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FOR SETTLEMENT PURPOSES ONLY - ARIZ. R.EVID. 408

August 15, 2001

Robert L. Collum
COLLUM ROOFING CO.
P.O. Box 27327
Tempe, Arizona 85285

Re: Alpert Residence

Dear Mr. Collum:

My clients and their roofing consultant have now had an opportunity to thoroughly analyze the contentions contained in your letter dated June 18, 2001. This letter addresses each of your contentions in order.

1. Underlayment to have four inch lap at seams. You refer to the UBC Table No. 32-D-2 requirements. To the best of our information and belief, the tile installed on the residence was manufactured by San Francisco Tile Company in Hermasillo, Sonora, Mexico, and is subject to ICBO Evaluation Report ES-4937. The specifications listed in the ICBO report exceed that of the UBC, and take precedence. The ICBO report calls for a four inch side lap on the underlayment. Collum failed to meet this requirement.

2. Tile to have minimum three inch head lap (17 inch maximum exposure). You admit that "various courses" of the roof have only a two inch head lap, which does not meet tile industry standards and cannot be corrected. We do not agree with your contention that the three inch head lap was maintained over 95% of the roof.

3. All tile are to be nailed. Our consultant checked as many as 15 areas of the roof and found no pans or tops nailed. He did find pans loose laid and tops mortared into place. You apparently admit that only perimeter pans were fastened. Both UBC Table No. 32-D-2 and the ICBO Evaluation Report require one fastener per tile.

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4. Penetration to have secondary flashing on top of tile. You have agreed that no secondary flashing is present.

5. Chimney to have flashing over tile and counter-flashing. The flashing is not installed per requirements, as the base of the flashing is missing completely. See photograph #13.

Additional conditions:

E. Attic vents (dormer vents) lack proper primary flashing at opening. Attic vent flanges are on top of tile and should be under tile. An L-metal flashing should be installed as a primary seal, and then the vent installed on top of the tile. Please see the enclosed detail drawing.

F. Broken or missing tile is present. You attribute broken tiles to "others recent foot traffic". Most of the foot traffic on the roof was Collum's. Although you claim that the only known leak location that has been brought to Collum's attention was in the vicinity of the dead valley south of the entry of the home, in fact, your company was at the home twice to fix leaks over the guest bath as well as the leaks that caused water to enter the kitchen in eight different places. It is surprising, to say the least, that your own service records do not reflect this.

G. Lack of mortar closures (mudballs) at chimney area will allow excessive moisture migration. The proper mud/weather closure is not present at all required locations, as is demonstrated by photograph #12.

H. Dead valleys restrict drainage potentially causing or allowing moisture entry. Although you take issue with the language of the original report, the statement is clear. Apparently, you concede that the dead valley areas are a problem, since you have proposed to make various repairs to those areas.

As you know, the Alperets have no interest in having Collum Roofing do any further work on the roof, given the many problems already encountered with your company's work. Accordingly, the Alperets cannot accept the repair proposal that you suggest. Your offer to provide \$1,600.00 in lieu of the repairs is woefully inadequate.

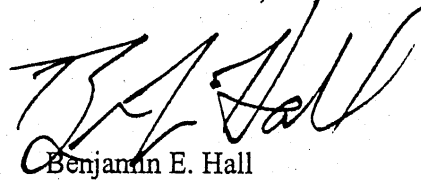
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Our consultant has concluded that the roof is not repairable and must be replaced. If Collum Roofing is unwilling to voluntarily pay the cost of such repair, then the Alpert's stand ready to seek damages in court.

Very Truly Yours,

ANDERSON, BRODY, LEVINSON,
WEISER & HORWITZ, P.A.



Benjamin E. Hall

BEH/rkk
cc: Donald and Nancy Alpert
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