

PLAINTIFF'S EXHIBIT

BIR-343

Memo To: F. Anthony From: C. Patenaude

Subject: Bird Inc. vs Schindler Roofing Company vs GAB Properties Date: July 10, 1987

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

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

Complaint: Built-Up Roofing Failure
Roofer claims defective materials

Contract Date: January, 1982

Completion Date: April, 1982

Bird's First Notice: Feb. 10, 1986

Performance Bond: None issued

Bird's 1981 Built-Up Roofing specifications states the following on page 3 (see enclosed copy):

"The Bird approved built-up roofing contractor is not an agent or legal representative of Bird & Son, Inc. for any purpose whatsoever and Bird is not liable for improper application or errors in workmanship on the part of the built-up roofing contractor".

"By making bonds available, Bird makes no representations or warranties, of any kind or nature, as to the quality or longevity of a roof not covered by a bond".

There are no warranties or longevity associated with the above built-up roof. Bird does not have any liability. Bird denies responsibility for the roof in question both expressed or implied.

Clifford J. Patenaude

CP/em

cc: R. Maloof