

From: jim landarizona.net jim@landarizona.net
Subject: Mechanics Lien
Date: May 6, 2024 at 10:28 PM
To: Boomer boomerht4const@gmail.com, Emma Poeling ht4boomer@yahoo.com
Cc: annmarie@nbotv.com, Dennis Melin dnmelin@gmail.com



Hello, Boomer,

Below, you will find all the communications between you, via your attorney Julianne Wheeler, and me. The first communication on 04-29 was sent immediately after you and she called me (last week Monday morning). During the call, you (Ms. Wheeler) suggested that you were about to sue me and would send over a 'demand letter' or your 'position letter.'

You should imagine that call and its message left a very distressing impression on Ann and me.

As you read through the following transcript of what has been said between Ms. Wheeler on your behalf and me about your claim, you will discover, with her help, that it's important we communicate, as time is of the essence.

We are awaiting your call with Ms. Wheeler tomorrow morning.

04-29-24_James Kunisch text:

Hello, Ms. Wheeler. Re: Boomer.

In order for me to assess why he and you believe he is entitled to more money after agreeing to accept final payment, according to common law, please briefly explain why or how in your forthcoming letter.

Thank you.

05-02-24_James Kunisch text:

Hello Ms. Wheeler,

We haven't received the communication you promised to send. We are eagerly awaiting your response.

As per your request, we want to inform you that we do not have legal representation. You and Boomer called me last Monday to inform us about an impending deadline for filing a lawsuit.

Can you please give me your mailing address or some sure way to contact you?

Thank you, Jim

05-02-24 JULIANNE WHEELER text:

05-02-24_JULIANNE WHEELER text:

Jim

The client is reviewing the letter I drafted. He has been out of town and will get to it as soon as he can. Please note that the common law does not play a role in a mechanics lien claim. Mechanics liens are creatures of statute and both the lien and the lien release must comply to be enforceable.

Regards-Julianne Wheeler

05-03-24_James Kunisch text:

Thank you. I look forward to receiving the letter. Please email it to jim@landarizona.NET

Btw, you had made reference to common law in your call. I thought you may have meant common sense. 😊

Jim

05-04-24_James Kunisch text:

Dear Julianne Wheeler, Rodney Schlesener, and Emma Poeling,

We find ourselves once again having to divert valuable time away from our core business responsibilities to address the threat of a lawsuit from Team Boomer. We understand that the crux of the issue lies with the conditional waiver form we utilized, which does not precisely mirror the language of Arizona's Lien Waiver and Release Form.

We have dedicated a significant amount of time to studying Arizona's lien statutes and believe we have a thorough understanding of the requirements, including the differences between California and Arizona laws.

We kindly request clarification from Team Boomer regarding which aspect of our form negates our release from liability for additional charges. Could you please provide specific details on how our release form fails to uphold the parties' expressed intent, as outlined in the form we used?

We are eager to understand any oversight on our part, as it may help us find common ground and reach a mutually acceptable resolution. This understanding could facilitate a constructive discussion and lead to a mutually beneficial outcome.

Thank you for your assistance in resolving this matter.

Sincerely, Jim Kunisch

05-06-24_James Kunisch text:

Good morning, Ms Wheeler.

I think it would be best for us to have a quick convo before you go any further on the Boomer file. Can we call you early on today?

05-06-24_James Kunisch text:

I have attempted to contact you multiple times today through various messages, and I have also tried reaching out via Boomer's business email. Unfortunately, I have not yet received a reply.

05-06-24_James Kunisch terxt:

We need to address a time-sensitive offer promptly.

Can you make a 0930 tomorrow, Tuesday, time for convo?

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