

Defendant's Answer, Counterclaim and Third Party Complaint - Paragraph 32

Defendant has reviewed his records and now knows that this conversation took place on September 14, 2005:

Shortly thereafter, Defendant spoke to a friend in the neighborhood who indicated things might soon get out of hand, and after that discussion, Defendant called Plaintiff's new President, Bob Clark, to explain where things were with respect to finishing the driveway. In that conversation, Mr. Clark told Defendant that it would have been nice if Defendant had explained these things in writing to the Board earlier—to which Defendant replied he had done so verbally—and that everything should be fine if Defendant got someone out to the Lot in the next few days putting up form boards for the driveway. Defendant indicated that he knew Plaintiff was attempting to fine him and that he had told these same things to Messrs. Lawson and Marchat and indicated that while he expected Mr. Hill to be out soon, he could not control when he got here. The conversation ended with Mr. Clark telling Defendant he would be hearing from the Plaintiff's attorney, Mr. Pontrelli.