

# SHERROD, STANLEY & LINCOLN

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June 18, 1992

Walter Lee Davis, Jr.  
Attorney at Law  
121 East Unaka Avenue  
Johnson City, TN 37601

Dear Lee:

I have redone the Agreement and Waiver previously prepared by you to a form which my clients would be willing to accept and sign. I would appreciate it if you would review this and let me know your client's intentions as soon as possible. Someone needs to get started on this work immediately. We would prefer that Mr. Tittle's company be that entity but cannot wait much longer for commencement of these much needed repairs.

My out of town trip which I told you was scheduled for today necessitating my leaving at 10:30 a.m. has been canceled and therefore I will be in the office all day.

Sincerely,



Jean A. Stanley

JAS:jm

Enclosure

WAIVER OF ALL CLAIMS

STATE OF TENNESSEE  
COUNTY OF WASHINGTON

THIS WAIVER OF ALL CLAIMS, made by and between THE HOMEOWNER'S ASSOCIATION OF LIMITED EDITION CONDOMINIUM, hereafter referred to as the "HOA", ALBERTA CLYCE, ALFRED L. and GENENE DIGREGORIO, TITTLE AND TITTLE, a Tennessee General Partnership, and TITTLE CONSTRUCTION CO., INC., a Tennessee Corporation,

W I T N E S S E T H:

WHEREAS, Tittle & Tittle was and is the developer of a certain condominium project located in Johnson City, Washington County, Tennessee, and Tittle Construction Co., Inc. was the general contractor who constructed certain single family residences within said condominium project, and

WHEREAS, Abigail Cameron and the DiGregorios were purchasers of individual condominium units within said project, and Alberta Clyce subsequently purchased Abigail Cameron's unit, and Clyce and the DiGregorios are now the current owners of their respective condominium units, and

WHEREAS, there has developed a "sinkhole" adjacent to the condominium units of Clyce and the DiGregorios, which sinkhole was in no way apparent at the time Tittle Construction Co., Inc. constructed the condominium units owned by Clyce and the DiGregorios in the condominium project, and there has been no fraudulent concealment of such sinkhole, as the same did not exist at the time of construction, and

WHEREAS, all of the construction work was approved by the official building inspectors employed by the City of Johnson City, and

WHEREAS, Tittle Construction Co., Inc. has agreed that it will attempt in good faith certain repairs without charge to the Clyce and the DiGregorios units; however, Tittle Construction Co., Inc. will make no warranties with regard to the repairs or the permanency thereof, and

PREPARED BY:  
ROD. STANLEY,  
LINCOLN  
LAW

WHEREAS, Tittle Construction Co., Inc. and Tittle & Tittle want to be assured by the other parties to this agreement that the undertaking to make these repairs will not evidence any assumption of liability should further problems occur, then

THEREFORE, for, and in consideration of, Tittle Construction Co., Inc. ~~attempting~~ <sup>making</sup> such repairs ~~and making~~ such preventive measures as are ~~necessary and as~~ outlined in the June 16, 1992, memorandum to Alberta Clyce from M. Frank Castleberry to correct the problems caused by the sinkhole that affects the Clyce and the DiGregorios condominium units in Limited Edition Condominiums, the HOA, Clyce, and the DiGregorios hereby waive any claims, past, present or future, that they may have, or think they have, against Tittle & Tittle and Tittle Construction Co., Inc. in connection with the sinkhole as hereinabove described affecting Units 16 and 18 and agree that the undertakings by Tittle Construction Co., Inc. will in no way evidence any assumption of liability, past, present or future, in connection therewith and that no suit shall be brought against Tittle & Tittle or Tittle Construction Co., Inc. in connection herewith.

IN WITNESS WHEREOF, the parties have executed this agreement the \_\_\_\_\_ day of June, 1992.

TITTLE & TITTLE

By: \_\_\_\_\_  
Walter E. Tittle, Partner

TITTLE CONSTRUCTION CO., INC.

By: \_\_\_\_\_  
Walter E. Tittle, President

\_\_\_\_\_  
Alberta Clyce

\_\_\_\_\_  
Alfred L. DiGregorio

\_\_\_\_\_  
Genenei DiGregorio

HOMEOWNER'S ASSOCIATION OF  
LIMITED EDITION CONDOMINIUM

By: \_\_\_\_\_  
President