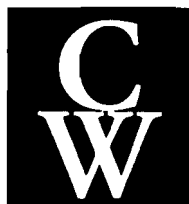


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October 10, 2007

VIA FAX

Paul Thomas, Esquire  
Thomas & Associates, P.C.  
4176 South Plaza Trail - Suite 128  
Virginia Beach, Virginia 23452

RE: Hiddenbrooke Condominium Unit Owners Association  
Request for Copy of Engineering Report – Raymond Womack

Dear Mr. Thomas:

As you know, this firm represents the Hiddenbrooke Condominium Unit Owners Association (“Association”). This letter is to follow up on the e-mail I sent on September 28, 2007 and to respond to your correspondence of September 19, 2007 and October 1, 2007 regarding your client’s request for a copy of the Transition Study prepared by Becht Engineering (“Transition Study”), identifying potential common element structural defects at the condominium. Please be advised that in accordance with Section 55-79.74:1 of the Virginia Condominium Act (*Virginia Code, §55-79.39, et seq.*)(the “Act”), the requested copy of the Transition Study may be withheld from examination or copying as it was prepared in anticipation of probable litigation related to common element warranty claims, and to negotiate a contractual resolution of those claims. Despite your conclusory assertion to the contrary, which you proffered without even reviewing our articulated basis for the privilege, either of these categories is a “legitimate reason” under the Act to withhold the Study.

Acknowledging that there are circumstances under which the unfettered release of certain books and records could be detrimental to the Association and its operations, the Virginia General Assembly created certain exceptions to a condominium association’s obligation under the Condominium Act to make available for examination and/or copying all of the Association’s books and records. It is our position that the Transition Study clearly falls within at least two of these exceptions, as the Transition Study was prepared specifically in anticipation of probable litigation relating to the Association’s warranty claims under Section 55-79.79.B and C of the Act, and therefore “concerns” probable litigation. Furthermore, the Transition Study is essential in the Association’s ongoing efforts to negotiate a settlement agreement between the Association and the Declarant, Brookfield Rolling Woods, LLC, regarding the Association’s common element warranty claims and therefore “concerns a contract currently in or under negotiation.”

*Paul Thomas, Esquire*

*October 10, 2007*

*Page 2*

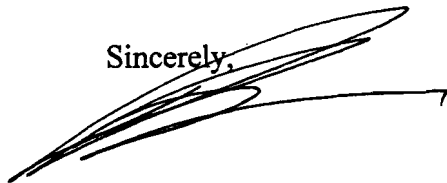
Although it remains the Association's position that the Transition Study may be withheld from examination or copying, our client acknowledges that the Study may be of use or interest to some unit owners. As such, our client has elected to make the document available for review under certain conditions. In short, the Association was already willing to allow members to inspect the Transition Study so long as they sign a Document Inspection Agreement, in which they acknowledge the sensitivity of the information and that they will not disclose the contents to anyone other than their attorney, the Board of Directors and/or manager, or the Association's counsel. This Document Inspection Agreement is not intended to keep the Association's members "in the dark", as you allege, but is intended to protect the Association during its pursuit and negotiation of statutory warranty claims.

However, in light of your representations regarding the potential usefulness of the Study to your client as to his own unit, we are further willing to modify the Document Inspection Agreement to permit your client to receive a copy of the Study and disclose its contents to experts/engineers your client may consult with regarding his unit. However, your client should bear in mind that this Study was commissioned to identify structural defects in the condominium's common elements, not the units, and, as such, is not provided with any guarantees as to unit issues.

On a final note, we must respond to your suggestion that the failure of the Association to provide the report to new purchasers exposes the Association to "serious liability" and that "future violations by the Board will be considered as willful or intentional acts." We reject these suggestions as plainly preposterous and unnecessarily inflammatory. First, a cursory review of the resale disclosure provisions of the Condominium Act would reveal that there is no duty whatsoever to disclose a transition study. Second, as previously noted, there is clear authority in the Act for the Board to withhold the document in question, which would insulate the Board from frivolous claims similar to the one you assert.

Please advise whether your client is willing to sign a Document Inspection Agreement consistent with the modifications proffered herein. Once signed, the Association will promptly provide a copy of the Transition Study to your client, provided that he pays the requisite copying costs. Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan P. Bunn", written over the word "Sincerely,".

Brendan P. Bunn

cc: Board of Directors

# THOMAS & ASSOCIATES, P.C.

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October 15, 2007

Ray Womack  
7860 Rolling Woods Court  
Unit 407  
Springfield, VA 22152


**Re:** Correspondence On Records Request

Dear Ray:

Enclosed please find a copy of our most recent correspondence from the Association regarding your records request. Please call me so that we may discuss their offer.

Very Truly Yours,

THOMAS & ASSOCIATES, P.C.

By:   
Paul E. Thomas, Esq.

Enclosure

cc: File