

Defendant's Answer, Counterclaim and Third Party Complaint - Paragraph 26

By mid-August, Defendant had fixed the drainage ditch (or so he thought) and had installed an additional 5 pallets of bermuda sod. Around that same time, Defendant received a telephone call from Mr. Marchat and the conversation was about Defendant's driveway. Defendant told him that Defendant wanted the driveway done more than Plaintiff did and that he and his sons were tired of dragging their trash can through the gravel to the street. The end result of Defendant's conversation with Mr. Marchat was that he wanted Defendant to give him a date when the driveway would be completed and Defendant told him he would do it as soon as he could but that he could not commit to a particular date.