PLAINTIFF'S EXHIBIT

BIR-367

Bird
Roofing Division

FAX: 617/762-6586

TELECOPIER COVER SHEET

DATE: October 20, 1989

TO: Don Noworyta

GS Roofing Products Company Inc

Irving TX

FROM: Clifford J Patenaude

Bird Incorporated

Norwood MA

TOTAL NUMBER OF PAGES: 4
(including cover sheet)

MESSAGE: See attached message sent to John S Yard regarding Martin Conway of Rydal Pennsylvania.

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL [illegible]

bcc: Mr Anthony
Mr Hardy
Mr Maloof

Bird
Roofing Division

FAX: 617/762-6586

TELECOPIER COVER SHEET

DATE: October 20. 1989

TO: John S Yard Esquire

Eastburn and Gray Law Offices

Doylestown PA 18901

FROM: Clifford J Patenaude

Bird Incorporated

Norwood MA

TOTAL NUMBER OF PAGES: 3
(including cover sheet)

MESSAGE:

File #15-180-88-72HO
File SM-1-107484
MARTIN CONWAY
1453 PEPPER ROAD
RYDAL PA 19046

Dear Mr. Yard:

This confirms my telephone conversation with you on October 18, 1989. Bird, on a goodwill basis, extends its offer of $1833.00 until the cut-off date of October 25, 1989. After which time, it will be officially revoked.

Thank you.

Bird
Roofing Division

October 5, 1989

Mr John S Yard
Eastburn and Gray Law Offices
60 East Court Street
Doylestown PA 18901

RE: FILE #15-180-88-72HO ; SM-1-107484
MARTIN CONWAY
1453 PEPPER ROAD
RYDAL PA 19046

Dear Mr. Yard:

Thank you for your letter of September 8, 1989 written in behalf of your client, Mr Bill Stahl.

The shingle samples submitted to us have been analyzed by our laboratory. Our analysis indicates that all raw materials in their respective proportions, as called for in our specifications, are present in the finished product. The submitted samples met our product weight, back coating weight and tensile strength requirements.

Mr. Conway's Architect 80 shingle was manufactured at our former roofing plant located in Charleston, South Carolina. Bird sold this roofing facility to G S Roofing Products Company, Inc. in February of 1985. Mr. Conway's shingles were installed in October of 1982. Thirty-nine squares of roof area were installed by Kitson Brothers. The first notice of complaint was January 26, 1987.

Bird is forwarding Mr. Conway's complaint package with submitted samples to GS Roofing Products Company, Inc. located in Charleston, South Carolina. They are responsible for resolving this claim.

In the meanwhile, Bird has offered in its letter of July 11, 1989, $1,833.00. Bird, on a goodwill basis and without admitting any liability, agrees to offer Mr. Conway $1,833.00. The offer is in affect until October 19, 1989 after which time, it will be officially revoked. Please advise us of your decision in this matter.

Thank you for your patiences.

Sincerely,

Clifford J Patenaude

Clifford J Patenaude
R & D and Q C Manager

CJP/bd

cc: Mr Martin Conway
1453 Pepper Road
Rydal PA 19046

Mr Frank S Anthony Esquire
Vice President and General Counsel

Mr Jim Walker
Bird Sales Representative

Mr Bill Stahl
Operations Manager
Kitson Brothers Inc
North Penn Rd
Hatfield PA 19440

Mr Robert Jagocki
GS Roofing Products Company Inc
2900 Bird Street
Charleston Heights SC 29405

Mr Don Noworyta
GS Roofing Products Company Inc
5525 MacArthur Blvd
Suite 900
P O Box 152065
Irving TX 75015