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January 23, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: *Ostermann v. Peterson* and *Ostermann v. Weaver*

Dear Scott:

I have spoken with Mark Guilfoyle in regard to *Ostermann v. Weaver*. Mr. Guilfoyle has advised that he is no longer representing the bar owner or operator in that case. My office has been working toward a resolution of the issues in that matter, and we will soon advise as to the best route to take in resolving the items set forth in the judgment.

In regard to *Ostermann v. Peterson*, it is unclear at this time whether Mark Guilfoyle is representing the Petersons. I am awaiting a return phone call from Mark to clear up that issue. Once I have heard back from Mr. Guilfoyle as to whether he still represents the Petersons, then we will continue toward a resolution.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Lauren M. Bristow

LMB/jr

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February 17, 2009

Scott and Chris Ostermann
415 Brice Court
Abilene, KS 67410

RE: *Ostermann v. Peterson* and *Ostermann v. Weaver*

Dear Scott and Chris:

After our meeting last week, we wanted to follow up with a letter setting forth those items which have been accomplished in *Ostermann v. Weaver* and *Ostermann v. Peterson*, and those items which you could choose to further pursue, if you so desired. Also, Larry Nordling has been consulted as to approximate costs of further litigation.

In regard to *Ostermann v. Weaver* we have accomplished the following:

- Obtained a default judgment against Lisa M. Weaver on the Down South Tavern property which entitled you to judgment against the Defendant with the following relief:
  - The Defendant must remove the trespassing utility meters, air conditioning unit and other objects, and remedy the roof overhang;
  - Defendant is enjoined and restrained from further encroachments and trespasses upon Plaintiffs' property;
  - Plaintiffs are permitted to remove offending utility meters if Defendant refuses to comply with the Court order; and,
  - Defendant is required to pay for the costs of the action.
- We have successfully defended the Motion to Set Aside Default Judgment and the Court ruled to enforce the default judgment.

- The Default Judgment remains in full force and effect.

- The Court has granted you a judgment against the Defendant Lisa M. Weaver in the amount of $500.00 for sanctions.

- The utility companies have agreed to disconnect and reconnect the utilities; however, the Defendant will have to pay to have the meters moved.

The following would be further issues you could pursue, should you choose to do so:

- Enforce the judgment regarding the removal of the trespassing items by filing a motion to hold the Defendant in contempt of Court for failing to comply with the Court order.

- The approximate cost of a proceeding seeking an Order finding Defendant in contempt would be approximately $1,000.00, excluding costs of personally serving the Defendant. This estimate also presumes there is only one hearing and would not include further services or expenses to enforce any relief granted by a potential Contempt Order.

- Collection of the $500.00 judgment for sanctions entered against the Defendant. It is difficult to estimate the cost of collecting this judgment, although for the amount of the judgment, an economic way would be a garnishment proceeding. A wage garnishment, assuming the Defendant remains employed, or a non-wage garnishment on a bank account, can be economical as long as an appearance at a hearing is not required should the Defendant attempt to challenge the garnishment proceeding. The estimated cost just to prepare the garnishment paperwork would be one hour of billable time at Lauren's hourly rate of $125.00.

In regard to *Ostermann v. Peterson* we have accomplished the following:

- Through our efforts you were able to obtain a fencing permit from the City of Abilene in order to fence off your property.

- From your previous contact with the City of Abilene in regard to fencing permits, it appears as if any reasonable request for a fencing permit will be accepted.

- The settlement in *Ostermann v. Peterson* has allowed for the remedy of the water runoff by rerouting the water downspout located on the south side of your

property around the southeast corner of the property in order to funnel the water to the north.

- Petersons are to post a no parking sign on a pole to be located on the east side of the easement.

- Petersons have agreed to reduce their easement across the property to a width of 7½ feet, thus allowing you to utilize the extra 2½ feet nearest your property any way you should so choose without the hindrance of the easement.

- Petersons have agreed to allow machinery onto their remaining easement for the purpose of you correcting the sewer line.

The following are issues which you could further pursue, should you choose to do so, in *Ostermann v. Peterson*:

- Address the way in which the Petersons have remedied the issues set forth in Settlement Agreement. We are currently waiting on a return of the Release of Easement from Mark Guilfoyle as the Dickinson County Register of Deeds has required a modification to the Release of Easement before the Register of Deeds will record the same.

- Upon filing of that Release, then it could be addressed that the Petersons have not fulfilled their obligation of the Settlement Agreement by placing the no parking sign on a pole on the correct site of the easement, as well as rerouting the water downspout correctly.

- Enforcement of the Settlement Agreement would be pursued through an action for breach of the Agreement. The cost for pursuing such an action depends largely on the resistance of the Defendants, which is unpredictable. Enforcement of the Settlement Agreement could potentially be resolved for as little as $1,500.00 to $2,000.00, or it could potentially be as much as $10,000.00, if not more. The wide-range estimate is a product of the unpredictable amount of resistance from the Defendants coupled with the potential for delays in communication and unreasonable positions taken on the Defendants' part.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Kenneth W. Wasserman

Lawrence E. Nordling

Lauren M. Bristow

KWW/LEN/LMB/jr

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March 3, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Butcher Property

Dear Scott:

I talked to Doug Thompson in regard to the Butcher property. He said that he would contact the Executor, as she is an elderly woman and dealing with her directly would not be beneficial. He's going to bring up those items such as you renting the property or purchasing an easement, as we discussed in our telephone conversation last week.

However, he did mention the fact that the property would be going to a tax sale eventually, as you had previously advised me.

Mr. Thompson will be getting back with me after he's had a chance to discuss any idea on the property with Sadie.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Lauren M. Bristow

LMB/jr

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June 29, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Miscellaneous Matters.

Dear Scott:

Thank you for meeting with me last week. I have now had an opportunity to review the recording of the council meeting and the remainder of your file. I also drove over and reviewed your building site in person.

With regard to the occurrences at the meeting, obviously you were shut down by Mr. Guilfoyle during your discussion. However, the mayor, who was running the meeting, also apparently had you agree to handle the matter separate and apart from the open hearing. As a result, I do not believe that there is any operable cause of action that arose due to the occurrences at that hearing.

As I discussed with you in my office, Mr. Guilfoyle may indeed have a conflict of interest with his clients given his representation of the city and those property owners around you given the enforcement of certain codes that the city should be enforcing. It is apparent that his individual clients are benefitting if he is advising the city in anyway with regard to what to enforce and what not to enforce. However, enforcement may be at another level other than what he handles though and we have no evidence on how he is counseling the city on particular tracts. In addition, as you are aware, the disciplinary administrator, given the facts presented to him, has not found there to be any conflict of interest. I am not sure if Mr. Hazlett has more facts that we have.

In any event, the discretion rests with the city regarding enforcement of certain laws and we cannot force them to enforce the ordinances. Kansas law is set up to grant them this particular discretion. The ultimate ability to get them enforced is at the polling place.

Other possible causes of action may exist due to any libelous, slanderous, or other similar type of contact, if the same is occurring. A possible theory is the intentional infliction of emotional distress. In order to establish a claim for intentional infliction of emotional distress a plaintiff must prove four elements: (1.) The conduct of the defendant must be intentional or in reckless disregard of the plaintiff; (2.) The conduct must be extreme and outrageous; (3.) There must be a causal connection between the defendant's conduct and the plaintiff's emotional distress; (4.) The plaintiffs emotional distress must be extreme and severe. See *Roberts v. Saylor*, 230 Kan. 289, 292, 637 P.2d 1175 (1981). Historically, under Kansas law, the types of conduct that have been considered by the court to meet the elements to be considered extreme and outrageous and then be determined by a jury involve situations of a more egregious nature, i.e. an individual falsely reported that someone committed a crime when they knew the person had not done so in order that the other person would be arrested and/or questioned by the police, etc. or something similarly egregious. Extreme and outrageous conduct as defined under Kansas law is conduct "which is so outrageous in character and so extreme in degree that a reasonable member of the community would regard this conduct as utterly intolerable and going beyond all bounds of decency in a civilized community. When knowledge of all facts would arouse a reasonable person's resentment against the act or lead him to exclaim 'outrageous,' the conduct is deemed extreme and outrageous." See P.I.K.4th 127.71. As a preliminary matter, in a claim for the intentional infliction of emotional distress, a plaintiff must establish two threshold requirements which must be met and determined by the court to be sufficient in the first instance: (1.) Whether the defendant's conduct may reasonably be regarded as so extreme and outrageous as to permit recovery; (2.) Whether the emotional distress suffered by plaintiff is in such extreme degree the law must intervene because the distress inflicted is so severe that no reasonable person should be expected to endure it. See *Roberts v. Saylor*, 230 Kan. 292, 292- 93, 637 P.2d 1175 (1981); *Bradshaw v. Swagerty*, 1 Kan. App. 2d at 213, 216, 563 P.2d 511 (1977); and *Dawson v. Associates Financial Services Co.*, 215 Kan. 814, 824, 529 P.2d 104 (1974). While I can fully understand the effect of the occurrences herein, I am not sure that any such negative feelings would constitute severe emotional distress as a matter of law.

Another possible theory is negligent infliction of emotional distress. For a plaintiff to recover damages for negligent emotional distress, a plaintiff must establish the same elements as in an intentional infliction of emotional distress claim except the actions of the defendant would be negligent instead of intentional. In addition, however, the plaintiff must establish that the conduct complained of was accompanied by, or resulted in, an immediate physical injury. See *Reynolds v. Highland Manor, Inc.*, 24 Kan.App.2d 859, 861, 954 P.2d 11 (1998). Essentially, a plaintiff must show that the physical injuries complained of were the direct and proximate result of the emotional distress caused by the defendant's negligent conduct. See *Hoard v. Shawnee Mission Medical Center*, 233 Kan. 267, Syl. ¶1, 662 P.2d 1214 (1983). This legal theory is even less viable because of the lack of immediate physical injury as far as I am aware.

Another possible legal theory is false light defamation. In order to establish a claim of false light defamation (invasion of privacy), a plaintiff must establish that: (1.) Publicity of a fact of some kind to a third party; (2.) The publicity must falsely represent this person; (3.) The representation must be highly offensive to a reasonable man. See *Dominguez v. Davidson*, 266 Kan. 926, 937, 974 P.2d 112 (1999). *Id.* The difference between a claim of this nature and a claim for defamation is that publicity is different than publication. Publication is generally held to be a word of art, which includes the communication by the defendant to a third person. However, for false light defamation, the person must establish "publicity" which means that the matter is made public by communicating it to the public at large or to so many people that the matter must be regarded as substantially certain to become one of public knowledge. I am not aware of facts to support a claim like this.

Another possible legal theory is intrusion upon seclusion. In order for a plaintiff to establish a claim of intrusion upon seclusion, the plaintiff must establish the same elements for a breach of privacy cause of action which are as follows: (1.) Intentional intrusion physically or otherwise, to or upon the solitude or seclusion of another, or his private affairs or concern; (2.) The intrusion must be highly offensive to a reasonable man. See *McCormick v. City of Lawrence, Kansas*, 278 Kan. 797, 806, 104 P.3d 991 (2005). Once again, I don't see this applying to your case.

Regardless, the theory utilized as stated above, you would have to prove that damages proximately flow from or were specifically caused by these wrongful actions.

Next, a person may also be liable for a nuisance on their property. Liability for damages for the creation or maintenance of anything that can reasonably interfere with rights of another whether in person or property and thereby causes him harm, inconvenience, or damage may give rise to a nuisance claim. In viewing whether it is a nuisance, the surrounding circumstances involving the property are also considered and a nuisance may result in conduct that is intentional or negligent. Although these claims would appear to be against the surrounding property owners and not against Mr. Guilfoyle which I understand to be the primary person that you are interested in pursing. If you care to more finely go over the elements of fraud and nuisance, please let me know. *See Civil PIK 4th 127.90.*

As it involves the claims for the Petersons and the water running across your property, clearly an agreement was reached in Case No. 07 CV 132. I reviewed those terms with you and again reviewed them again after you left. You have the ability to set aside the agreement due to breach of the same. I do not believe that a citation would be the proper mechanism in a separate case for enforcement of the agreement and/or to sue them under all claims then existing would be the more appropriate avenue at this point. However, I am not sure if the money would be well spent in that area given the costs of going forward and the fact that the damage is not increasing the drop in your sewer line and that the sewer system is still working at this point.

Finally, as it involves the bar owners, I do not see any cause of action at this time given their particular actions, other than possibly nuisance as set forth above. However, as I previously indicated, your best option may in fact be to, through a straw person, attempt to buy the bar if in fact you want to end the regular weekend occurrences in the area. Again, using a straw person rather than yourself would be a better option as clearly they are not looking at assisting you in any mechanism whatsoever and would continue to out price the situation.

Please look this letter over and let me know your thoughts.

Very truly yours,

Robert A. Martin

RAM/slb

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July 8, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

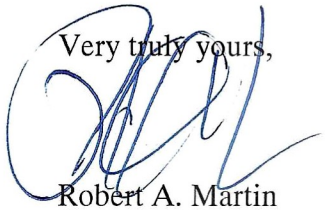
RE: Ostermann, et al. v. Weaver, 07 CV 131
District Court of Dickinson County, Kansas

Dear Scott:

You will find enclosed a draft of pleadings to cite Lisa Weaver in contempt. I will need the current address for her if you have one. Additionally, I need for you to sign the Affidavit and have it executed in front of a notary public and return it to me. After that, I will have all of the pleadings filed and the case put on Judge Platt's next docket.

Any questions or changes, please let me know.

Very truly yours,



Robert A. Martin

RAM/djd
Enclosure(s)

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July 31, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

We obtained service of process as you can see from the enclosed document upon Ms. Weaver on the 25th of July. Hence the hearing set for August 14, 2009 at 9:00 a.m. will go forward. I will be interested to see if she shows up and what her position will be with regard to moving the meters.

Next as you are aware, we will need the cooperation of the bar in order to have certain items moved given the utility position. Do you want me to take any steps in that direction? Do you want me to contact them?

I look forward to hearing from you regarding the next step, namely if you want me to contact anyone prior to the upcoming hearing.

Very truly yours,

Robert A. Martin

RAM/djd
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August 3, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: City of Abilene

Dear Scott:

I spoke with Bob Martin in regard to the questions that you posed in our telephone conversation on July 29, 2009.

Bob Martin has reviewed the DVD which you provided of the City Commission meeting on June 8, 2009, and has responded to you by letter dated June 29, 2009. Bob concluded that there were no actionable claims against Mark Guilfoyle after reviewing the DVD. While I understand there was miscommunication by Mark Guilfoyle, both Bob and I are of the belief that seeking an apology for the miscommunication would be time-consuming and will not result in a positive outcome. A better solution would be moving forward with resolving the ongoing complaints and issues that have been previously addressed. Jocelyn Lucas Randle will handling the prosecution of any code violations for the City of Abilene, not Mark Guilfoyle.

If you have any questions, please don't hesitate to contact me.

Very truly yours,

Lauren M. Bristow

Lauren M. Bristow

LMB/jr

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August 7, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Various violations

Dear Scott:

I received contact regarding your outstanding citations for not cutting the grass and for the storage unit. Those matters have now been transferred to Municipal Court and are being handled by Joycelyn Lucas Randle. I understand that you had applied for an appeal of those decisions. However, the nuisance portion of the citations, namely the mowing issue, is out of time. Apparently, the ten days had passed from the date of citation for the weeds. Further, it was indicated to me that the zoning violation is handled by a separate city ordinance and is not subject to review by a hearing officer. Hence, it would be solely subject to the Municipal Court. In other words, both matters are now in front of the Municipal Court for citation as criminal matters.

I wanted to give you a heads up on what I had heard. You undoubtedly will receive some notice shortly on the same issue.

Very truly yours,

Robert A. Martin

RAM/all

P.S. I spoke to Ken Wasserman about his contacts with the utility companies. He is of the belief that given their statements to you, as well as his prior contacts, further litigation with the companies directly may be necessary if a resolution with the current owner of the bar cannot be reached. We can discuss after the upcoming citation hearing.

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August 17, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

As you are aware, this matter was reset for hearing on September 11th at 9:00 a.m. Chris Kellogg on the way out the door indicated that we may receive a bankruptcy notice prior to that date. If that is the case, the hearing would be cancelled. Regardless, please hold off on doing anything with the fence until after that date.

I am surely thinking about another avenue as far as trying to claim the application of certain legal theories to the new owners. Depending on what Ms. Weaver does, we can discuss another possible option at the September 11th hearing or prior to that date. I need to complete some additional legal research before then.

If you have any questions, please let me know.

Very truly yours,

Robert A. Martin

RAM/djd

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September 3, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

Lauren provided to me a copy of your August 27, 2009, letter. I wanted to respond to certain things in it.

With regard to the mobile home owned by Danny Huehl in south Abilene, I will inform you that Danny had spoken to me and not Ken Wasserman about it. Hence, I am going to stay out of it between the two of you. I will let you handle it with Jim Maes at Compro.

Secondly, as it involves Mr. Teasley, was any progress made in your discussion? I have not received any bankruptcy notice from the defendant in the above referenced case. Bankruptcy does not help you at all. A settlement if possible, would also avoid a subsequent suit against the current owners as I discussed with you recently.

In discussing the utility situation with my partner Ken Wasserman, it is a bit more complicated than just sending out a letter. As I relayed to you previously they are not going to move the meter without an agreement by the adjoining property owner or an order from a judge in a case in which they are a party. In order to get an order from a judge to force them to move it we would need to sue them. Given my conversation with Ken, I am pretty certain that they are going to raise the adverse possession claim regarding why they believe they have ownership of at least a prescriptive easement at this time. Hence, I do not believe and contact with Westar

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September 18, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

I have received the Bankruptcy Petition from Larry Livengood, attorney for Lisa Weaver. Apparently it was filed on September 16th. I enclose a portion of the bankruptcy pleadings herewith. I would note that she testified that she received $12,000 from the sale of the tavern but reports in this paper that she received $14,500 or $16,500. She must have "tricky" memory. I subsequently received contact with the sheriff's office as they received a Suggestion of Bankruptcy, leading to the withdrawal of the Bench Warrant.

With regard to pursuing this matter in Bankruptcy Court, I would suggest that if you want to chase her, contact the bankruptcy attorney. I cannot advise you on whether the judge's order requiring her to do certain acts is dischargeable or not. Once again as I do not practice bankruptcy law at this point, I cannot advise you on that issue. I am also not sure that it is worth pursuing at all at this point given the cost involved and her financial situation. A better option may be to go after the current owners.

Please let me know how you wish to proceed. Please also let me know if you have taken any action involving the fence at this point.

Very truly yours,

Robert A. Martin

RAM/djd
Enclosure(s)

NORTON • WASSERMAN • JONES • KELLY LLC

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KENNETH W. WASSERMAN **
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September 22, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

You will find enclosed a copy of the letter that I received from Chris Kellogg and the Order Granting his Withdrawal as Attorney of Record for Lisa Weaver. I am also enclosing the Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines that I received. Please take note of the following dates if you care to contact bankruptcy counsel:

October 13, 2009 at 10:30 a.m.	Meeting of Creditors
November 14, 2009	Deadline to Object to Exemptions
December 14, 2009	Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts

If you have any questions, please let me know.

Very truly yours,

Robert A. Martin

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Enclosure(s)

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Phone: 785.825.4674
Fax: 785.825.5936

KennedyBerkleyYarnevich&Williamson
CHARTERED

George W. Yarnevich
Tom A. Williamson
† Larry G. Michel
James R. Angell
‡ Lance H. Cochran
Chris J. Kellogg
Karen O. Couch
Aaron O. Martin
Angela Chesney Herrington

Gary D. Denning
Of Counsel

September 21, 2009

Bob Martin
Norton, Wasserman, Jones & Kelly, LLC
213 S. Santa Fe
P.O. Box 2388
Salina, KS 67402-2388

RE: Ostermann v. Weaver; Dickinson County District Court Case No. 07 CV 131.

Dear Bob:

Please find enclosed a copy of the filed Ordered Granting my Withdrawal as Attorney of Record for Lisa Weaver. Please retain this copy for your records.

If you should have any questions or concerns, please advise.

Sincerely,

KENNEDY BERKLEY YARNEVICH
& WILLIAMSON, CHARTERED

By: 

Chris J. Kellogg
ckellogg@kenberk.com

CJK/jlb
Enclosure

† also licensed to practice in Colorado
‡ also licensed to practice in Missouri

Thomas J. Kennedy
(1929-2005)

Robert B. Berkley
(1926-1996)

FILED
2009 SEP 17 AM 9:39
CLERK OF DISTRICT COURT
DICKINSON COUNTY, KANSAS

KENNEDY BERKLEY YARNEVICH
& WILLIAMSON, CHARTERED
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Salina, KS 67402-2567
(785) 825-4674 [Telephone]
(785) 825-5936 [Fax]

IN THE DISTRICT COURT OF DICKINSON COUNTY, KANSAS

SCOTT L. OSTERMANN and CHRISTINE C. OSTERMANN Plaintiff, vs. LISA M. WEAVER Defendant.	)	Case No. 07 CV 131

(Proceedings Pursuant to K.S.A. Chapter 60)

ORDER GRANTING WITHDRAWAL AS ATTORNEY OF RECORD

NOW on this 14th day of August, 2009, the above-captioned matter comes on for hearing upon the Motion to Withdraw filed by Chris J. Kellogg of Kennedy Berkley Yarnevich & Williamson, Chartered, attorneys for the Defendant. Chris J. Kellogg of Kennedy Berkley Yarnevich & Williamson, Chartered appears for the Firm. Robert A. Martin appears on behalf of the Plaintiffs, Scott L. Ostermann and Christine C. Ostermann. There ~~are no other appearances.~~ Δ appears.

THEREFORE, the Court having examined the files and pleadings herein, and being duly advised in the premises, finds the Δ does not object and that the Motion should be granted.

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September 23, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

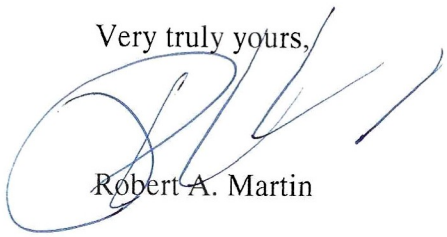
RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

You will find enclosed a copy of the file stamped Journal Entry and Bench Warrant in the above referenced matter for your records. The Bench Warrant was not issued due to the recent bankruptcy filing by the Defendant.

If you have any questions, please let me know. Otherwise, I am closing this file unless you want to sue the new owner.

Very truly yours,



Robert A. Martin

RAM/djd
Enclosure(s)

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October 22, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Weaver;
District Court of Dickinson County, Kansas, Case No. 07 CV 131.

Dear Scott:

This letter is to advise you that Chris Kellogg does not represent the Weavers in the above-captioned case or in any other matter. Therefore, please do not contact him further.

Very Truly Yours,

Robert A. Martin

RAM/kmw

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November 9, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Dohe.

Dear Scott:

Please find enclosed rough drafts of the pleadings that I have prepared for the above-referenced case. Please review the pleadings and make sure they meet with your approval. Once you have had an opportunity to review, please advise me of any changes. I also need for you to sign where indicated in front of a Notary Public and return those pages to me.

I look forward to hearing from you.

Very truly yours,

Robert A. Martin

RAM/kmw
Enclosures

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November 23, 2009

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Ostermann, et al. v. Dohe, District Court of Dickinson County.

Dear Scott:

Please find enclosed copies of the Request for Service on Amanda Dohe, the Chapter 60 Summons and the Petition Pursuant to Chapter 60. These copies are for your records. I expect service to obtained on her this week.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Robert A. Martin

RAM/kmw
Enclosures

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December 9, 2009

Scott and Christine Ostermann
415 Brice Court
Abilene, KS 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

After we last talked, I checked with the clerk of the court on whether Amanda Dohe had been served. Their indication was that she had been served. On the very next day, I received the enclosed Answer. She has apparently retained Russ Prophet with Hampton & Royce, L.C., in Salina to represent her in the matter. In addition, they have made a counterclaim against you.

Please review the enclosed document and give me a call. I am filing a reply denying their allegations. In fact, you will find enclosed said reply. In addition, I am going to serve written discovery upon them to find out exactly what they are saying. Apparently, she is not going away easily. However, I would be shocked if she is going to be able to afford Mr. Prophet's services for any time at all.

Please let me know your thoughts.

Very truly yours,

Robert A. Martin

RAM/slb
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P.S. I specifically need to discuss with you any other permits that you obtained for the property other than the one attached as Exhibit A to the Answer.

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December 14, 2009

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

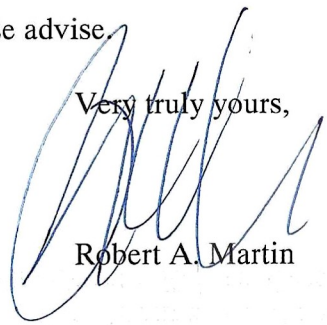
RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find a copy of a Notice of Hearing that I received from the District Court in the above referenced matter. As you will see from reviewing said Notice, this matter has been set for a case management conference on January 15, 2010, at 9:30 a.m. You do not need to be present at that time as I will appear on your behalf. Once I attend the hearing, I will be in touch to update you on the deadlines that will be set for the advancement of this matter.

If you have any questions, please advise.

Very truly yours,



Robert A. Martin

RAM/slb
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December 17, 2009

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

As you are aware from my previous correspondence, I filed a Reply to Counterclaim on your behalf answering to the claims made against you by Amanda Dohe. I enclose a file stamped copy of the Reply for your records. I am sending out discovery requests in this matter shortly, and will forward a copy of the answers when I receive the same.

If you have any questions, please advise.

Very truly yours,

Robert A. Martin

RAM/slb
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December 23, 2009

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

I have spoken now at length with opposing counsel in the case. They very well may be interested in resolving the case for fixing the items at issue. Would you be agreeable to resolving this matter and avoiding any additional monetary or other judgment against them? Do you have a specific timeline in mind? They, for some reason, want the offer to come from us, which I have no objection to if we can put it behind you for the least expense.

Please think this over during the holiday and give me a call next week. I look forward to hearing from you.

Very truly yours,

Robert A. Martin

RAM/slb

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December 28, 2009

Scott and Christine Ostermann
415 Brice Court
Abilene, Kansas 67410

RE: Scott Ostermann and Christine Ostermann v. Amanda Dohe;
District Court of Dickinson County, Kansas, Case No. 09 CV 150.

Dear Scott and Christine:

Enclosed please find a copy of the Notice of Service indicating that discovery requests were served upon the Defendant in the above referenced matter. I have also enclosed a copy of the Plaintiffs' First Combined Interrogatories, Requests for Production of Documents, and Requests for Admission. The date by which Ms. Dohe has to respond to these requests is January 20, 2010. Once I receive said responses, I will forward a copy to you for your review.

If you have any questions, please advise.

Very truly yours,

Robert A. Martin

RAM/slb
Enclosure(s)