

Paul D. Sinclair

5514 Crestwood Drive
Kansas City, MO 64105

February 10, 2010

RE: Open Letter to Board of Directors

Dear Mr. Bonney:

My wife and I purchased our first home in Crestwood in 1977, lived there for a dozen years, and have raised our family in the Brookside area since that time. My grandfather lived in the 5600 block of Kenwood for more than four decades, and my father was raised in that home. We purchased the lot where we presently live seven years ago. I take deeply to heart the future of this neighborhood.

Your letter does not present a full and accurate picture of our Board's thoughts and activities with respect to the Reed Mansion. After our elections in November, I asked that John Crawford serve as our Vice President for Planning/Municipal Affairs, and he has accepted that position. At my further request, he has become the point person and coordinator for all issues with respect to Rockhill Club's possible relocation. Because of his years of working with the city, development projects, and neighborhoods, I believe that he is well suited to the task. By letter dated February 8, 2010, he has written to the neighborhood on behalf of the Board to express our overall position.

Nevertheless, I have number of observations and responses to the individual sections of your letter. First, none of the present Board members were involved in the negotiations with the Graves concerning the conversion to a bed and breakfast. We do not have an original of the restriction agreement, and thus have no ability to file said document of record. The Recorder of Deeds for Jackson County will not accept for recording the photocopy that we have available and have previously circulated to those who have requested a copy.

Second, the Graves listing the property for sale came as a surprise to us all. The Board was very concerned about the potential uses for the property. As a consequence, at one of our regular Board meetings, we discussed this issue, and I then sent with the Board's consent a warning letter to the Graves, a copy of which is attached to this letter. As is clear from this June 1, 2009 letter, the Board took the position that the Association intends to enforce these restrictions and zoning limitations to the fullest extent of the law. We were interested in no further commercial development, and were concerned because of the listing price for the property that it would have to become a much more active bed and breakfast or other banquet facility. The Board had no interest in having any additional noise and traffic. We are insistent after the Symphony House events that there would be no on-street parking for events at the Reed Mansion.

As to your allegation of a conflict of interest on my part, this is erroneous for a multitude of reasons:

1. Neither myself nor any member of the Board is acting in a judicial or quasi judicial capacity. We have no duty of strict impartiality which, for example, a judgeship would require. In essence, we are more akin to elected politicians. Some politicians are elected because they are pro-development, or anti-development. All politicians receive campaign contributions. Politicians have a variety of interests, and they are frequently elected to represent those interests. Being a city council person or a Congress person is not an impartial judicial position, and neither is serving on the Board of Crestwood. That being said, all board members have the obligation to be fair and considerate to the reasonable views of all and we try to implement that fairness and consideration at all times.
2. I am not serving in the capacity as an attorney representing the Crestwood Association in any manner. I am acting as an individual resident and board member, and in a non-legal capacity.
3. There is no litigation pending between the Crestwood Association and Rockhill Club. This is not a situation where I am an attorney representing Crestwood Association which has an adverse interest in litigation to the Rockhill Club.
4. As you may know, I publicly took the position that with adequate and appropriate restrictions, a community club with a swimming pool, exercise facilities, and tennis courts could be a benefit to the neighborhood. Frankly, there was nothing very complicated about that position. No residential developer would try to develop a nice subdivision without a clubhouse and pool. No condo developer would ever plan a building without an exercise facility. This position was taken more than a month or two before Rockhill engaged any counsel to assist it with its zoning.
5. In fact, I do not know the attorney with our law firm representing Rockhill in the zoning. I happen to be employed by a very large and well-respected firm, with a long track record in the zoning area. The Polsinelli firm has no representation and no interest with respect to renegotiating the restrictions in the Graves agreement.
6. The Kansas Supreme Court and Kansas Court of Appeals have frequently addressed allegations of conflict of interest and have stated the following in several cases:¹
 - “Motions to disqualify should be reviewed with extreme caution for they can be misused as a technique of harassment.”
 - “Such motions are often simply common tools of the litigation process, used for purely strategic purposes.”

¹ If you would like the specific case citations, please let me know and I can furnish them.

- “The right to be represented by counsel of choice is an important one, subject to override only upon a showing of compelling circumstances.”
- The Purpose of the Model Rules of Professional Conduct can be subverted when they are involved by opposing parties as procedural weapons.”

7. Rockhill has the right to counsel of its choice, and it is not appropriate for me to challenge that they have elected to choose the Polsinelli Shughart firm for that purpose. It would be inappropriate for me to ask another lawyer at our firm not to take a case when no actual conflict of interest exists.

The allegation of conflict of interest is not new. It was alleged in various emails and was debated quite publicly in our annual meeting last November. Notwithstanding these allegations, I was re-elected to the Board for a two-year term. In my view, this was either because:

- a. The majority of the residents who voted favored the Rockhill Club, and/or
- b. Given my record as president of the Association, they thought I was capable of fairly and appropriately dealing with the issues involved.

Thus, I was either elected to represent the residents of Crestwood who favor Rockhill, or I should see that the matter is fairly addressed.

Because Rockhill has never made any concrete proposal to date for a revision to the restrictions governing the Graves’ residence, I have no position. I do intend to see that the matters are fairly addressed, and in our numerous meeting over many months, I have always sought to see that the interests of all residents are fairly addressed in this process. I have repeatedly stated that it is necessary for us to have one or more full public meetings to address the issue, and indicated at our annual meeting that it should be subject to a vote of the Crestwood subdivision. I have not changed my position on that issue.

As to your statements concerning the meetings held, the meeting at the Stevenson home was not a Crestwood meeting. It was called by the Rockhill Club, and Crestwood residents were invited to attend. We were in no position to tell Crestwood residents not to attend. As far as I know, no residents were turned away. From what I understand, the plan presented by Rockhill at that meeting is subject to change, and does not materially differ from what it now has on file with the city. Nothing at that meeting took into consideration the amendments necessary for the Graves’ Agreement.

As to the meeting at Eggtc, as you may know, our last two annual meetings for 2007 and 2008 were not well-attended. I spoke to the president of the Countryside Homes Association, which is immediately adjacent to ours on the West, which is almost three times our size. They had held their annual meeting at Eggtc, and the president reported to me that it caused attendance to go up and was a more fun meeting. I presented that to the Board, and they thought that it would improve the attendance for our annual meeting if beer and pizza were available. In addition, at prior meetings at Second Presbyterian, we had ordered food for a substantial number of people, there was a significant charge for use of the church hall, and much of the food went to waste. As you may know, the Crestwood budget is very limited, and the annual meeting at Eggtc

was considerably less expensive. Again, the reasons favoring Eggtc were fairly simple, and no residents were turned away.

While no conflict of interest exists, it is my understanding that:

- The Crestwood Board, as a body, is recusing itself from taking a formal position for or against the Rockhill Club. We will ultimately leave this proposition to a vote of all the residents.
- Because of the mixed feelings of the neighborhood on the zoning issue, I understand that the Board intends to take no position with respect to any zoning matters.
- I have proposed, and the Board has agreed, to insist that Rockhill not participate in any Plan Commission meetings addressing re-zoning unless two weeks in advance of any such participation, there has been a full public meeting open to all Crestwood residents at which time Rockhill will present its full position to the neighborhood. In fact, it may require multiple meetings with neighborhood residents before any matters should proceed before the Plan Commission, if at all.
- From the very first moment that Rockhill indicated that it was interested in the Reed Mansion, I have insisted, in the nature of a broken record, that it meet with all of the adjacent residents and try to resolve any potential concerns they may have. Rockhill, frankly, has not done a good job as I repeatedly asked it to do.

With that in mind, Crestwood residents must face the fact that the Reed Mansion is a white elephant. It is not an economically viable bed and breakfast. It is certainly not in the interest of the neighborhood to see it become a highly commercial bed and breakfast or banquet hall, nor is it in the interest of Crestwood to see it become a religious or non-profit structure, such as the “I Am” Temple on Brookside Boulevard. It is most unlikely that a family would be interested in spending \$1.7 million, or whatever it would cost, to purchase the Reed Mansion as a private residence. Without an appropriate use, in the long run, it seems likely to become a UMKC facility, with much greater traffic and noise as an attendant consequence.

Your letter expressed concern that we would have a harmonious place to live. I believe this is only achievable if we can accept that we live in a neighborhood where its residents hold diverse views, and that each of us may personally disagree with those views. As President, I have learned:

- Some residents do not favor modern architecture being built on Crestwood Drive.
- Some residents don't like bamboo as a screen for others' backyards.
- Some residents want to spray for weeds in Happy Woods Park, and others do not.
- Some residents don't like perennial flowers in front yards and our islands.
- Some residents prefer roses in our points, rather than perennials.

- Some residents don't like the noise of music in our parks, or at private parties.
- While I personally do not prefer modern architecture on Crestwood Drive, I was much more concerned about many residents leaving up angry signs for months on end.

I think the greater concern is not to have a utopian view of harmony, but to encourage a view of respect for the multi-cultural diverse views that our neighborhood holds. In our neighborhood, diversity is not an issue of color or ethnicity, but rather expecting and respecting the diverse views with which we may personally disagree. We are only going to feel that harmony when we have the expansiveness to understand that we can respect and enjoy other views and beliefs. Diversity is about people respecting others who say things or act in ways that we really don't like.

When Miryam and I bought the lot at 5514 Crestwood Drive, like the Reed Mansion, it had sat on the market unsold. As a consequence, the owner rented it out to UMKC students who enjoyed having parties. After we drew plans for a new home, we invited our neighbors in to see those plans. Several of the neighbors objected because they did not like the plans, and preferred the poorly maintained stucco residence on our lot. Nevertheless, we built a new home for our family, and are pleased to live here. From another vantage point, had the house not come down, UMKC students could still be having parties on Crestwood Drive.

Put simply, not everyone is going to agree to the individual characteristics, taste, and conduct of all of their neighbors. But how can we show generosity and respect for each?

I am pleased that John Crawford has taken the role I requested on the Rockhill issue. I am quite sure that the Board and myself personally fully intend to see that there is fair treatment to all views on this issue.

Sincerely,

Paul D. Sinclair

Enclosure