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June 10, 2022

VIA EMAIL AND CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Hephaistos Enterprises, Inc. d/b/a
Liscott Custom Homes, Ltd.
c/o Chipman Glasser
Attn: Daniel Glasser & Jennifer Osgood
2000 South Colorado Blvd.
Tower One, Suite 7500
Denver, Colorado 80222
Email: dglasser@chipmanglasser.com; josgood@chipmanglasser.com

Re: Amended Notice of Claim Pursuant to Colo. Rev. Stat. § 13-20-801, *et seq.*

Property Address: 101 Mule Deer Court, Dillon, CO 80435

Dear Mr. Glasser and Ms. Osgood:

As you know, this firm represents Holly and Ben Smith (collectively, the “Smiths”), owners of 101 Mule Deer Court, Dillon, CO 80435 (the “Property”) in connection with their ongoing dispute with your client, Hephaistos Enterprises, Inc. d/b/a Liscott Custom Homes, Ltd. (“Liscott”), related to its defective and delayed work at the Property. On May 6, 2022, my office mailed to Liscott a Notice of Claim pursuant to Colo. Rev. Stat. § 13-20-803.5 (the “Original CDARA Notice”) setting forth the then-known defects in the Property for which Liscott is responsible. For ease of reference, I have attached the Original CDARA Notice to this letter. This letter hereby amends and supplements the Original CDARA Notice to include additional, recently-discovered defects and is intended to put Liscott on notice of same.

Additional Defective Work:

General:

- All defects called out in building inspections, including, but not limited to, truss repair, HVAC, plumbing, and electrical



Exterior:

- Flashing under the shingles and siding need repaired or replaced with the proper colored material and installed properly
- Exterior siding and window trim, other than the portions installed by Heritage at the factory, are improperly installed.
- Exterior siding missing paint
- Exterior wood trim missing stain
- Missing 2x6 pieces on vertical corner trim
 - The plans call for 2x6 and 2x4 lumber. As currently installed, only 2x4 lumber is used.
- The roof has several holes that leave it exposed to the elements and animals
 - There are holes in the roof and shingles that allow light and moisture to penetrate into the attic, which will result in mold
 - Significant portions of the roof (where the different levels connect) were never closed and allow for birds and other animals to enter the attic
 - Several sections of soffit and fascia have gaps and improper installation.
 - Soffit, fascia, siding and trim missing at both peaks on the front of the home.
 - Wildlife and feces in attic
 - Flashing used improperly and improperly installed

Interior:

- Drywall damaged during lift of the Property
 - All drywall along the marriage line of the home needs to be replaced to make walls square and plumb
- Windows cracked and broken
- Ceiling drywall in apartment damaged by water leak
- Cabinets and countertops in the main kitchen are separating from the wall
- Failure to install properly the main structural steel support beam
 - The beam was not seated deep enough into the channels in the foundation
 - The vertical support posts that hold up the beam are not square and were not properly welded to the beam or properly secured to the floor
 - The beam is not grouted into the foundation
 - The web supports at each vertical post location are of inadequate material and not properly installed and welded
 - The plate joining the two sections of I beam is inadequate and not properly installed and welded
 - The vertical supports posts need to be grouted into the foundation after proper welding is completed
 - The home is not properly secured to the I beam



- The Radon ventilation system is not connected to the space below the basement nor does it run through the roof
 - The current vent pipe stops in the attic and is not connected in the basement
- The sump pump vent was not properly installed
- OSB in the garage is damaged
- Cabinets are warped
- The main entry structure, apartment entry structure, and prow front roof are incomplete
- Broken and damaged exterior doors
 - Most also need to be painted since they have been scuffed and scratched
- Weatherstripping either missing or never installed
- Incomplete electrical and exterior lights for the main entry, apartment entry, master bedroom deck and prow front porch and roof
- Hose bibs that were called for in the plans to be run through the basement to the exterior of the home have been installed
 - Plumbing for these bibs is missing
- Much of the coaxial cable for the home has yet to be installed or connected
- Electrical installation in the basement is not complete

Videos of the Additional Defects

Upon request, I would be happy to make available to Liscott videos detailing many of the above defects, which videos were prepared by Mr. Smith.

Opportunity to Inspect

In accordance with Colo. Rev. Stat. § 13-20-803.5, we will make the Property available for Liscott to inspect the above-referenced defects at a date and time that is mutually acceptable to all parties. In the event that Liscott wishes to inspect the Property to examine these additional defects, we ask that it does so posthaste. Because the Property is at risk of further damage if certain of the defects are not rectified soon—especially the major structural issues—the Smiths, in an effort to mitigate their damages, will be hiring replacement contractors to effectuate repairs of the aforementioned defects along with those set forth in the Original CDARA Notice in the immediate future.

If you wish to conduct an inspection of the Property, please contact me at your earliest convenience.

Sincerely,

Mike Harrison

MHH

cc: Holly Smith; Ben Smith