

From: BMG <[REDACTED]>

To: Richard Kahn <[REDACTED]>

Cc: J Epstein <jeevacation@gmail.com>, Richard Barnett <[REDACTED]>

Subject: Fwd: JB Henderson

Date: Wed, 26 Jun 2013 20:09:55 +0000

Attachments: AR_Aging,_6-26-13,_7-17_AM.pdf

Rich

It seems JBH have not received payment

Brice Gordon
49 Zorro Ranch Rd
Stanley, NM 87056

Ph: [REDACTED]

Begin forwarded message:

From: Dorian Atwater <[REDACTED]>

Date: June 26, 2013, 1:55:18 PM MDT

To: "Brice Gordon ([REDACTED])" <[REDACTED]>

Subject: FW: JB Henderson

Good afternoon Brice,

I'm sorry to inform you that Henderson Const. is not able to continue to support your effort regarding the Cooling Tower work. Per this e-mail below from Richard, we have as of today 6/26/13, not receive any monies as Richard refers to.

Ironically this morning I was reviewing my A/R, which I've attached a copy of Henderson's A/R log dated this morning, at 7:17 AM, MST. When I reviewed my A/R and seen that we had not received this draft, I had also left a V/M for Richard as noted at 7:15 AM, MST, this morning.

I apologize for the inconvenience that this may cause you, but I've been instructed buy Henderson owners, that we cannot continue to support Zorro until we are made whole regarding our A/R. As another stipulation going forward, once we are made whole, we need to have a plan in place with some type of guarantee of payments, at a minimum of 30 days or less from invoice date.

I hope you understand and look forward to any questions that you might have regarding this matter.

Sincerely,

Dorian

From: Richard Kahn [mailto:[REDACTED]]

Sent: Friday, June 21, 2013 3:33 PM

To: Dorian Atwater
Subject: Re: JB Henderson

please check with your bank as i sent 8,827.25 on 6/13/2013 after we spoke
my commitment was that you would be paid within 30 days not 1 week - we should discuss
ok to proceed with cooling tower work

i keep trying to call you at [REDACTED] and keep getting busy signal
can you please provide me with all your contact information
thank you and have a nice weekend

ps- i am free to talk anytime to resolve any other outstanding issues monday from 9am - 6pm est

Richard Kahn
HBRK Associates Inc.
575 Lexington Avenue, 4th Floor,
New York, New York 10022
tel [REDACTED]
fax [REDACTED]
cell [REDACTED]

On Jun 21, 2013, at 8:52 AM, Dorian Atwater wrote:

Good morning Richard,

I wanted to follow up, as it has been several days now since I sent the e-mail below, regarding credit to Zorro and new balance remaining for overdue payment.

Because I've not heard back from you, I'm somewhat unclear what the status is of your review and approval/disapproval of information that we have sent you and status if not approved, what issues are still unclear or if OK, status of payment?

As we discussed last week, I believe that your commitment going forward was to pay within a week for any outstanding invoices, if there wasn't an issue. Based on the below information regarding credit owed to Zorro, my expectation was that because I've not heard back from you, that payment would be forthcoming timely.

If you could help me with status of Henderson's proposed credit and final payment, so we can put this to bed and move forward.

Also Brice has contacted Henderson regarding and scheduling cooling tower work at Zorro, but as we agreed, and listed below as one of our conditions to continue to perform work for Zorro, Henderson would need your approval prior to moving forward with any new work. At this point I'm having our team pull off moving forward on this project until we hear back from you. I've copied Brice on this e-mail, so I'm considering this is Henderson's formal notice that work on cooling tower project is at a stop.

Thank you for your immediate response regarding both payment and approval to work on cooling project...

Dorian

From: Dorian Atwater
Sent: Monday, June 17, 2013 3:16 PM
To: 'Richard Kahn'; Aaron J. Armijo

Cc: 'bellaklein Klein'; 'Darren Indyke'; Aaron J. Armijo; Susan Sawyer; Jim Eichhorst; 'Brice Gordon'; John Stroud; 'Zorro Ranch'; Jeanette Sanmann

Subject: RE: JB Henderson

Good afternoon Richard,

I think we are down to the bottom of all the outstanding issues, per the attached Invoice and history.

It seems that there is a little less credit from Invoice # 24102, as it seems that these invoices were for material purchased, (please see Inv. 24102, Inv. Detail, (2 ea. items for a total of \$152.76), and the 2 receipts from Home Depot , totaling \$152.76), and not for gas. We are also furnishing a new JB Henderson Construction , Invoice & Payment History for your review also.

If you agree with this information, the total now due is \$9,015.08, which should close out this final A/R. With this said, we should be able to move forward with what I have proposed as the new processes below, and implementation of new and better communication between Zorro and JB Henderson Const .

Thank you Richard again for all your help and time in this matter, along with looking forward to a renewed relationship between both parties.

Please get with me if you have any questions, otherwise we look forward to seeing this payment timely.

Have a great evening.

Dorian

From: Dorian Atwater

Sent: Thursday, June 13, 2013 10:25 AM

To: 'Richard Kahn'; Aaron J. Armijo

Cc: bellaklein Klein; Darren Indyke; Aaron J. Armijo; Susan Sawyer; Jim Eichhorst; 'Brice Gordon'; John Stroud; Zorro Ranch; Jeanette Sanmann

Subject: RE: JB Henderson

Good afternoon Richard,

First I want to thank you for your time and setting up and discussing areas of improvement needed by JBH for better communication lacking in the past with yourself and Zorro.

I'm going to try and capture what we took down as bullets to help moving forward to improve communication and processes. I am responsible 100% for all issues to date, and implementing immediately remedies to make corrections. I would look forward for you to get with me in the future, for whatever the reason, if we continue to fail in any of the areas listed from our conversation and this e-mail with proposed processes.

1. I want to apologize for the error, on my part, in charging Zorro for gas expenses along with mark-up and sales tax. This item was not in our contract. I'm having our A/R person reviewing your summary of credits to confirm, per our internal process, for issuance of a credit. Once confirmed, we'll issue credit based on your recap sheet or credits we might question. Again my apologizes for this error!
2. Regarding your inquiry for Cottage Sink charge of \$643.67, as we discussed we have usually an average of 2 hours travel, so this subtracted from this \$643.67 is the real cost for this work performed. For this remaining cost, for the work performed, our tradesperson was requested by Brice to perform a task, which took less than a day to accomplish, so while already on site, we were requested to change out a disposal and I believe a faucet on the sink in cottager Sink, as we were already on site, and as we discussed yesterday, we need to be very cost effective when we travel 2 hours to perform work and not having to make several trips

with a 2 hour charge for each trip to perform work. So we performed this addition work while was more that the original task.

3. Along the same lines regarding item #2, Henderson Const. will be more detailed when invoicing, regarding the SOW performed, so there shouldn't be any question as to what work was performed for the amount charged. Per your request we will also be including a copy of all invoices to Bella Klien to help in the turn around process for payment.
4. Going forward, as discussed and agreed to by yourself and myself, prior to beginning any work in the future, the following sequence will be maintained on any project from cradle to grave so to speak;
 - a. Mr. Gordon will request a site visit to discuss new SOW, which Henderson will go to site review SOW with Mr. Gordon.
 - b. An estimate will be sent to Mr. Gordon, along with yourself, to cover either a Lump Sum or a T&M cost NTE estimate for SOW as requested by Mr. Gordon. for review/ approval, negotiation, but work is not to be performed without your approval only.
 - c. Prior to starting any work, as discussed, Mr. Gordon gets a copy of estimate, so he can review and approve if this is the case, then forward his approval to you for your review and approval or denial. At no time will JBH proceed with any work, without yours and yours only approval. In this estimate will be a cost to make a site visit to review with Mr. Gordon SOW that an estimate is requested for. If the work is not approved, then a separate invoice will be sent to you for the time to travel and meet with Mr. Gordon to review SOW for estimate.
5. We did not work out process for emergency work to be performed if time is a priority, so if you could forward your process so we have as a part of our process, approval and start of work, either immediately per Brice, or per approval process and by who, with back up of estimate? We did talk about this topic , this morning, but I'm not sure I came away with a good understanding of what the process is in case of an emergency, if you could clarify?
6. Material mark ups will be 15% for all material, subcontractors, consumables, etc.
7. Per our phone conversation this morning, along with Aaron's e-mail, we are approved to move forward with Brice's request to respond this morning, regarding pump issue. Along with your approval of this emergency work this morning, this work will also include a sub performing work, we have your approval to start work on the Cooling Tower replacement, in about a week or so, which you have our quoted price which is a T&M not to exceed.
8. Also per this morning's conversation, we will be forwarding an invoice for work preformed as requested by Brice, for June 12th, to furnish a camera to do research on the inside of existing duct, to include rental of camera.

I'm not sure that I have covered all points discussed, but if not please get with me and I'll modify as needed. If I have miss stated any points mentioned, please also get with me with your comments so I can better explain, modify, or you better understand and do not take issue with.

Thank you again for our very fruitful conversations and your time in these matters, moving forward with a very much improved relationship/communication!

Have a great day and look forward to your response/s.

Dorian

From: Richard Kahn [REDACTED]
Sent: Wednesday, June 12, 2013 12:23 PM
To: Dorian Atwater; Aaron J. Armijo
Cc: bellaklein Klein
Subject: JB Henderson

Attached is summary deducting gasoline expense and markup as we discussed
Please review and upon your approval I will wire funds immediately (today or tomorrow)

In addition i have attached Bella Klein on email who handles all of our accounts payable

Her telephone is [REDACTED] Please send all invoices to an email we share: [REDACTED]

I am glad that we worked thru our issues yesterday and looking forward to moving forward with our new understanding.

Thank you again for your time.

Richard Kahn
HBRK Associates Inc.
575 Lexington Avenue, 4th Floor,
New York, New York 10022

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: June 12, 2013 11:38:19 AM EDT
To: [REDACTED]
Subject: Message from KMBT_C253
Reply-To: [REDACTED]

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