

H A N K  
M I S H K O F F

EXHIBIT

A-1

September 30, 2020

Sonia Bryant  
4060 Windhaven Lane  
Dallas, TX 75287

Sonia:

I'm writing this in response to a couple of incidents that you precipitated in late August.

First, you confronted Donna while she was blowing leaves off your driveway and you threatened to call the police.

Second, you actually did call the police a few days later.

Both of these incidents were disturbing and completely unwarranted. I consider them both to be harassment, which we will not tolerate. You may have already received a letter from our attorney (if not, you probably will within a few days), but his letter may be couched in legalese, and I wanted to write to you directly and in my own words to eliminate the possibility that there could be any misunderstanding.

The short version of this letter is: We are going to continue to perform certain activities in which we have engaged for 34 years. If you don't like it, sue us. If you call the police, we may or may not talk to them. If you harass Donna or me again, either in person or by calling the police, we may respond either by exercising our property rights in ways that you might not like, or by initiating legal action against you (or both).

Donna has blown leaves from the cul-de-sac for more than 30 years. She has cleared our driveway and the common driveways we share with our neighbors. She has cleared leaves from our neighbors' lawns. She has cleared leaves from the pavement of the cul-de-sac and blown them all the way into the street. I have seen her spend more than an hour at a time doing this, and it is hard work. She does it because she cares for the way our cul-de-sac looks and she wants it to be a pleasant place to live.

She gets almost no help from our neighbors and has received very little in the way of thanks.

But until last month, nobody had ever threatened her for her efforts.

If you don't want us on your property, that's your prerogative. But why would you object to a neighbor volunteering to clean your driveway? We can't force you to be a good neighbor, but I



don't understand why you'd be so nasty to someone who's just trying to help you.

And to make it worse, I've learned that you ordered Donna off her own property! Donna is still upset about the incident, and it turns out that it was not only unnecessary, it was also illegal. The policewoman with whom I spoke said that you were familiar with your property lines – but either you lied to her, or you *are* familiar with them and you harassed Donna anyway, even though you knew she was on her own property. I don't know which is worse.

Here are some of the activities in which Donna and I will continue to engage any time we feel like it. None of these is unusual, and all of them are activities in which we have engaged for decades without any complaints from our neighbors. (And because we have engaged in these activities for all that time, we probably have an implied easement – but that would be for a court to decide, if it comes to that.)

- We will continue to drop seeds and nuts out of our window onto our property below, to feed the birds and squirrels. You asked us not to throw seeds and nuts onto the roof of your carport – and although we are baffled about why you would ask us to stop doing something that brings us so much pleasure and causes you no harm, we have honored your request. However, next time you call the police because a squirrel picked up a nut and left a piece of the shell on your driveway, we will consider that to be harassment and we will take appropriate action. (Calling the police on us because we fed a squirrel that then dropped a single peanut shell on your driveway is as petty as if we were to call the police on you when you let your cats go outside without being leashed. The difference is that it's perfectly legal for us to feed the squirrels, while it's illegal for you to let your cats go outdoors untethered.)
- We will continue to walk across your driveway as necessary to access the strip of our land on the north side of our house, which we may need to do, for example, to access our circuit breakers and utility connections. The only other way for us to access the north side of our house would be for us to tramp through our flower bed and to push our way through the branches of a tree, which we will not do. The developer of our subdivision should not have constructed the relationship between these properties so awkwardly, but the developer probably expected neighbors to be reasonable, as has been the case here for 34 years. It's sad that after all this time I actually have to put these common-sense issues into writing – but if that's what I have to do to stop you from harassing us, then that's what I have to do.
- Donna will continue to blow leaves from the north side of our house, because to neglect that duty would be unsightly and would create a fire hazard. Some of the leaves Donna blows off our property will end up on your driveway and in your carport, there is simply no way around that. For decades, Donna has simply blown the leaves from what is now your driveway and carport, as she does not feel that it would be considerate and proper to leave them there. However, you have strongly indicated that you no longer wish Donna to do that, so those leaves will remain on your driveway and in your carport. (By the way, your lawn-maintenance company blows leaves and dirt onto our property. We expect them to clean up that debris.)



- In order to paint the north side of our house or to clean the windows or to perform other maintenance, we may have to place the feet of our ladders and other equipment on your driveway, which we will do. Again, I don't know why the developers built these properties in such a way that we cannot maintain our property without using yours, but they did, and that's the way it is. To access the upper reaches of our north wall we will have to set ladders on your carport – we've done it before, and there is simply no alternative. (Other maintenance activities may require us to stand on the roof of your carport as well.) Or we could just force you to tear down your carport, as it was probably built without a permit, and it definitely encroaches on our property, but that doesn't strike me as a reasonable and neighborly thing to do – and if you decide to be reasonable and neighborly, so will we.
- In order to paint or otherwise maintain the back of our shed, we will have to walk to the back of your carport and roll up the shade you mounted there. (In fact, we may have to temporarily remove the shade to access our shed.) I don't know that we will ever need to do that – but if the occasion arises when this is necessary, that's exactly what we'll do.

A couple of other related issues:

- The roof of your carport is connected to the roof of our shed. This is to protect our shed, because water running off the roof of your carport has caused severe and expensive damage to our shed in the past. The roof of your carport extends over our property, which is illegal, and which we could force you to correct, although we are not asking you to do that at this time. Water from the roof of your carport runs off onto our property, which is also illegal – and as I said, it has caused significant damage to our shed in the past. At this time, we're not inclined to force you to change anything about the carport, because the situation seems to be stabilized. However, if you do anything to alter the connection between the roof of your carport and the roof of our shed, you will force us to take immediate legal action to remedy the situation.
- I can't tell you how disgusting it is that you've pointed a video camera at our bedroom window – which is certainly intrusive, and which is probably illegal. We use that room primarily as an office, but Donna's closet is in that room, as is her bathroom. Are you watching her as she gets dressed? Can you see her in reflections from the TV and PC screens? Can we expect those videos to appear on YouTube? Or are you only spying on her as she enters passwords into her computer? (At least we'll know who to blame if our bank account gets hacked.) I know you'll say that the camera is for security purposes and that your view into our bedroom is only incidental, but we both know that's not the case. For one thing, the camera appeared the day after your confrontation with Donna, and it was obviously designed to intimidate us after that incident. But more to the point, you now have a camera at your front door which covers the approach to your carport, making your "bedroom cam" totally redundant.



Part of the problem seems to be that, despite what you apparently told the police officer who later spoke with me, you are totally unfamiliar with the boundaries of your property. I've included a survey, which might help to clear that up. Do you see the solid black lines with white dots at the four corners? That's the extent of your property. As you see, the eastern boundary of your property is four feet from your house. In other words, your property extends roughly to the edge of your flowerbed (and actually, some of your flowerbed is probably *our* property).

So, you ask, who owns the rest of "your" front lawn?

As you'll notice if you look at the survey, our lot (to the south of yours) is number 31. And if you look to the east of your property, you'll see a ten-foot-wide strip of land that's also labeled Lot 31, extending from the eastern edge of your property (remember, that's roughly the edge of your flowerbed) to the trees. The next easternmost 10 feet of land belongs to the owners of Lot 30, which is the house in the southwest corner of the cul-de-sac.

In other words: The first 20 feet of "your" lawn and "your" driveway do not belong to you at all. Half of that property is owned by Donna and me. We own it, you don't. We pay taxes on it, you don't. You have non-exclusive access to it as an easement, but it's *our* property, not yours. (By the way: We're thinking of mounting a bird-and-squirrel feeder on one of the trees, facing your front windows, so we can see it from our windows. Since the west sides of those tree trunks are entirely on our property, we would neither require nor seek your permission to do that.)



This is a crude and approximate depiction, but the property between the two red lines belongs to Donna and me.

I wasn't really aware of any of these property issues until you decided to harass my wife and call the police on her for daring to clear leaves from your driveway. It took me a lot of research into some obscure documents to understand what was going on, but now I'm certain that you kicked her off her own property.



Now that I know that this strip of land is our property, we're trying to figure out what we want to do with it. We're thinking, for example, that we might want to pave it, so that we'll be able to save time on our daily walk to and from the mailbox. We'll wave at you as we walk by, four feet from your front windows.

By the way, I'm not really serious about paving a ten-foot path through "your" front yard. I'm just pointing out that there are things we can do if you do not refrain from harassing us.

For example: Among the other things I learned from my research is that the fascia and roof of your carport overhang our property, which means that they're not legal. We could force you to remove them, which might weaken your carport to the extent that you'd have to remove the whole thing. And I'll bet that the foundations of your carport posts also extend onto our property, which means that we could take a concrete saw and trim those foundations at any time, which could also cause you to have to remove your carport. (By the way, we've been thinking about mounting a bird-and-squirrel feeder on the fascia of your carport – and since, like the trees, the carport fascia is on our property, we would neither require nor seek your permission to do that.)

These issues with your carport have led me to wonder how the builders could have been granted a building permit, which is yet another reason why you might have to tear it down. I'm working with the city to try to determine if the permit exists, but they're understandably slow right now, so I haven't yet reached a conclusion about this issue.

Having said all that, Sonia: If you will refrain from harassing us, we will have no reason to ask you to modify or remove your carport.

**The bottom line is: If you will start acting like a good neighbor, we will continue to act like good neighbors, as we've been doing for decades. But if you persist in harassing us, either in person or by calling the police, our motivation for continuing to be good neighbors could disappear at any time.**

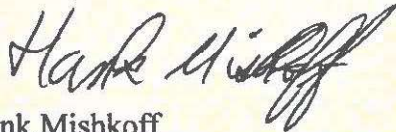
I would be happy to discuss this with you further, but only in writing, preferably via email (Hank@WebFeats.com). I will discuss the situation only with you – Brian seems like a very nice person, and I'm sure I'd enjoy speaking with him, but it's not his house, and I want to deal directly with you on this issue. Also, I don't want you to involve Donna in any discussion about this situation – she's still angry and upset that you ordered her off her own property, and I don't see any reason to upset her any further.

As I mentioned earlier, you may have already heard from our attorney, and his letter may have asked you to respond to him, rather than to me. However, I've decided that I'd rather deal with you directly, so I'd prefer that you respond to me instead of to him. (If you respond to him, I'm just going to ask him to forward your response to me, anyway.) And if you decide to hire your own lawyer to address this situation, please ask your lawyer to communicate directly with me, rather than communicating with me through our attorney. (Frankly, I hate to spend more money on an attorney just because I have a nasty neighbor – but I'm prepared to do that if I have to.)



In summary: I recognize that there's nothing I can do to turn you into a good neighbor. So instead, I want to make sure that you no longer harass Donna and me, either in person or by calling the police. If you refuse to refrain from those kinds of disturbing actions, there will be repercussions along the lines of those I've outlined in this letter.

Sincerely,

A handwritten signature in black ink that reads "Hank Mishkoff". The signature is written in a cursive, flowing style.

Hank Mishkoff  
Hank@WebFeats.com

EXHIBIT "A"

# 4060 WINDHAVEN LANE

MAILBOXES

R=417.80' L=50.35'

P.M. 1



SCALE: 1"=10'

N 3° 05' 18" W 69.43'

LOT 33

LOT 34

PORT. SHED

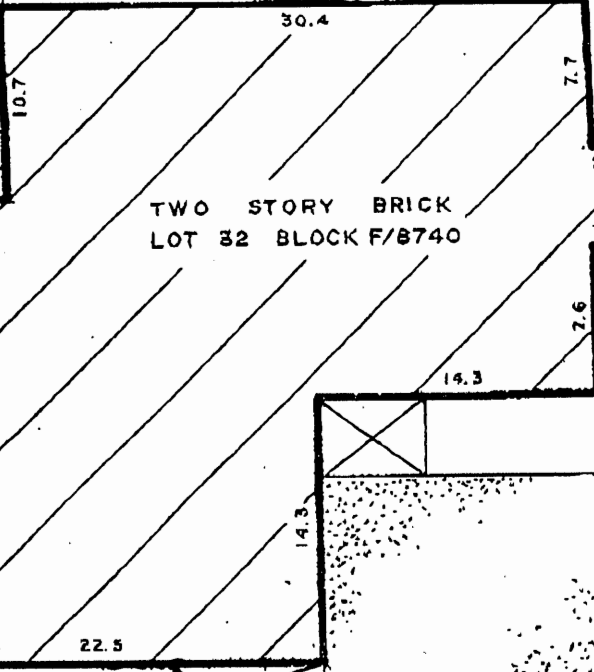
TWO STORY BRICK  
LOT 32 BLOCK F/8740

U/O ELEC.

3' X 3' SERVICE  
BOX ESMT

ACCESS & UTILITY  
ESMT.

PAVESTONE



13" TREE

12" TREE

12" TREE

14" TREE

LOT 31

LOT 30