

TO: Trailer Estates Trustees  
FROM: John C. Vander Molen *JCM*  
SUBJECT: Release of copies of the Mediated Settlement Agreement of the  
Case regarding the McNeil of 6626 New Jersey  
DATE: June 4, 2007

I believe the Board of Trustees is entitled to an explanation of why the Settlement Agreement of the McNeil case was not available to them until approximately 2:45 PM Friday June 1, 2007.

My original decision to release the copies of the settlement on Monday June 4, 2007 before this meeting was based on the following information I had available to me.

1. The minutes of the May 7, 2007 Board of Trustees meeting state that Mr. Barnebey said; "We may have to have a meeting outside the Sunshine when John comes back from mediation". This indicated to me the agreement was a confidential matter.
2. A copy of a letter dated May 10, 2007 that our attorney Mr. Jason Gaskill had sent to Janet Jones included information from the mediator and excerpts from MEDIATION ALTERNATIVES TO JUDICIAL ACTION LAWS OF FLORIDA, CHAPTER 44 section 44.405 regarding Confidentiality; privilege; exceptions.
3. Opening statements by the mediator at the court mandated mediation session and the first sentence in the Settlement which speaks to the "confidential and privileged mediation conference".
4. During a telephone conversation with Mr. Gaskill on May 29, 2007 concerning the early release of the mediation documents he agreed that I should hold the release of the Settlement until the June 4, 2007 Board meeting.

Based on the above I was led to believe that the agreement was not a public record until it was voted on and agreed to by the Board of Trustees and should be held until this meeting.

At approximately 2:10 PM Friday June 1, 2007 I received a telephone call at home from Mr. Barnebey. Mr. Barnebey advised me to provide copies of the Settlement Agreement, which had been provided to Mr. Barnebey earlier in the week, to the other trustees so they may be prepared to vote on the settlement at Monday's meeting. When I pressed for a reason as to what prompted this late action he responded that he felt the Settlement was a public record and therefore should be released. He acknowledged he had received a phone call from a Trustee concerning the release. I then requested that Mr. Barnebey put his decision in writing. His fax was received in the TE office at 2.44PM Friday June 1, 2007.

The office manager and I immediately contacted all the Trustees available and they did pick up or had delivered to them a copy of the settlement before 3:00PM. I placed Mr. Featheringill's copy in the US mail at approximately 3:15 PM June 1, 2007.

*John C. Vander Molen*