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September 4, 2018

James and Vicki New


Re: Twin Creeks Homeowners Association, Inc.

Dear James and Vicki New:

This firm represents Twin Creeks Homeowners Association, Inc. ("Association"). As you may recall, I previously sent you a letter advising of several concerns about Vicki's behavior, including repeated harassment of residents, members of the Association's Board of Directors, Association-hired contractors and the community's manager. All such antics were to cease at that time. Unfortunately, the situation has escalated. In fact, as I understand, incidents of harassment have grown significantly in frequency and intensity, to a point where residents are fearful of leaving their own homes.

Over the past two months, the Association's Board and community manager have been speaking with Twin Creeks residents regarding these issues. They have been gathering documentation of Vicki's behavior, including personal accounts, videotapes and photographs. To date, more than twenty residents have come forth with reports of harassment, which does not even include the myriad of other occasions on which Vicki has verbally accosted the Association's Board members, contractors and property managers. Most disconcerting is that many of Vicki's recent actions were motivated by racial animus and specifically targeted African American and Hispanic residents. Thus, Vicki has not only singlehandedly created an *unwelcoming living environment*, but has also caused minority residents to be demeaned and *discriminated against based upon race*. Calling this unacceptable is a gross understatement.

The below list is just a smattering of the incidents which have been reported to the Association:

- Numerous accounts of trespassing onto private property.
- Repeatedly confronting residents in an unwelcome, vociferous, abrasive and intimidating manner.
- Engaging in various forms of discriminatory intimidation of other residents, including repeated use of the "N Word," telling Hispanic residents to "go back to Mexico," and uttering other similar racial epithets.

- Repeatedly making or implying threats of physical harm.
- Destruction of personal property.
- Repeated 911 calls to unjustly and falsely accuse minority residents of criminal activity.
- Making numerous unsubstantiated reports to the Indiana Department of Child Protective Services, almost always targeting the community's minority residents.
- Alleged mailbox tampering.
- Threatening to have the community's Hispanic residents "deported."
- Uninvited threatening telephone calls to residents and other forms of unwelcome communication.
- Verbally assaulting the Association's contractors, informing them that they "are fired," telling landscapers not to cut the grass, and generally attempting to obstruct them from doing their job.
- Aggressively confronting residents regarding alleged covenant violations and deceptively informing them that Vicki is a member of the Board or otherwise acting on behalf of the Association.
- Sending out notices to residents falsely purporting to be organizing crime watch meetings on behalf of the Association.
- Verbally abusing the community's property managers and the Association's Board members.

How can you possibly assume that any of the foregoing actions are even remotely appropriate? In any case, the Association's Board and the community's residents ask you to cease all such activities as a matter of basic human decency. Should you need a legal reason to do so, I remind you that as a member of the Association, you are bound by the community's "Declaration of Covenants, Conditions and Restrictions" filed with the Marion County Recorder on January 29, 1993 as Instrument No. 930013680 ("Covenants"). The Covenants are binding upon the owners and residents within Twin Creeks.

Article IX, Section 13 of the Covenants states, in part:

Nothing shall be done or kept on any Lot or in any Home or on or in any Common Area or any part thereof, which would be in violation of any statute, rule, ordinance, regulation, permit or other validly imposed requirement of any governmental body.

Vicki's actions, which include threats of physical harm, trespassing, destruction of personal property and perpetual harassment, violate numerous criminal laws, statutes, local ordinances and fair housing laws, and are thus also a violation of the Covenants.

Article IX, Section 13 of the Covenants further states, in part:

No noxious, destructive or offensive activity shall be allowed in any Homes, on any Lots or in the Common Area or any part thereof, nor shall anything be done thereon which may be or become a nuisance to any other

Owner or to any other person at any time lawfully residing on the Property.

The severe and pervasive nature of Vicki's actions have substantially interfered with the rights of Twin Creeks residents to use and enjoy their properties, and therefore represent an ongoing community nuisance in violation of the Covenants. Such nuisances must be abated immediately.

During a recent news report, you indicated an intent to sell your property. It does seem you have had difficulty living in even relative harmony with other residents. Given your problems getting along with your neighbors and seeming disenchantment with the community, moving would be in everyone's best interest, including yours. However, until you sell your property, please consider the following cease and desist demand to be in effect:

- You are to have no further contact or communication, either written or oral, with ANY Twin Creeks resident, either personally or through a third-party intermediary. Unless the other party initiates the communication or it is a life-threatening emergency, written or oral communication with any resident in Twin Creeks is strictly prohibited. This includes electronic communication such as email and text messages.
- You are to refrain from trespassing upon the property of other residents at all times.
- All nuisances, including oral and written harassment of other neighbors, destruction of property, oral and written threats, verbal abuse, and other forms of harassing, intimidating, threatening and bullying behavior must cease immediately.
- Until further notice, you are not to attend any meeting of the Association's members, be it the Association's annual meeting, a special meeting, Board meeting or committee meeting. Permitting you to attend further meetings would be a disservice to the community. Put simply, your neighbors do not feel safe around you.
- All overt acts of racism directed toward other residents must cease immediately and permanently.
- You may not communicate, either orally or in writing, with any member of the Association's Board. If you have a question or concern regarding the Association or your property, you must communicate through the community's property manager. However, please note that verbal harassment of the manager or the management company's employees will constitute a violation of this cease and desist demand.
- You may not knowingly visit any location at which you know a resident of Twin Creeks or any of the Association's agents, employees or contractors to be.
- Communication with the Association's vendors and contractors is strictly prohibited unless they initiate the communication. Even if such communication is initiated by the contractor, you must still refrain from engaging in any confrontational, harassing, or bullying forms of communication.
- Further written or oral communication with this law firm is strictly prohibited.
- Any criminal conduct, including destruction of property, harassment, stalking, intimidation, threats and physical force of any kind, is a violation of this cease and desist order.

- You are not a member of any Association-run committee, including the crime watch committee. You may not represent yourself to others as being a member of such committee.

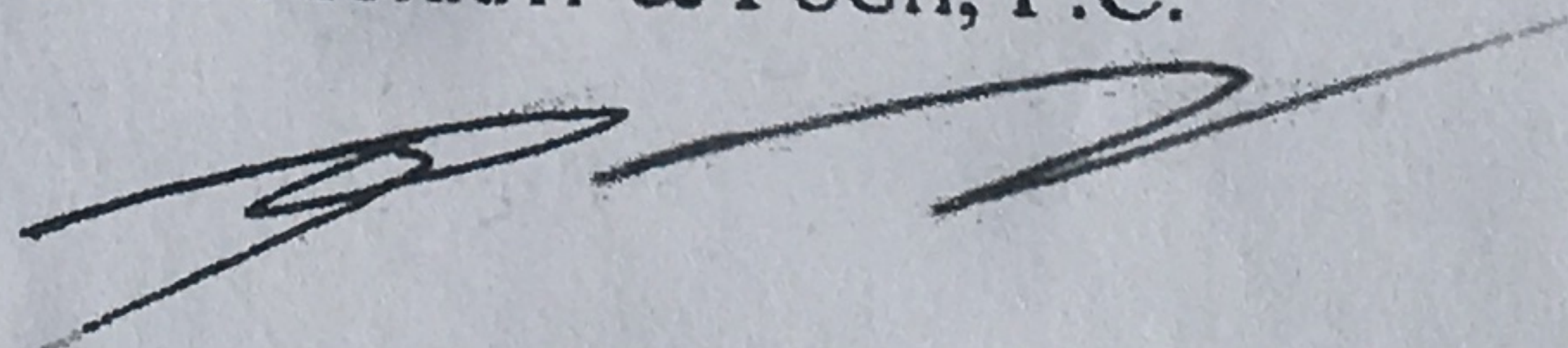
This cease and desist demand applies to both of you, as well as to any third-party intermediaries acting under your direction. It is a "zero tolerance" demand. In other words, if there is even a single incident documented in violation of the above demand, the Association will take legal action against you. Article XV of the Covenants permits the Association to take such enforcement action, which may include a civil injunction, damages and sanctions. Additionally, Article XV states that the Association shall have the right to recover attorney fees and costs incurred in an action taken to enforce the Covenants. As such, this could become much costlier and inconvenient for you than it would be to simply comply.

The residents of Twin Creeks – or any other community, for that matter – have a right to live in their homes without being accosted, let alone be subjected to racially-charged threats, hatred and harassment. I speak for both the Association's Board of Directors and the community's residents when I say that harassing, bullying, discriminatory and bigoted behavior will not, in any way whatsoever, be tolerated in this community. Our patience with you is at an end.

Assuming you do not violate this cease and desist demand and sell your home within the near future, I surmise there will be no further issues. Thank you for your cooperation in resolving this matter.

Sincerely,

EADS MURRAY & PUGH, P.C.



Gregory A. Chandler

