



PLAINTIFF'S EXHIBIT

BIR-357

June 9, 1987

Mr. Lewis C. Metzner
Counselor at Law
49 North Potomac St.
Hagerstown, MD 21740

Re: Mr. Sidney S. Metzner - Complaint

Dear Mr. Metzner:

This is to acknowledge the receipt of your letter dated May 8, 1987 written in behalf of your client.

We understand that the Deck House your client purchased on April 8, 1983 used our Mark 80 shingles to cover his roof. Bird's first notice was December 19, 1986.

This shingle, we understand, was applied directly to insulation or to a nailable insulated deck, we are not sure of the roof decking materials. In any event, we believe there is no free-flow ventilation between the deck and the insulation. Our Mark 80 shingle requires free-flow ventilation between the deck and the insulation for Bird to warranty this product. A Mark 80 shingle wrapper is enclosed for your review.

We understand you are unhappy with the appearance of your roof. The shingle sample mailed to us on December 19, 1986 was alleged to be from your roof. The shingle sample showed a shedding condition that was well sealed at one time. We believe the lack of ventilation could have attributed to the shedding condition and to the blow-off condition.

In an effort to resolve your client's claim amicably, Bird offers to settle it according to the terms and conditions of our shingle warranty. Our previous settlement offer of February 26, 1987 was \$2,088.45.

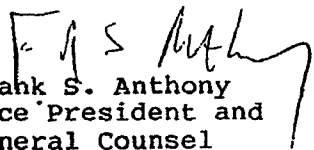
Without admitting any liability, Bird agrees to pay this amount. A copy of our shingle warranty is enclosed for your review.

Mr. Lewis C. Metzner
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The \$6,000 estimate to replace your client's roof amounts to \$183.21 per square which is outrageous. Please note our shingle warranty does not pay for the tear off or removal of any shingles or related roofing materials including, but not limited to, metal work or flashing. Any cost in excess of Bird's calculated contribution shall be the owner's responsibility.

Thank you.

Sincerely,


Frank S. Anthony
Vice President and
General Counsel

FSA/srm
Encl.

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bcc: C. Patenaude