

July 15, 2023

Mr. Rollo Fox, President
L'Esprit Property Owners Association, Inc.
PO Box 264
Pendleton, KY 40055

Mr. Fox:

The Underwoods acknowledge receipt of a letter dated April 25, 2023, from Hal Thomas (enclosed). This is an in-kind response to that correspondence.

First, as brief clarifications, we don't have a 'bridal path easement' on Tract 152-1, but rather a bridle path easement. Additionally, Mrs. Underwood's first name is spelled Reta, not 'Reata', and LPOA's corporate name isn't 'L'Esprit Property Association, Inc.'

We respectfully request a copy of LPOA's signed and board-adopted legal opinion that supports this statement, "As you are probably aware, the bridal (sic) path easements are not only shown on recorded plats, but their use by property owners in L'Esprit Subdivision has long since created prescriptive easements..." Please know that we're not aware.

Concerning "...actions in improperly blocking the bridal (sic) path easement...", the Underwoods yet again pledge to relocate a short fence section to achieve full compliance. We ask that LPOA first tender a demand letter, after which we independently will secure an updated quote and schedule the work. Upon completion, it's highly unlikely this portion of the easement will routinely be used by riders as a preferred pathway to the LaCroix crossover bridge that's part of a non-easement route on their tract, but which also includes a small piece of the Underwood's private property.

LPOA enforcement after 17 years of inaction will eliminate the possibility of any future negotiation between LPOA and the Underwoods regarding re-access to our private property, nor does Kentucky law appear to provide LPOA with legitimate claim to a prescriptive easement. In addition, prior to complying with your mandate, the Underwood first will await receipt of LPOA's list of all easement encroachments in L'Esprit that are concurrently being enforced.

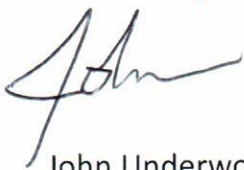
As relevant background, when the Underwoods began our residency in 2006, the easement wasn't accessible at its entrance, nor further down where it crosses the creek tributary. This 'spur' only became a reality because Tracts 151 and 152-1 were willing to provide temporary access to private property for the 'recreational purpose' of horseback riding. At that time, our referenced fence section was jointly planned with LPOA to ensure the safest route for riders, again with Tract 151's cooperation. The terrain adjacent to this fence section has a sharp drop-off that could pose a risk, especially when our inquisitive horses run to greet unsuspecting or inexperienced riders/horses.

Continuing, common sense dictates the Underwoods had no compelling reason to deviate from the approved placement of this short fence section. In fact, had we done so, then-ACC Chairman Tom Sapp absolutely would have insisted that the board of directors immediately initiate enforcement. There certainly must have been some corroborating ACC documents/notes on file with LPOA, but they apparently were misplaced/destroyed, as have been numerous other important corporate records over time.

This said, the Underwoods amiably accepted the overall 'trust me' proposal from an LPOA volunteer. We were assured this entire route would soon be designated as a relocated easement, otherwise we would not have provided entrance onto our private property, given that we don't even use the bridle path. As a side note, we then meticulously maintained this combined Underwood/LaCroix/easement span.

The relocation initiative evidently was halted when Tract 151 opened a thoroughbred training track. In response, the Underwoods provided additional private property access until we deemed it unsafe, primarily due to progressive erosion. Its closure also necessitated closure at the entrance so that riders weren't inconvenienced by having to reverse course.

Kindest Regards,

A handwritten signature in black ink that reads "John". The signature is fluid and cursive, with the first letter being a large, stylized 'J'.

John Underwood, Tract 152-1

Enclosure: 4-25-23 Hal Thomas Letter

cc: LPOA Board of Directors (via email with available addresses)
Hal Thomas, Esquire (by email)

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HAROLD W. THOMAS
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April 25, 2023

Mr. & Ms. John and Reata Underwood
1030 Bluegrass Parkway
LaGrange, KY 40031

RE: L'Esprit Community Bridal Paths

Dear Mr. & Ms. Underwood:

I have been requested to contact you on behalf of the L'Esprit Property Owners Association, Inc. regarding your actions in improperly blocking the bridal path easement that runs across a portion of your property. As you are probably aware, the bridal path easements are not only shown on recorded plats, but their use by property owners in L'Esprit Subdivision has long since created prescriptive easements which cannot be blocked or otherwise interfered with.

Hopefully the forwarding of this letter will be sufficient to remedy the situation without there being need for any further action.

Very Truly Yours
THOMAS, DODSON & WOLFORD, PLLC


Harold W. Thomas

HWT:sb
Cc: L'Esprit Property Association, Inc.