



Dallas County Criminal Background Search Service

NAME ENTERED LENGYEL SPENCER NAME TYPE DF

LN		ARC	RS	DOB	CASE/BOND	CT	CHARGE	DISP
01	LENGYEL SPENCER N	A	UU	000000	MC8305537	MM	SPD	PROC
02	LENGYEL SPENCER NICHOLAS	A	WM	042040	MB9001827	MJ	RECK CONDUCT	TBCI
03	LENGYEL SPENCER NICHOLAS	A	WM	042040	MB8903613	MJ	THEFT 20 SERV	DISM
04	LENGYEL SPENCER NICHOLAS	A	WM	042040	F-8996451	FV	THEFT 20 SERV/	MISC
05	LENGYEL SPENCER NICHOLAS	A	WM	042040	MA9001712	MJ	UCW	DISM

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Columbus A. Alexander, III
[REDACTED]
Dallas, Texas 75287
Crimehotline@dpfps.org
214-514-2272

May 22, 2008

Mr. Craig Lengyel
SNL Associates, Inc.
2964 LBJ Freeway, Suite 324
Dallas, Texas 75234

SENT VIA E-MAIL

Dear Mr. Lengyel:

**RE: The Gables at Bent Tree Homeowners' Association, Inc.
Special Meeting – Removal of the Board for Cause
Tuesday, June 10, 2008, 7:00PM**

I am submitting to you, in your capacity as Property Manager for the Gables at Bent Tree Homeowners' Association, Inc. (the "Corporation"), this written request for a Special Meeting of the Members for the purpose of removing the Corporation's Board of Directors for cause. Please be advised that this request is being submitted pursuant to the declarations set forth in the Corporation's Covenants and Bylaws.

I am requesting that this Special Meeting of the Members be held on Tuesday, June 10, 2008, beginning at 7:00PM, at [REDACTED], Dallas, Texas. In addition, I am requesting that you preside over the proceedings to avoid any appearance of impropriety, and that the agenda include a voice roll call, the declaration of proxies held by member (if any), and a discussion sufficient to address issues and concerns that vary by individual Board Member, but collectively include proxy abuse, false statements, abuse of authority, breach of fiduciary responsibility, and statutory breach of contract.

Please ensure that proper notice is mailed on or before Thursday, May 29, 2008, and that a copy of this letter is included with each member notice together with all other materials as mutually agreed. Thank you in advance for your anticipated cooperation.

Sincerely,

Columbus A. Alexander, III
Member

c: MOA

5400 Renaissance Tower 214.745.5400 OFFICE
1201 Elm Street 214.745.5390 FAX
Dallas, Texas 75270 winstead.com

direct dial: (214) 745-5462
tboston@winstead.com

July 9, 2008

Certified Mail, RRR

Mr. Craig Lengyel
SNL Associates, Inc.
2964 LBJ Freeway #324
Dallas, Texas 75234

Mr. Bert Steele, Director
4147 Shadow Gables
Dallas, Texas 75287

Ms. Joyce Pitkin, President
18091 Whispering Gables Lane
Dallas, Texas 75287

Ms. Charlotte Robinson, Secretary
4107 Shadow Gables
Dallas, Texas 75287

Ms. Hiwatha Tower, Vice President
18135 Whispering Gables
Dallas, Texas 75287

Mr. Jeff Benton, Treasurer
18016 Whispering Gables
Dallas, Texas 75287

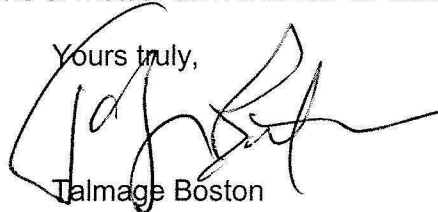
Re: The Gables at Bent Tree Homeowners' Association

Officers, Directors, and Property Manager of the
Gables at Bent Tree Homeowners' Association:

This law firm represents Mr. Columbus A. "Sandy" Alexander, III who is a Member of your Association. My client has advised me that there are numerous instances (as specifically set forth in the attachment) in which you have failed to abide by the Corporation's Bylaws and Covenants, which need to be addressed immediately. In light of the many demands set forth in the attachment, it would appear prudent for a meeting to take place in the immediate future with each of you in attendance along with Mr. Alexander and myself. Obviously, you should feel free to bring legal counsel to such meeting so that we can work through these issues and determine if a mutually agreeable resolution of them is possible before any further steps are taken.

I look forward to hearing from you no later than seven (7) days after your receipt of this letter so that we can quickly select a date and time of mutual convenience for such a meeting.

Yours truly,



Talmage Boston

TB:cil

cc: Sandy Alexander

- I. Section 4.1 of the Bylaws provides for there being an annual meeting of the Members of the Association for the purpose of electing a Board of Directors. It appears that such meetings have not been held in accordance with the Bylaws, and obviously need to take place immediately.
- II. As you know, Section 5.01 of the Covenants addresses the subject of homeowner dues and assessments. My client has reason to believe that the assessments you have made have substantially exceeded the actual expenses incurred, and therefore he (along with all other homeowners in the Association) is entitled to a refund of such excess.
- III. In particular, Sections 6.8, 6.9, and 7.7 of the Association's Bylaws pertain to the necessity of your maintaining and making available for inspection accurate books and records. In the recent past, my client has attempted to inspect such books and records, and determined that accurate accounting for the Association has not been maintained in the following particulars:
 1. You have failed to provide an accurate accounting of the Association's revenues and expenses for calendar years 2004-2006.
 2. You have failed to provide an accurate accounting of the Association's funds used to improve former Board President Anne Clark's property that included the planting of exotic shrubs, flower beds, retaining walls, landscaping, and new sprinkler systems.
 3. You have failed to provide an accurate accounting of the Association's funds held on account and/or lost by the former property manager (who preceded Mr. Lengyel) prior to his abrupt resignation in 2006.
 4. You have failed to provide an accurate accounting of all the Association's expenses incurred, claims filed, and insurance proceeds received (if any) resulting from the wind and weather damage to the fences and common areas during the storm of April 10, 2008.
 5. You have failed to provide access (for the purpose of inspection) to the Association's books and records, including but not limited to all bank statements, cancelled checks, cash receipts, cash disbursements journal (check register), and all financial statements for calendar years 2004-2006.
 6. You have failed to provide access (for the purpose of inspection) to the Association's minutes for all meetings of the Board of Directors for calendar years 2004-2008.
 7. You have failed to file the Association's federal income tax returns (as required by law) for calendar years 2005-2007.
- IV. Section 7.01 of the Association's Covenants provides for the intended performance of the Architectural Committee. It appears that such Covenant has been breached in the following specific areas:

5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

August 27, 2008

direct dial: 214.745.5462
tboston@winstead.com

Mr. Robert Blend
The Blend Law Firm
14131 Midway Road, Suite 1240
Addison, TX 75001

Re: The Gables at Bent Tree Homeowners' Association

Dear Mr. Blend:

I have now reviewed your letter of August 25, 2008, which certainly failed to fulfill my expectations of providing a satisfactory response to the issues raised by letter of July 9, 2008.

Specifically, as you will recall, we requested the Corporation's books and records pertaining to the time period prior to April 1, 2006, which would include all of the bank statements, financial statements, cancelled checks, cash disbursement journals, and corporate minutes. These records have not yet been produced, and Mr. Alexander has been told by your client that such records are missing and are believed to have been stolen and/or destroyed by the prior property manager. This was previously discussed with you and your client at our meeting of August 4, 2008, and the following questions remain unanswered:

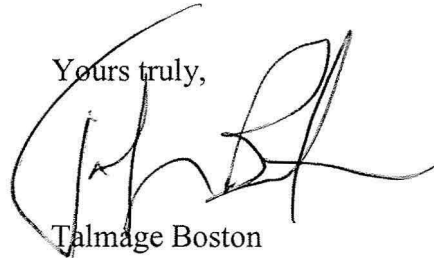
1. Why did this Board and its property manager not contact the police to report the theft and/or destruction of the Corporation's books and records?
2. Why did this Board and its property manager not retain legal counsel in order to vigorously pursue the recovery of the Corporation's books and records, as well as a complete and accurate accounting of all funds held on account by its former property manager?

Your 8/25/08 letter fails to answer these questions. Also, contrary to your 8/25/08 letter, improvements to former Board President Anne Clark's property were undisputedly made using Association funds. The seemingly inappropriate use of Association monies to improve a Board member's property was discussed extensively at the 2005 Annual Meeting, documented in the corporate minutes now believed lost or stolen, and heard by all that attended, so please don't deny what has been publicly acknowledged by your client.

In addition, during our meeting of August 4, 2008, you and your client agreed to provide a written response to each of the issues and concerns set forth in my letter of July 9, 2008, which obviously includes items number 8 through 17 that to-date remain unanswered. I attach a copy of my 7/9/08 letter for your convenience and ask that you answer items 8-17.

I look forward to hearing from you no later than seven (7) days after your receipt of this letter so that we can hopefully resolve this matter before the Board elections that I understand are now planned for September 18, 2008.

Yours truly,

A handwritten signature in black ink, appearing to read 'Talmage Boston', written over the typed name.

Talmage Boston

TB/cll

Enclosure

Cc: Sandy Alexander

5400 Renaissance Tower 214.745.5400 OFFICE
1201 Elm Street 214.745.5390 FAX
Dallas, Texas 75270 winstead.com

October 9, 2008

direct dial: 214.745.5462
tboston@winstead.com

Mr. Robert Blend
The Blend Law Firm
14131 Midway Road, Suite 1240
Addison, TX 75001

Re: The Gables at Bent Tree Homeowners' Association

Dear Mr. Blend:

Thank you for including as an attachment to your 10/6/08 email evidence of the large cash withdrawal made by the former Board president only days before his resignation. As you know, my client is concerned by the apparent theft and/or destruction of the Corporation's books and records (given the acknowledged disappearance of such records), and the highly suspect documents provided by you on Monday, as well as the continued refusal by this Board and its property manager to simply report the crime, only confirm his concerns.

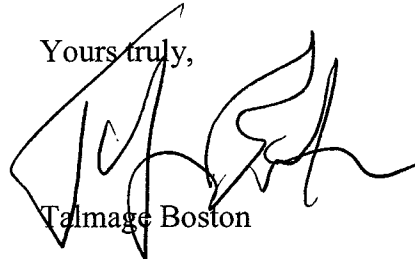
Regarding your amusing "demand" with respect to the basis for Mr. Alexander's desire to investigate Ms. Clark and Mr. Rapp, evidence of the improvements to former Board President Anne Clark's property using Association funds was discussed extensively at the 2005 Annual Meeting, documented in the corporate minutes now believed lost or stolen, and heard by all that attended, so please don't deny what has been publicly acknowledged by your client.

Further, your 10/06/08 email seems to suggest you are providing a meaningful and complete response to our questions, but in fact you are not. Our requests are few, and pale in comparison to your now "endless" stream of non-responsive answers. Once again, we request answers to the following questions:

1. Why did this Board and its property manager not contact the police to report the theft and/or destruction of the Corporation's books and records?
2. Why did this Board and its property manager not retain legal counsel in order to vigorously pursue the recovery of the Corporation's books and records, as well as a complete and accurate accounting of all funds held on account by its former property manager?

Finally, your 10/06/08 email fails to provide a good date for Mr. Alexander's inspection. As you know, my client is a member of the Corporation, and has a right to inspect the books and records. Is it "harassment" for Mr. Alexander to exercise his clear rights as a homeowner? Continued refusal by this Board and its property manager is actionable, and will most certainly advance to litigation should you and your client fail to provide a good date for his inspection by the close of business tomorrow.

Yours truly,

A handwritten signature in black ink, appearing to read "Talmage Boston", written over the typed name.

Talmage Boston

TB/cll

Enclosure

Cc: Sandy Alexander

From: [Sandy Alexander](#)
To: [Talmage Boston \(tboston@winstead.com\)](mailto:tboston@winstead.com)
Bcc:
Subject: inspection - corporation's minutes
Date: Monday, [October 27, 2008](#) 6:10:00 AM

Dear Talmage:

The corporation's books and records for all periods prior to April 1, 2006, remain missing. However, the Attorney Blend did provide some (not all) of the corporation's minutes for my inspection of October 17, 2008. While my notes are extensive, I have included excerpts below that I thought you would find of interest.

03/10/2005 Annual Meeting – “Mr. Sandy Alexander questioned the line item for improvements at 4127 Hollow Oak Drive... The improvements included pavestones and planting 10 Buford Holly scrubs and 1 Crepe Myrtle. At the time of this meeting, the work had been completed. In the future, all improvements that affect a board member's property will be completed only after the proposed budget has been approved by the Homeowners.” Talmage, this would be the Attorney Blend's much denied “improvements” to former board member Anne Clark's property.

03/21/2006 Board Meeting – “President Clark delivered numerous Association files to the new management company... Craig Lengyel, our manager at SNL Associates, detailed the various documents, files, records, licenses, delinquency lists, tax returns, accountant's records, etc. that should be transmitted to his firm by the departing management company by March 31, 2006.”

04/18/2006 Board Meeting – “Craig Lengyel reported that he received all monies, papers, documents, etc. from the Association's former property manager.” Talmage, so it seems that the Attorney Blend's client was the last custodian of the now missing books and records. Easy to understand why answers to our questions (2&3) never arrived.

06/17/2008 Board Meeting – “The Board discussed Mr. Alexander's offer to meet with the Board, or a subset of the Board, and his compromise. Mr. Alexander stated that he would not take legal action against the Board if full elections are concluded in a July (or very near term) Special Meeting. A motion was made to meet with Mr. Alexander, but was not taken to a vote, as there was no second to the motion.” Talmage, and to think that all this could have been avoided had this Board simply agreed to meet with this member. After all, the only issue at the time was board elections.

The use of Association funds to improve a board member's property, the destruction of the corporation's books and records by the current (not former) administration, large cash withdrawals from Association savings by a board member to include \$3,500 just days before his resignation, failure to file tax returns, hold elections, refund overassessments, and aggressively engage (at the corporation's expense) in prelitigation bullshit is truly remarkable. While it has been our hope that this matter could be resolved by discussion, it is now clear that the Attorney Blend's clients are either witnesses or accomplices to crimes against the corporation, and that these truly remarkable events are no longer a civil matter. All said, it seems that the time for discussion is now over, and that a final billing is in order.

Talmage, it was good working with you again. I appreciate your tireless efforts, and dedication to theme.

Best Regards,

Sandy

Columbus A. Alexander, III, CPA
Certified Fraud Examiner
CFO PROS LLC
214.514.2272



Northern Trust Bank

SAVINGS WITHDRAWAL

NON-NEGOTIABLE
NT 4010 (1/87)

DATE November 4, 2004

\$ 3,000.00

AMOUNT Three Thousand 00/100 DOLLARS

ADDRESS
ACCOUNT NUMBER <u>2049468</u>

RESERVE SPACE BELOW FOR BANK USE ONLY

BILL R HARRIS
PLEASE PRINT NAME

Bill R Harris
SIGNATURE AS ON ACCOUNT

⑆111016064⑆

2049468⑈ 950 ⑈0000300000⑈

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Serial Number	0000000000	Routing Number	111016064
Account Number	0000000002049468	Transaction Code	000950

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HOUSTON, TX. NORTHERN TR
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XXX049468 SVGS W/D \$3,000.00
CUR BAL \$9,433.61
THANK YOU FOR BANKING WITH US!!ROSE



Northern Trust Bank

SAVINGS WITHDRAWAL

NON-NEGOTIABLE
NT 4010 (1/97)

DATE August 10, 2005

\$ 3,500.00

AMOUNT Three thousand five hundred No/100 DOLLARS

ADDRESS PO Box 7538 796755
ACCOUNT NUMBER 2049468

RESERVE SPACE BELOW FOR BANK USE ONLY

PLEASE PRINT NAME BILLY R. HARRIS

SIGNATURE AS ON ACCOUNT Billy R Harris

0007 0003 160 0905 08/10/05 10:03 :
2049468 8/05 11/0 \$3,500.00

⑆ 111016064⑆

950 ⑆0000350000⑆

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00271 119953



Gloria Soriano/MIA/NTRS
 305/789-6250
 09/26/2008 01:01 PM

To Jessica Wilson/DLS/NTRS@Northern Trust
 cc
 bcc
 Subject IOL#6473262

CLIENT DEBIT

DESCRIPTION	AMOUNT
Cashiers check #204429	
TOTAL	2,000.00

NT 507 (9-1-08)

to The Campus of Beal Inc HOA



Northern Trust Bank

APPROVED *[Signature]*

⑆111010064⑆ 2049468⑆ ⑈0000200000⑈



Northern Trust

Lily Espana | Second Vice President | Bookkeeping
 800 Brickell Ave. 8th Floor Miami, FL 33131 | phone 305-789-1593 | fax 305-789-1145 | lee1@ntrs.com
 Please visit northerntrust.com

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