



PLAINTIFF'S EXHIBIT

BIR-338

Memo To: F. Anthony

From: C. Patenaude

Subject: Bird Inc. vs Schindler Roofing Company
vs GAB Properties

Date: June 17, 1987

cliff / Patenaude

Complaint's Address: GAB Properties
Township Apartments
401 Bender
Humble, Texas

Roofing Contractor: Schindler Roofing Company
P.O. Box 28409
Dallas, Texas 75228

Complaint: Built-Up Roofing Failure
Roofer claims defective materials

Contract Date: January, 1982

Completion Date: April, 1982

Bird's Notice: Feb. 10, 1986

Performance Bond: None issued

Bird did not issue any performance bond on re-roofing the built-up roof on the Township Apartments. Schindler re-roofing specifications mentioned in his signed contract with Henry Miller, Manager of Miller Multi Management Company, do not comply with Bird's 1981 Built-Up Roofing specifications.

Bird stopped specifying 2 ply roofing systems in December of 1972. The roofing contractor has an obligation to consult with Bird to get our latest roofing specifications. Also, the flashing specification does not comply with Bird's 20 Ab specification.

Our 1981 Built-Up Roofing specification is enclosed. Also, pages 33, 34, 37 and 38 of the Manual of Roof Maintenance and Roof Repair published by NRCA/ARMA in January of 1981 are enclosed, too.

The fact that 320 air breather vents were specified indicates to us the old roofing membrane had a moisture problem. The roofing contractor's specifications did not address this problem properly.

The fact that air conditioning units will be moved by the roofer who disclaims any responsibility for any damages that may occur indicates to us mounting and penetration problems in the re-roofing membranes.

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Bird denies responsibility for the roof in question. We believe failure was due to both parties who agreed to an inadequate roofing specification.

Bird does not have any records about the history, past or present, of the roof in question. We do not know if Bird roofing felts as alleged were indeed used.

C. J. Patenaude

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cc: J. Hardy
R. Maloof

encl.

Clifford J. Patenaude