



August 19, 2013
Sent via email

Rodney Glassman, Town Manager
Town of Cave Creek
37622 N. Cave Creek Road
Cave Creek, Arizona 85331

Re: Addendum to Notice of Claim from June 30, 2013
Parcels # 211-10-010, 211-10-003
CV2006-014822

Rodney,

On June 3, 2013, I requested that the Town comply with A.R.S. § 9-500.12(B) & (E). Cave Creek has the burden to establish a nexus for its requirement for a fourth lot to approve a lot split, for its requirements for easements to approve sewer permits, for its exaction of easements to finalize the sewer and for an alleged dedication of a roadway expansion.

Any failure to comply with the statutory requirements of A.R.S. §§ 9-500.13, 9-500.12, and 9-463 *et seq.* would now be intentional.

Last week, I discovered that the Town's failure to comply with a statute is negligence per se. See *Caldwell v. Tremper*, 367 P.2d 266 Ariz., 1962 (Violation of statute or ordinance requiring particular thing to be done or not done is "negligence per se."), *Griffith v. Valley of Sun Recovery and Adjustment Bureau, Inc.*, 613 P.2d 1283 Ariz.App.Div.1, 1980 (Negligence per se applies when there has been violation of specific requirement of a law or an ordinance), *Deering v. Carter*, 376 P.2d 857 Ariz., 1962 (In establishing existence of negligence per se, jury need only find that party committed specific act prohibited, or omitted to do specific act required by statute or ordinance).

Until Cave Creek complies with A.R.S. § 9-500.12(B) & (E), I don't know the extent of my damages for purposes of A.R.S. § 12-821.01(B). It appears that Cave Creek and its state actors (who now include you) have acted and continue to act with an evil mind and an evil hand in conscious disregard for the consequences of others sufficient to warrant an award of punitive damages.

Cordially,

A handwritten signature in black ink that reads "Arek Fressadi".

Arek Fressadi