Attorney

/Tdc