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FRANK C. NORTON
KENNETH W. WASSERMAN
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
JASON L. REED
LAWRENCE E. NORDLING

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538
kww@nwjklaw.com

January 4, 2007

Mr. & Mrs. Scott Ostermann
415 Brice Court
Abilene, KS 67410

Dear Scott & Chris:

This will acknowledge your engagement of our firm to represent you with regard to your Administrative Law proceeding. We hope that all of your dealings with us will be entirely to your satisfaction. In order to fulfill our professional responsibilities, it is our duty to make clear the nature of our engagement and the financial arrangements in connection with that engagement.

Please be advised that our fees in performing professional services for you in this matter will be at the rate of $225.00 per hour, with an estimate of as much as $2,500 to $2,800 to take this matter through the administrative process. Our time covers all things which we do in connection with your legal matter or matters including all telephone calls, conferences, correspondence, document preparation, appearances, research, etc. In addition to our fees, our billings will include necessary expenses.

It is agreed that all billings rendered by us will be paid within fifteen (15) days following the date thereof. If such billings are not so paid, we may withdraw from further representation of you and proceed to collect all fees and expenses. Payments may be made using cash, check, money order or credit card. In the event you have any type of a Plan for Prepaid Legal Services we do not make any claim under the Plan. There are many different Plans available and some require that you use an attorney who has contracted with the Plan to provide legal services to subscribers. You must handle all matters pertaining to the Plan directly with the Plan.

When we complete our representation of you on this matter, your file will be closed. It is our practice to destroy files ten (10) years after we close them. If you would like our firm to return your file to you ten (10) years after it is closed instead of destroying it, please send a note to that effect within the next thirty (30) days so we can take the appropriate steps to segregate your file from our other files after closing and accommodate your special request.

I have talked to James at City Planning who agrees that this matter can probably be resolved favorably for you. He asks that I speak with Mark Guilfoyle who is currently out with the flu. I will keep you advised.

Very truly yours,

Kenneth W. Wasserman

KWW/kmm

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January 4, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: City of Abilene

Dear Scott:

I have now had the opportunity to talk to Mark Guilfoyle.

Although I believe I have the concept firmly in mind I think it would do well for you and I to meet next week to discuss an exact proposal that I could submit in writing. I think it is likely that we can bring this to a satisfactory conclusion.

Please call the office at your convenience and ask for any one of my assistance and they will be able to schedule an appointment with you.

Very truly yours,

Kenneth W. Wasserman

KWW/ms

MARK A. GUILFOYLE, ATTORNEY P.A.

306 N.W. SECOND • P.O. BOX 548 • ABILENE, KS 67410-0548
(785) 263-3070 • FAX (785) 263-4363

February 7, 2007

Kenneth W. Wasserman
NORTON, WASSERMAN, JONES,
KELLY, L.L.C.
PO Box 2388
Salina, KS 67402-2388

RE: Ostermann Property

Dear Ken:

I visited with Bill Peterson, on behalf of Peterson Farms, owner of the property adjoining the Ostermann property. Mr. Peterson stated that he is just not interested in putting up any fences on the property, at this time. He did indicate that if he would receive a good offer for purchase of the property, he would certainly entertain selling the property to Mr. Ostermann. If Mr. Ostermann owned both properties, he could do whatever he wanted with the alleyways.

Mr. Peterson recently obtained an appraisal from Dan Reynolds, of Reynolds Real Estate. The appraised value is $46,000.00. Any offer would have to be approaching that dollar range. Mr. Ostermann previously made an offer of $10,000.00 - $15,000.00, which is completely unacceptable, based on the appraised value. Please let me know if he wants to increase his offer.

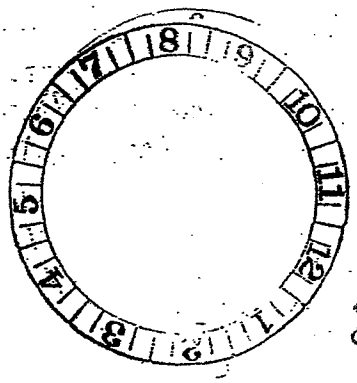
Sincerely yours,

MARK A. GUILFOYLE, ATTORNEY, P.A.

Mark A. Guilfoyle

Mark A. Guilfoyle

MAG:sks
cc: William H. Peterson
Mike Teasley



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LAWRENCE E. NORDLING

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538
kww@nwjklaw.com

February 9, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: City of Abilene

Dear Scott:

Enclosed please find a copy of letter from Mark Guilfoyle together with my response. As you can see I pointed out to him his obvious conflict of interest. Let me know if you have any interest in increasing your offer on the Peterson property, in the meantime I will continue to "turn up the heat" on Mark and the city.

Very truly yours,

Kenneth W. Wasserman

KWW/ms
Enclosures

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P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
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Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

February 9, 2007

Mark Guilfoyle
P.O. Box 548
Abilene, KS 67410-0548

RE: Ostermann Property

Dear Mark:

I am apparently confused.

It was my understanding that you represent the City of Abilene and all I was trying to do in my recent contact with you was try to gain an understanding as to why the City refused to issue a fence permit to Mr. Ostermann when the fence is entirely on his property.

Your letter of February 7, 2007, certainly appears to me to indicate that you represent Mr. Peterson and, if that is the case, I need to know who is representing the City of Abilene in this matter since clearly there appears to be a conflict of interest. I was hoping to resolve this matter without having to file an action in mandamus, however, if the City continues to stonewall on the fence permit Mr. Ostermann may not have an option.

I will convey to him your offer on behalf of Mr. Peterson.

Very truly yours,

Kenneth W. Wasserman

KWW/ms
cc: M/M Scott Ostermann

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NORMAN R. KELLY
ROBERT A. MARTIN
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Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
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kww@nwjklaw.com

February 27, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: City of Abilene

Dear Scott:

Just a note to advise that the City has now agreed to the fence permit. If you want to make application directly that is certainly fine with me, however, if you want me to make application on your behalf I will also certainly be willing to do that.

In reviewing the easement, even though Mr. Guilfoyle advises that Mr. Peterson does not want the gate across the easement I do not believe that is an enforceable request since the easement is for the purpose of ingress and egress only and not for parking. If a gate is installed and he has either a key or the ability to open and close the gate then his right of ingress and egress is not restricted.

Once the fencing permit is obtained I will then contact Mr. Guilfoyle and simply advise him that the gate will be included in the construction of the fence.

Let me know how I can help further.

Very truly yours,

Kenneth W. Wasserman

KWW/ms

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ROBERT A. MARTIN
JASON L. REED
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Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

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Fax 785-827-0538

kww@nwjklaw.com

April 4, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Weaver/Peterson Correspondence

Dear Scott:

I have reviewed the correspondence submitted for my approval. They are acceptable and have been placed in the post today. I will let you know if I am contacted by counsel representing the other parties.

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

Very truly yours,

Kenneth W. Wasserman

KWW/ms

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LAWRENCE E. NORDLING

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

April 18, 2007

**VIA FACSIMILE:785.263.4363**
Mark Guilfoyle
P.O. Box 548
Abilene, KS 67410-0548

RE: Scott Ostermann/Peterson

Dear Mark:

Perhaps you misunderstood the letter, however, there is no part of any fence being constructed in the easement area.

Certainly my client has the right to construct the fence on his property adjacent to the easement. I too have done some research and gates across easements are very common so long as all parties either have a key or, if the gate is not locked that is not even necessary. The easement is for ingress and egress only and it has long since been determined that gates are not restrictive to ingress and egress unless the person entitled to the use of the easement has no way to get through the gate.

I certainly agree with the Aladdin case, however, in that case permanent structures were actually constructed within the easement area. No permanent structure of any type or nature is being constructed in the easement area in this case.

Very truly yours,

Kenneth W. Wasserman

KWW/ms
cc: M/M Scott Ostermann

P.S. Dear Scott,

Enclosed please find the letter I just received from Mark Guilfoyle together with my response. I will keep you posted.

Very truly yours,

Kenneth W. Wasserman

KWW/ms

**THOMPSON LAW OFFICE**
**DOUG THOMPSON**
ATTORNEY AT LAW

TELEPHONE
785-922-6678

1205 MANOR DRIVE
POST OFFICE BOX 549
CHAPMAN, KANSAS 67431

FAX
785-922-6684

COPY

April 26, 2007

Kenneth W. Wasserman
PO Box 2388
Salina, Kansas 67402-2388

RE: Butcher Property

Dear Ken:

On the 25th of April I visited with Jim Butcher concerning your client's offer. He has had two larger offers and declined both.

Thank you for the offer but Mr. Butcher declines the offer.

Thank you.

Cordially,

Doug Thompson

DT/ab
cc: Jim Butcher

APR 2 8 2007

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JASON L. REED
LAWRENCE E. NORDLING
BRENDAN J. BURKE

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

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213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

kww@nwjklaw.com

August 21, 2007

Scott Kindlesparger
Kansas Gas Service
1001 Edison Place
Salina, KS 67401

RE: Ostermann Meter Request

Dear Scott:

Per Debbie Reinbold's direction, I'm reducing my client Scott Ostermann's request.

We are requesting that Kansas Gas Service move the meter for the Downsouth Tavern located at 210 West 1st Street, Abilene, Kansas, to an area in which no employee or agent of KGS would need to encroach on Mr. Ostermann's property located at 101 North Cedar when reading the meter or completing maintenance. Currently, the only way for KGS to have access to Downsouth Tavern's meter is to intrude on Mr. Ostermann's property. Our request is supported by the fact that the KGS meter is located outside of the utility easement on Mr. Ostermann's property. This easement is recorded in the public record for the property located at 101 North Cedar in Abilene, Kansas in MISC. book 118, page 436.

After my associate, Lauren Bristow, spoke with Greg Jackson of Westar Energy, it was brought to our attention that both Westar and KGS may claim to have obtained a prescriptive easement on Mr. Ostermann's property. Kansas law regarding prescriptive easements mirrors that of adverse possession. In such, when a person encroaching on the land is given permission to do so by the owner of said land it is a mere license, which can never ripen into an easement. Thus, no prescriptive easement has obtained over Mr. Ostermann's property because he has given permission to encroach.

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ROBERT S. JONES
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ROBERT A. MARTIN
JASON L. REED
LAWRENCE E. NORDLING
BRENDAN J. BURKE

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

kww@nwjklaw.com

August 21, 2007

Greg Jackson
Westar Energy
1001 Edison Place
Salina, KS 67401

RE: Osterman Meter Request

Dear Greg:

After my associate, Lauren Bristow, spoke with you regarding our client Scott Ostermann's request to have a meter moved, it was brought to my attention that Westar Energy may claim to have obtained a prescriptive easement on Mr. Ostermann's property.

Kansas law regarding prescriptive easements mirrors that of adverse possession. In such, when a person encroaching on the land of another is given permission to do so by the owner of said land, it is a mere license, which can never ripen into an easement. The Westar utility lines are located outside of the utility easement on Mr. Osterman's property. No prescriptive easement has been obtained over Mr. Ostermann's property by Westar because Mr. Ostermann has given Westar his permission to encroach in such a way. Thus, at no time was Westar's presence on the land open, continuous, and exclusive in such a way as to be knowingly adverse as is required in order to obtain a prescriptive easement.

Please call me at your earliest convenience so that we may discuss.

Very truly yours,

Kenneth W. Wasserman

KWW/eh
cc: Scott Osterman

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ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
JASON L. REED
LAWRENCE E. NORDLING
BRENDAN J. BURKE

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
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Salina, KS 67401

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Fax 785-827-0538

kww@nwjklaw.com

August 23, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Property Matter

Dear Scott:

I have now had more than one call from the utility companies.

They have conceded our point, however, they only provide gas service to the end of their line and electricity to the mast on top of the roof and they have agreed to move both the electrical meter and the gas meter, however, the cost of that move is at the owner's expense and the owner needs to hire an electrician and plumber to do it. The gas company and the electric company will then make the new connections. My next step is to make demand on the property owner and give them thirty (30) days to move the meters under the threat that I will advise you to file suit if that does not occur.

At this point I do not want to tell them suit would be filed since before we actually do that you have to weigh the cost litigation against the benefit you actually derive, however, we can certainly make the threat.

If I have not heard from you to the contrary, I will send that letter early next week.

Very truly yours,

Kenneth W. Wasserman

KWW/ms

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Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

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Fax 785-827-0538
kww@nwjklaw.com

September 13, 2007

Mark Guilfoyle
P.O. Box 548
Abilene, KS 67410-0548

RE: Down South Tavern

Dear Mark:

From our previous correspondence, it is my understanding that you represent Mark and Brenda Weaver, the owners of the building housing the Down South Tavern.

Having spoken with the representatives of both Kansas Gas Service and Westar Energy, it has been determined that the meters for both services are placed outside of the utility easement granted by my client Scott Ostermann. Having conceded this point, both utilities are ready to make the disconnect of their services.

However, Mark and Brenda Weaver, as owners of the building housing the DownSouth Tavern, are required to move the entry point of said services. This movement requires the employ of licensed professionals, and it is the Weavers' responsibility to obtain and pay for the services of these professionals.

This letter is to serve as a formal demand for the Weavers to complete this movement of the meters off of Mr. Ostermann's property. Please respond to this request within 10 days.

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

Very truly yours,

Kenneth W. Wasserman

KWW/kmw
cc: Scott Ostermann

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KENNETH W. WASSERMAN
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
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LAWRENCE E. NORDLING
BRENDAN J. BURKE
LAUREN M. BRISTOW

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
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Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

kww@nwjklaw.com

September 19, 2007

Mark & Brenda Weaver
P.O. Box 263
Longford, KS 67458-0263

RE: DownSouth Tavern

Dear Mr. and Mrs. Weaver:

I represent Scott Ostermann, a land owner adjoining your property which houses the DownSouth Tavern in Abilene, Kansas. If you are represented by an attorney, please forward this letter to such.

Having spoken with the representatives of both Kansas Gas Service and Westar Energy, it has been determined that the meters for both services for the DownSouth Tavern are placed outside of the utility easement granted by my client, Mr. Ostermann. Having conceded this point, both utilities are ready to make the disconnect of their services.

However, as owners of the building housing the DownSouth Tavern, you are required to move the entry point of said services. This movement requires the employ of licensed professionals, and it is your responsibility to obtain and pay for the services of these professionals. Both meters for Westar Energy and Kansas Gas Service would need to be removed from the side of your building adjacent to Mr. Ostermann's property and relocated to an area that does not encroach on Mr. Ostermann's property.

This letter is to serve as a formal demand for the removal of said meters off of Mr. Ostermann's property. Please respond to this request within 10 days.

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

Very truly yours,

Kenneth W. Wasserman

KWW/kmw
cc: Scott Ostermann

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ROBERT A. MARTIN
JASON L. REED
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BRENDAN J. BURKE
LAUREN M. BRISTOW

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

lmb@nwjklaw.com

September 26, 2007

Mr. Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: DownSouth Tavern

Dear Scott:

I am an associate of Ken Wasserman and am assisting him in regard to the matter of the DownSouth Tavern. We received a letter from Brenda Weaver advising that she and Mark no longer own the building that houses the DownSouth Tavern. The new owner is Lisa M. Weaver. We will be sending a demand letter to her similar to the one that we sent to the Mark and Brenda Weaver previously.

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

Very truly yours,

Lauren M. Bristow

LMB/kmw

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LAUREN M. BRISTOW

Attorneys at Law

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

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lmb@nwjklaw.com

September 26, 2007

**VIA CERTIFIED MAIL**
Lisa M. Weaver
308 NE Ninth St
Abilene, KS 67410-2224

RE: DownSouth Tavern

Dear Ms. Weaver:

I represent Scott Ostermann, a land owner adjoining your property which houses the DownSouth Tavern in Abilene, Kansas, and am assisting him in this matter. If you are represented by an attorney, please forward this letter to such.

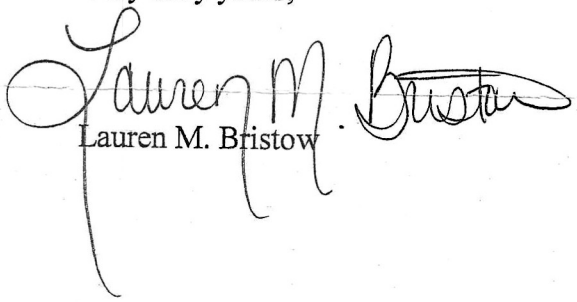
Having spoken with the representatives of both Kansas Gas Service and Westar Energy, it has been determined that the meters for both services for the DownSouth Tavern are placed outside of the utility easement granted by my client, Mr. Ostermann. Having conceded this point, both utilities are ready to make the disconnect of their services.

However, as owner of the building housing the DownSouth Tavern, you are required to move the entry point of said services. This movement requires the employ of licensed professionals, and it is your responsibility to obtain and pay for the services of these professionals. Both meters for Westar Energy and Kansas Gas Service would need to be removed from the side of your building adjacent to Mr. Ostermann's property and relocated to an area that does not encroach on Mr. Ostermann's property.

This letter is to serve as a formal demand for the removal of said meters off of Mr. Ostermann's property. Please respond to this request within 10 days.

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

Very truly yours,



Lauren M. Bristow

LMB/kmw
cc: Scott Ostermann

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COPY

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES
NORMAN R. KELLY
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LAWRENCE E. NORDLING
BRENDAN J. BURKE
LAUREN M. BRISTOW

Attorneys at Law

*Of Counsel

**Admitted in Kansas and Nebraska

All other attorneys admitted in Kansas only

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

lmb@nwjklaw.com

October 18, 2007

Lisa M. Weaver
308 NE Ninth St
Abilene, KS 67410-2224

RE: DownSouth Tavern

Dear Ms. Weaver:

I represent Scott Ostermann, a land owner adjoining your property which houses the DownSouth Tavern in Abilene, Kansas, and am assisting him in this matter. If you are represented by an attorney, please forward this letter to such.

Having spoken with the representatives of both Kansas Gas Service and Westar Energy, it has been determined that the meters for both services for the DownSouth Tavern are placed outside of the utility easement granted by my client, Mr. Ostermann. Having conceded this point, both utilities are ready to make the disconnect of their services.

However, as owner of the building housing the DownSouth Tavern, you are required to move the entry point of said services. This movement requires the employ of licensed professionals, and it is your responsibility to obtain and pay for the services of these professionals. Both meters for Westar Energy and Kansas Gas Service would need to be removed from the side of your building adjacent to Mr. Ostermann's property and relocated to an area that does not encroach on Mr. Ostermann's property.

This letter is to serve as a formal demand for the removal of said meters off of Mr. Ostermann's property. Please respond to this request within 10 days.

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

Very truly yours,

Lauren M. Bristow

LMB/kmw
cc: Scott Ostermann

6807

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FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES
NORMAN R. KELLY
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LAUREN M. BRISTOW

Attorneys at Law

*Of Counsel
**Admitted in Kansas and Nebraska
All other attorneys admitted in Kansas only

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

lmb@nwjklaw.com

November 8, 2007

Scott Ostermann
415 Brice Court
Abilene, KS 67410

RE: Property Matter

Dear Scott:

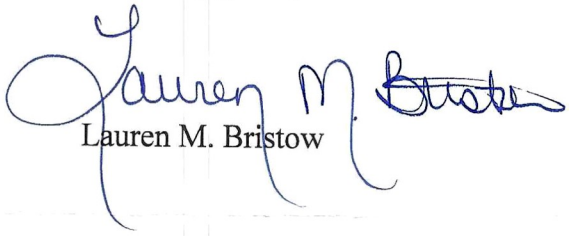
After speaking with both Ken and Larry Nordling, the attorney who will be handling the litigation, we have determined that a boundary line survey should be attached when filing the petition with the Dickinson County Court. The need for such survey is necessary in order to clearly establish for the court that the meters for Ms. Weaver's property are trespassing upon yours. Additionally, a boundary line survey would quell any potential counterclaim by Ms. Weaver stating that the meters are not trespassing upon your property and that your suit is instead being pursued maliciously. We would recommend Landmark Surveying for the completion of the boundary line survey which would include having them locate the meters on the survey.

Additionally, this letter is to confirm your discussions with Ken that if we win this litigation, more probably than not, the court will likely not award monetary damages, and there will be no award for attorney's fees.

The petition to be filed with Dickinson County Court has been drafted, and we will wait to hear from you on the survey prior to proceeding.

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

Very truly yours,



Lauren M. Bristow

LMB/kmw

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COPY

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES
NORMAN R. KELLY
ROBERT A. MARTIN
JASON L. REED
LAWRENCE E. NORDLING
BRENDAN J. BURKE
LAUREN M. BRISTOW

Attorneys at Law

*Of Counsel

**Admitted in Kansas and Nebraska

All other attorneys admitted in Kansas only

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

lmb@nwjklaw.com

November 26, 2007

**SENT VIA CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**
Mr. Mark Guilfoyle
P.O. Box 548
Abilene, KS 67410-0548

RE: Scott Ostermann/Mr. and Mrs. Bill Peterson

Dear Mr. Guilfoyle:

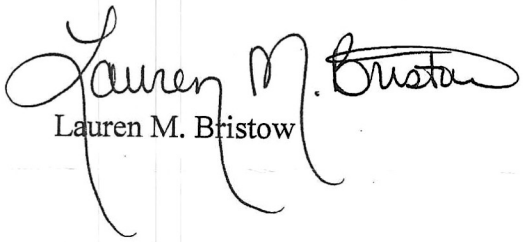
From previous communication with our firm, it is my understanding that you represent Mr. and Mrs. Bill Peterson.

This letter shall serve as a formal demand for Mr. and Mrs. Peterson to remedy the issue of water runoff onto the property of my client, Scott Ostermann, from the south side of your clients' building located at Texas Street and Cedar Street in Abilene. The Peterson Farms building has a downspout located on the south side that directs all water runoff from the roof of the building onto Mr. Ostermann's property. This runoff has caused extensive damage to concrete and other groundwork. Additionally, my client is worried about adverse effects of the runoff to his sewer line, which runs under the Peterson property. Although there are other downspouts located on the roof, because the south downspout is about three inches lower than any of the other downspouts on the roof, all of the water is funneled in this direction. We ask that this downspout be plugged so that the other downspouts can be utilized in removing water from the Peterson Farms building without causing damage to my client's property.

Prior attempts to resolve this issue through discussions between my client and the Petersons have failed. Thus, we are left with this final demand. We ask that this situation be remedied within seven (7) days or I will advise my client to further pursue this matter.

If you have any questions, please do not hesitate to contact me. Otherwise, your assistance is appreciated.

Very truly yours,



Lauren M. Bristow

LMB/kmw
cc: Scott Ostermann